

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

November 12, 2019

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on November 12-15, 2019. 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

This page has been intentionally left blank.

**William B. Travis Building
1701 N. Congress Avenue, Austin, Texas**

SCHEDULE AND AGENDAS

Committees and Board

State Board of Education, Austin, Texas

Meeting Times November 12-15, 2019	
<u>Tuesday, November 12, 2019</u>	
1:00 p.m.	Committee on School Finance/Permanent School Fund (Room 1-104)
<u>Wednesday, November 13, 2019</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, November 14, 2019</u>	
9:15 a.m.	Committee on Instruction (Room 1-100)
9:00 a.m.	Committee on School Finance/Permanent School Fund (Room 1-104)
8:45 am	Committee on School Initiatives (Room 1-111)
1:00 pm	Committee of the Full Board (Room 1-104)
<u>Friday, November 15, 2019</u>	
9:00 am	General Meeting (Room 1-104)

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 on Tuesday or 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/ 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
November 12, 2019

1 p.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 is not taken on Work Session items.

- 1. Work Session Regarding Selection of Nominees for Appointment to the School Land Board
([Board agenda page III-1](#))**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the committee to review the nominees to be considered by the governor for appointment to the School Land Board. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5; Texas Natural Resources Code §§32.012 and 32.013; and 19 Texas Administrative Code (TAC) Chapter 33.

**WEDNESDAY
November 13, 2019**

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for 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_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_9-13-19/ or in the information section of the agenda.

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

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

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

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Wednesday, November 13, 2019, 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. Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

**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)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents 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. The proposed revisions would update rules related to state review and adoption of instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003; 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

COMMITTEE OF THE FULL BOARD (continued)

- 4. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2020* (Board agenda page I-27)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2020*. The board issued *Proclamation 2020* in April 2018, calling for materials in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. This item presents the final report from the commissioner of education regarding the coverage of the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §31.023 and §31.024.

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

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the opportunity for the State Board of Education (SBOE) to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for the Texas Resource Review. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS). Statutory authority for this action is the Texas Education Code (TEC), §31.081 and §31.082.

COMMITTEE OF THE FULL BOARD (continued)

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

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).

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)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

This item provides an opportunity for the committee to discuss 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 and to renumber sections and update course titles to reflect recent revisions to the social studies TEKS. Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

8. **Discussion of Proposed Revisions to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**
(Board agenda page I-42)

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 B, Graduation Requirements, to 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 item 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)

- 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)

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the committee to discuss proposed revisions to 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education. 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 align with revised programs of study. Statutory authority for this item is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

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

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides the opportunity for the board to discuss special-purpose school districts operated by Texas Tech University and The University of Texas at Austin and authorization in House Bill 3, 86th Texas Legislature, for these districts to receive state funding. Statutory authority for this item is the Texas Education Code (TEC), §11.351.

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

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

The committee will receive an update on efforts to schedule a statutorily-required joint meeting of the State Board of Education (SBOE) and School Land Board (SLB). Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5; and Natural Resources Code (NRC), §32.0161.

COMMITTEE OF THE FULL BOARD (continued)

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

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

Cases to be discussed may include:

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
November 14, 2019

9:15 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

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_of_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, §74.27, Innovative Courses and Programs (Second Reading and Final Adoption)
(Board agenda page II-1)**

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, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

COMMITTEE ON INSTRUCTION (continued)

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)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, 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. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a).

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)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization 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. 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. **Approval of Update of Instructional Materials for EDUSPARK, Inc.**
(Board agenda page II-13)

COMMITTEE - ACTION
SBOE - ACTION

EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists 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.

5. **Texas Certificate of High School Equivalency**
(Board agenda page II-15)

COMMITTEE - ACTION
SBOE - ACTION

This item provides an opportunity for the committee and board to discuss the final extension to the test vendor contracts for the Texas Certificate of High School Equivalency. The initial three-year contracts allowed for two one-year extensions. The first contract extension expires on August 31, 2020. The final extension would expire on August 31, 2021. Statutory authority for this action is the Texas Education Code (TEC), §7.111.

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)

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 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, §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.

**THURSDAY
November 14, 2019**

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_of_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 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)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus's instructional day. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §48.004 and §12.106.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 2. Approval of Costs to Administer the 2019–2020 State-Developed Assessments to Private School Students** **COMMITTEE - ACTION**
(Board agenda page III-7) **SBOE - CONSENT**

Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR[®]) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public-school district. This item requests approval of these costs for the 2019–2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §39.033.

- 3. Review of Permanent School Fund Securities Transactions and the Investment Portfolio** **COMMITTEE - DISCUSSION**
(Board agenda page III-12) **SBOE - NO ACTION**

Investment staff will report on the transactions executed during the months of August and September 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 August and September 2019** **COMMITTEE - ACTION**
(Board agenda page III-13) **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 August and September 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. **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 - ACTION
SBOE - CONSENT

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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The rules being reviewed establish definitions, requirements, and procedures for the investment of the Permanent School Fund (PSF). The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 33 is the Texas Education Code (TEC), §§7.102(c)(31) and (33), 43.0031-43.004, and 45.051-45.063; TGC, §2263.004; and the Texas Constitution, Article VII, §5(f).

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)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization 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. 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, §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.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 7. Authorization to Issue a Request for Qualifications for Bond Guarantee Program Counsel for the Permanent School Fund**
(Board agenda page III-80)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides the opportunity for the committee and board to approve the issuance of a request for qualifications for legal counsel for the Bond Guarantee Program (BGP) of the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, Texas Education Code (TEC), §45.051-§45.063, and 19 Texas Administrative Code (TAC) Chapter 33.

- 8. Review of the Permanent School Fund Liquid Account**
(Board agenda page III-81)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will consider implementation of the liquid account. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, Texas Education Code (TEC), §43.0052, Natural Resource Code (NRC), §§32.068, 51.402, and 51.414, and 19 Texas Administrative Code (TAC) Chapter 33.

- 9. Review and Determine the List of Nominees for Appointment to the School Land Board**
(Board agenda page III-82)

COMMITTEE - ACTION
SBOE - ACTION

This item provides an opportunity for the committee and board to review and determine the list of nominees to be considered by the governor for appointment to the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, the Natural Resource Code (NRC), §32.012 and §32.013, and 19 Texas Administrative Code (TAC) Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 10. Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes** **COMMITTEE - DISCUSSION**
(Board agenda page III-83) **SBOE - NO ACTION**

This item provides an opportunity for the committee to discuss the emerging and diverse investment management in alternative asset classes. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 11. Review of the Absolute Return Asset Class for the Permanent School Fund** **COMMITTEE - DISCUSSION**
(Board agenda page III-84) **SBOE - NO ACTION**

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

- 12. Report of the Permanent School Fund Executive Administrator and Chief Executive Officer** **COMMITTEE - DISCUSSION**
(Board agenda page III-85) **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 the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

**THURSDAY
November 14, 2019**

8:45 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_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_9-13-19/ or in the information section of the agenda.

**1. Open-Enrollment Charter School Application Update
(Board agenda page IV-1)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

**2. Recommendation for Appointments to the Fort Sam Houston Independent School District Board of Trustees
(Board agenda page IV-2)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for board consideration of three appointments to the board of trustees of the Fort Sam Houston Independent School District. The appointments are necessary due to the expiration of the term of office for three board members. Statutory authority for this action is the Texas Education Code (TEC), §11.352 and 19 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 (First Reading and Filing Authorization) (Board agenda page IV-51)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization 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. **Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans (Board agenda page IV-63)**

**COMMITTEE – ACTION
SBOE – ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions 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. Additional revisions would streamline the credentials review and certificate issuance process for all members of the military community (military service members, military spouses, and military veterans). The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.052(b-1), (c), and (d-1); and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004; 55.0041, as added by SB 1200, 86th Texas Legislature, 2019; 55.005; 55.006; 55.007; 55.008; and 55.009.

COMMITTEE ON SCHOOL INITIATIVES (continued)

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)

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 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs. The proposed amendments would implement the statutory requirements of Senate Bill (SB) 1839 and House Bills (HBs) 2039 and 3349, 85th Texas Legislature, Regular Session, 2017. The proposed amendments would add clarification for select definitions, would add language for admission requirements for the Early Childhood-Grade 3 (EC-3) and Trade and Industrial Workforce Training: Grades 6–12 certificates, and would 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). The proposed amendments would also implement changes based on stakeholder input and Texas Education Agency (TEA) staff recommendations. The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1), (4), and (6); 21.044(a), (g)(2), and (g)(3); 21.0441; 21.0489(c), as added by SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017; 21.049(a); 21.050(a); 22.083; and 22.0835; and Texas Occupations Code (TOC), §§53.151-53.153, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017.

COMMITTEE ON SCHOOL INITIATIVES (continued)

6. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs
(Board agenda page IV-82)

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 229, Accountability System for Educator Preparation Programs. The proposed amendments would provide for commendations for high-performing educator preparation programs (EPPs); would adopt the accountability manual into rule; would adjust the performance standard for the accountability indicator for the pedagogy and professional responsibility (PPR) examinations; would clarify performance standards; would clarify the determination of EPP, certification class, or category accreditation status; would allow for the SBEC to require EPP action plans; and would allow for a contested case hearing of a certification class or category. Technical changes would also remove outdated provisions, clarify processes, and update language to align with other chapters. Statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

COMMITTEE ON SCHOOL INITIATIVES (continued)

7. **Review of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate**
(Board agenda page IV-100)

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 the repeal of 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate. The proposed repeal of 19 TAC Chapter 239, Subchapter E, would implement the requirements of House Bill 3 (HB 3), 86th Texas Legislature, 2019. HB 3 requires 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. Statutory authority for the repeal of 19 TAC Chapter 239, Subchapter E, is HB 3, 86th Texas Legislature, 2019, Article 4, Repealer, Section 4.001(a)(2)-(5) and Texas Education Code (TEC), §21.064, as amended by HB 3, 86th Texas Legislature, 2019.

THURSDAY
November 14, 2019

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_of_Education/SBOE_Meetings/SBOE_Operating_Rules_Amended_9-13-19/ or in the information section of the agenda.

Public testimony is not taken on Work Session items.

- 1. Work Session Regarding Feedback on Texas Resource Review Quality Rubrics
(Board agenda page I-62)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an overview of an optional State Board of Education (SBOE) member work session focused on obtaining input on quality rubrics developed as a part of the Texas Resource Review initiative. The quality rubrics are specific to prekindergarten (Pre-K), English language arts and reading (ELAR K-2) foundational literacy, and mathematics K-8 instructional materials. The work session will include an overview of the Texas Resource Review development process and timeline, a facilitated conversation focused on obtaining rubric feedback, and a question-and-answer discussion related to the Texas Resource Review quality rubrics. Statutory authority for this item is the Texas Education Code (TEC), §31.081 and §31.082.

Information Materials

1. **State Board of Education Operating Rules, Amended 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.

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**November 15, 2019
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, September 13, 2019

1. Resolutions

Resolution honoring the 2019 National Geographic GeoBee Winner

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_of_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. 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)

This item presents 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. The proposed revisions would update rules related to state review and adoption of instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003; 31.023, 31.035, and House Bill (HB) 3526, Section 5, 85th Texas Legislature, Regular Session, 2017.

[\(Agenda Exhibit\)](#) I-4

COMMITTEE OF THE FULL BOARD (continued)

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

This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2020*. The board issued *Proclamation 2020* in April 2018, calling for materials in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. This item presents the final report from the commissioner of education regarding the coverage of the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §31.023 and §31.024.

(Agenda Exhibit) I-27

5. Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for the Texas Resource Review

This item provides the opportunity for the State Board of Education (SBOE) to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for the Texas Resource Review. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS). Statutory authority for this action is the Texas Education Code (TEC), §31.081 and §31.082.

(Agenda Exhibit) I-35

6. 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-38

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)

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, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) II-1

8. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, 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. Statutory authority for this action is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a).

(Agenda Exhibit) II-5

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)

This item presents for first reading and filing authorization 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. 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-9

COMMITTEE ON INSTRUCTION (continued)

10. Approval of Update of Instructional Materials for EDUSPARK, Inc.

EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists 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-13

11. Texas Certificate of High School Equivalency

This item provides an opportunity for the committee and board to discuss the final extension to the test vendor contracts for the Texas Certificate of High School Equivalency. The initial three-year contracts allowed for two one-year extensions. The first contract extension expires on August 31, 2020. The final extension would expire on August 31, 2021. Statutory authority for this action is the Texas Education Code (TEC), §7.111.

(Agenda Exhibit) II-15

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)

This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus's instructional day. No changes are recommended since approved for first reading. Statutory authority for this action is the Texas Education Code (TEC), §48.004 and §12.106.

(Agenda Exhibit) III-2

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

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)

This item presents for first reading and filing authorization 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. 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, §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-63

14. Review and Determine the List of Nominees for Appointment to the School Land Board

This item provides an opportunity for the committee and board to review and determine the list of nominees to be considered by the governor for appointment to the School Land Board. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, the Natural Resource Code (NRC), §32.012 and §32.013, and 19 Texas Administrative Code (TAC) Chapter 33.

(Agenda Exhibit) III-82

COMMITTEE ON SCHOOL INITIATIVES

15. Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship (First Reading and Filing Authorization)

This item presents for first reading and filing authorization 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-51

COMMITTEE ON SCHOOL INITIATIVES (continued)

16. Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions 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. Additional revisions would streamline the credentials review and certificate issuance process for all members of the military community (military service members, military spouses, and military veterans). The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.052(b-1), (c), and (d-1); and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004; 55.0041, as added by SB 1200, 86th Texas Legislature, 2019; 55.005; 55.006; 55.007; 55.008; and 55.009.

(Agenda Exhibit) IV-63

17. Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs

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 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs. The proposed amendments would implement the statutory requirements of Senate Bill (SB) 1839 and House Bills (HBs) 2039 and 3349, 85th Texas Legislature, Regular Session, 2017. The proposed amendments would add clarification for select definitions, would add language for admission requirements for the Early Childhood–Grade 3 (EC–3) and Trade and Industrial Workforce Training: Grades 6–12 certificates, and would 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). The proposed amendments would also implement changes based on stakeholder input and Texas Education Agency (TEA) staff recommendations. The statutory authority for this action is the Texas Education Code (TEC), §§21.031; 21.041(b)(1), (4), and (6); 21.044(a), (g)(2), and (g)(3); 21.0441; 21.0489(c), as added by SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017; 21.049(a); 21.050(a); 22.083; and 22.0835; and Texas Occupations Code (TOC), §53.151–§53.153, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017.

(Agenda Exhibit) IV-69

COMMITTEE ON SCHOOL INITIATIVES (continued)

18. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

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 229, Accountability System for Educator Preparation Programs. The proposed amendments would provide for commendations for high-performing educator preparation programs (EPPs); would adopt the accountability manual into rule; would adjust the performance standard for the accountability indicator for the pedagogy and professional responsibility (PPR) examinations; would clarify performance standards; would clarify the determination of EPP, certification class, or category accreditation status; would allow for the SBEC to require EPP action plans; and would allow for a contested case hearing of a certification class or category. Technical changes would also remove outdated provisions, clarify processes, and update language to align with other chapters. Statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

(Agenda Exhibit) IV-82

19. Review of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate

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 the repeal of 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate. The proposed repeal of 19 TAC Chapter 239, Subchapter E, would implement the requirements of House Bill 3 (HB 3), 86th Texas Legislature, 2019. HB 3 requires 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. Statutory authority for the repeal of 19 TAC Chapter 239, Subchapter E, is HB 3, 86th Texas Legislature, 2019, Article 4, Repealer, Section 4.001(a)(2)-(5) and Texas Education Code (TEC), §21.064, as amended by HB 3, 86th Texas Legislature, 2019.

(Agenda Exhibit) IV-100

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

Committee chairs may provide an update about discussion items considered during the current meeting by any standing committee or ad hoc committee.

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

Members of the State Board of Education may present information regarding agenda items or other relevant information about public education.

Information Materials

1. **State Board of Education Operating Rules, Amended January 28, 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.

**CONSENT AGENDA
STATE BOARD OF EDUCATION
November 15, 2019**

(1) Approval of Costs to Administer the 2019–2020 State-Developed Assessments to Private School Students

Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public-school district. This item requests approval of these costs for the 2019–2020 school year. Statutory authority for this action is the Texas Education Code (TEC), §39.033.

(Agenda Exhibit) III-7

(2) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of August and September 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 August and September 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-13

(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)

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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The rules being reviewed establish definitions, requirements, and procedures for the investment of the Permanent School Fund (PSF). The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 33 is the Texas Education Code (TEC), §§7.102(c)(31) and (33), 43.0031-43.004, and 45.051-45.063; TGC, §2263.004; and the Texas Constitution, Article VII, §5(f).

(Agenda Exhibit) III-14

(4) Authorization to Issue a Request for Qualifications for Bond Guarantee Program Counsel for the Permanent School Fund

This item provides the opportunity for the committee and board to approve the issuance of a request for qualifications for legal counsel for the Bond Guarantee Program (BGP) of the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, Texas Education Code (TEC), §45.051-§45.063, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-80

(5) Review of the Permanent School Fund Liquid Account

This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will consider implementation of the liquid account. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5, Texas Education Code (TEC), §43.0052, Natural Resource Code (NRC), §§32.068, 51.402, and 51.414, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-81

(6) Recommendation for Appointments to the Fort Sam Houston Independent School District Board of Trustees

This item provides an opportunity for board consideration of three appointments to the board of trustees of the Fort Sam Houston Independent School District. The appointments are necessary due to the expiration of the term of office for three board members. Statutory authority for this action is the Texas Education Code (TEC), §11.352 and 19 Texas Administrative Code (TAC) §61.2.

[\(Agenda Exhibit\)](#) IV-2

COMMITTEE OF THE FULL BOARD

Commissioner's Comments

November 13, 2019

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

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

BOARD RESPONSE: Review and comment.

BACKGROUND INFORMATION AND JUSTIFICATION: On an as needed basis, the board will be briefed on significant public education issues and events.

OTHER COMMENTS AND RELATED ISSUES: None.

Staff Member Responsible:

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

Public Hearing on Proposed New African American Studies Course

November 13, 2019

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

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Wednesday, November 13, 2019, 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.

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.

FUTURE BOARD ACTION: At the request of the committee, proposed African American Studies TEKS will be developed for consideration by the SBOE at a future meeting.

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

**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)**

November 15, 2019

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

SUMMARY: This item presents 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. The proposed revisions would update rules related to state review and adoption of instructional materials.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§31.002, 31.003, 31.023, 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 State Board of Education (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.

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 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.

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 66, Subchapter B, effective September 1, 1996. The SBOE adopted revisions in Subchapters B effective May 5, 2016. Most recently, the SBOE adopted revisions to 19 TAC Chapter 66, Subchapter B, effective March 27, 2018. At the September 2019 SBOE meeting, the board approved proposed revisions to 19 TAC Chapter 66, Subchapter B, for first reading and filing authorization.

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.

This item presents for second reading and final adoption proposed revisions to the instructional materials rules that would update language to add clarity to the process for publisher participation in the review and adoption process, ensure that the adoption of prekindergarten materials and their alignment to the Texas Prekindergarten Guidelines (TPG) are appropriately included in the rules, and authorize a process for updating of TEKS alignment for adopted materials. The proposed revisions include amending existing rules and adding a proposed new rule that would address new editions of adopted instructional materials separate from the existing rule on updates to adopted instructional materials. The proposed revisions also include technical edits throughout.

The attachment to this item presents the text of the proposed revisions to 19 TAC Chapter 66, Subchapter B, for consideration by the SBOE for second reading and final adoption.

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 existing regulations related to state review and adoption of instructional materials.

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 add clarity to the instructional materials adoption process and provide the opportunity for more accurate information regarding the alignment of instructional materials to the Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG). 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 September 2019 SBOE meeting, notice of the proposed revisions to 19 TAC Chapter 66, Subchapter B, was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 4, 2019, and ended November 8, 2019. 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 November 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 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 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. (*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
Kelly Callaway, Senior Director, Instructional Materials

Attachment: Text of Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials

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), 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 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 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 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 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.

§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) ~~(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.

§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 specializes~~] 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 (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) ~~(c)~~ With prior commissioner approval, publishers may, at any time, make changes that do not affect the product's Texas essential knowledge and skills (TEKS) 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 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) ~~(c)~~ 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) ~~(4)~~ Publishers must notify the commissioner ~~[of education]~~ in writing if they are providing SBOE-approved products in alternative formats.
- (i) ~~(4)~~ Publishers are responsible for informing districts of the availability of the alternative formats and for accurate fulfillment of orders for them.
- (j) ~~(4)~~ The commissioner ~~[of education]~~ may add alternative formats of SBOE-approved products to the list of adopted products available to school districts.
- (k) ~~(4)~~ 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 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 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 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.
- (3) Proposed changes shall be posted on the TEA website for a minimum of 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.

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

November 15, 2019

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

SUMMARY: This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2020*. The board issued *Proclamation 2020* in April 2018, calling for materials in high school English language arts and reading and English for speakers of other languages. Products submitted in response to *Proclamation 2020* were reviewed in the summer of 2019. This item presents the final report from the commissioner of education regarding the coverage of the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§31.023](#) and [§31.024](#)

TEC, §31.023(a), requires the SBOE to adopt a list of instructional materials that meet applicable physical specifications and contain material covering at least half of the applicable TEKS in the student version and in the teacher version.

TEC, §31.023(b), requires that each instructional material on the list must be free from factual errors, suitable for the subject and grade level for which the instructional material was submitted, and reviewed by academic experts in the subject and grade level for which the instructional material was submitted,

TEC §31.024, requires the SBOE to make decisions to place material on the adopted list or reject material by majority vote and to provide a list of adopted materials no later than December 1 of the year prior to the year the materials are expected to be in classrooms.

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

PREVIOUS BOARD ACTION: *Proclamation 2020* was issued by the SBOE in April 2018. Amendments to *Proclamation 2020* were approved at the November 2018 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The review of *Proclamation 2020* instructional materials concluded in August 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. 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:

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*.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Attachment: Proclamation 2020 *List of Instructional Materials Eligible for Adoption*

Separate Exhibit I: Proclamation 2020 *Report of Required Corrections*

Separate Exhibit II: Proclamation 2020 *Report of Editorial Changes*

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
English Language Arts and Reading								
English I								
Bedford, Freeman and Worth Publishing Group	9781319303099	Foundations of Language and Literature Student and Teacher Edition	Print	98.39%	98.39%	100%	100%	Eligible
Bedford, Freeman and Worth Publishing Group	9781319303068	Foundations of Language and Literature Student and Teacher Edition Launchpad	Online	98.39%	98.39%	100%	100%	Eligible
The College Board	9781457311383	SpringBoard, English Language Arts, English I, 2021 Texas Edition	Online	100%	100%	100%	100%	Eligible
The College Board	9781457311734	SpringBoard, English Language Arts, English I, 2021 Texas Edition - Digital Access with Print Student Editions	Online with print components	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858719	Mirrors & Windows: Connecting with Literature - Grade 9	Print	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858634	Mirrors & Windows: Connecting with Literature Online Program - Grade 9	Online	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358172628	HMH Into Literature Texas Hybrid Classroom Package Grade 9	Print with digital components	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358173748	HMH Into Literature Texas Digital Classroom Package Grade 9	Online	100%	100%	100%	100%	Eligible
McGraw-Hill School Division	9780077013851	StudySync Grade 9, Texas	Online	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418310851	myPerspectives Texas English Language Arts - Hardcover + 8-year Online, Grade 9	Print with digital components	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418307622	myPerspectives Texas English Language Arts - 8-year Online, Grade 9	Online	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149185	Texas Connections, Grade 9	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149208	Texas Connections, Grade 9	Online	100%	100%	100%	100%	Eligible
Shmoop University, Inc.	9781950468089	ELA 9: Introduction to Literature	Online	87.10%	87.10%	100%	100%	Eligible
Strong Mind	9781948544092	Texas English Language Arts I	Online	100%	100%	100%	100%	Eligible

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
English II								
Bedford, Freeman and Worth Publishing Group	9781319302955	Advanced Language and Literature Student and Teacher Edition	Print	82.26%	85.48%	100%	100%	Eligible
Bedford, Freeman and Worth Publishing Group	9781319302962	Advanced Language and Literature Student and Teacher Edition Launchpad (Digital)	Online	82.26%	85.48%	100%	100%	Eligible
The College Board	9781457311390	SpringBoard, English Language Arts, English II, 2021 Texas Edition	Online	100%	100%	100%	100%	Eligible
The College Board	9781457311741	SpringBoard, English Language Arts, English II, 2021 Texas Edition - Digital Access with Print Student Editions	Online with print components	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858726	Mirrors & Windows: Connecting with Literature - Grade 10	Print	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858641	Mirrors & Windows: Connecting with Literature Online Program - Grade 10	Online	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358172635	HMH Into Literature Texas Hybrid Classroom Package Grade 10	Online with print components	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358173755	HMH Into Literature Texas Digital Classroom Package Grade 10	Online	100%	100%	100%	100%	Eligible
McGraw-Hill School Division	9780077013820	StudySync Grade 10, Texas	Online	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418310868	myPerspectives Texas English Language Arts - Hardcover + 8-year Online, Grade 10	Print with digital components	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418307639	myPerspectives Texas English Language Arts - 8-year Online, Grade 10	Online	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149215	Texas Connections, Grade 10	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149227	Texas Connections, Grade 10	Online	100%	100%	100%	100%	Eligible
Shmoop University, Inc.	9781950468263	ELA 10: World Literature	Online	85.48%	85.48%	100%	100%	Eligible
Strong Mind	9781948544108	Texas English Language Arts II	Online	100%	100%	100%	100%	Eligible

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
English III								
BetterRhetor Resources, LLC.	9781733637909	College-Ready Writing Essentials	Online	57.81%	57.81%	100%	100%	Eligible
The College Board	9781457311406	SpringBoard, English Language Arts, English III, 2021 Texas Edition	Online	100%	100%	100%	100%	Eligible
The College Board	9781457311758	SpringBoard, English Language Arts, English III, 2021 Texas Edition - Digital Access with Print Student Editions	Online with print components	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858733	Mirrors & Windows: Connecting with Literature - Grade 11	Print	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858658	Mirrors & Windows: Connecting with Literature Online Program - Grade 11	Online	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358172642	HMH Into Literature Texas Hybrid Classroom Package Grade 11	Online with print components	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358173762	HMH Into Literature Texas Digital Classroom Package Grade 11	Online	100%	100%	100%	100%	Eligible
McGraw-Hill School Division	9780077013837	StudySync Grade 11, Texas	Online	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418310875	myPerspectives Texas English Language Arts - Hardcover + 8-year Online, Grade 11	Print with digital components	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418307646	myPerspectives Texas English Language Arts - 8-year Online, Grade 11	Online	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149239	Texas Connections, Grade 11	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149246	Texas Connections, Grade 11	Online	100%	100%	100%	100%	Eligible
Shmoop University, Inc.	9781950468270	ELA 11: American Literature	Online	78.13%	78.13%	100%	100%	Eligible
Strong Mind	9781948544115	Texas English Language Arts III	Online	98%	98%	100%	100%	Eligible

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
English IV								
BetterRhetor Resources, LLC.	9781733637909	College-Ready Writing Essentials	Online	57.81%	57.81%	100%	100%	Eligible
The College Board	9781457311413	SpringBoard, English Language Arts, English IV, 2021 Texas Edition	Online	100%	100%	100%	100%	Eligible
The College Board	9781457311765	SpringBoard, English Language Arts, English IV, 2021 Texas Edition - Digital Access with Print Student Editions	Online with print components	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858740	Mirrors & Windows: Connecting with Literature - Grade 12	Print	100%	100%	100%	100%	Eligible
EMC Publishing, LLC.	9781533858665	Mirrors & Windows: Connecting with Literature Online Program - Grade 12	Online	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358172659	HMH Into Literature Texas Hybrid Classroom Package Grade 12	Online with print components	100%	100%	100%	100%	Eligible
Houghton Mifflin Harcourt	9780358173779	HMH Into Literature Texas Digital Classroom Package Grade 12	Online	100%	100%	100%	100%	Eligible
McGraw-Hill School Division	9780077013844	StudySync Grade 12, Texas	Online	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418310882	myPerspectives Texas English Language Arts - Hardcover + 8-year Online, Grade 12	Print with digital components	100%	100%	100%	100%	Eligible
Pearson Education, Inc., publishing as Prentice Hall	9781418307653	myPerspectives Texas English Language Arts - 8-year Online, Grade 12	Online	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149253	Texas Connections, Grade 12	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149260	Texas Connections, Grade 12	Online	100%	100%	100%	100%	Eligible
Shmoop University, Inc.	9781950468096	ELA 12: British Literature	Online	95.31%	95.31%	100%	100%	Eligible
Strong Mind	9781948544122	Texas English Language Arts IV	Online	100%	100%	100%	100%	Eligible

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
College Readiness and Study Skills								
Goodheart-Willcox Company	9781683115038	Texas College Readiness and Study Skills - Online Learning Suite	Online	77.78%	77.78%	100%	100%	Eligible
Shmoop University, Inc.	9781950468102	Reading For College Success	Online	96.30%	96.30%	100%	100%	Eligible
Communication Applications								
Perfection Learning Corporation	9781531149314	Projects in Professional Communications	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149338	Projects in Professional Communications	Online	100%	100%	100%	100%	Eligible
Debate I, II, III								
Perfection Learning Corporation	9781531149277	Mastering Competitive Debate	Print	100%	100%	100%	100%	Eligible
Perfection Learning Corporation	9781531149307	Mastering Competitive Debate	Online	100%	100%	100%	100%	Eligible
Humanities								
Shmoop University, Inc.	9781950468065	African American Poetry	Online	86.67%	86.67%	100%	100%	Eligible
Shmoop University, Inc.	9781950468157	Greek and Roman Mythology	Online	93.33%	93.33%	100%	100%	Eligible
Journalism								
Goodheart-Willcox Company	9781683115014	Journalism: Publishing Across Media - Text	Print	100%	100%	100%	100%	Eligible
Goodheart-Willcox Company	9781683115021	Journalism: Publishing Across Media - Online Learning Suite	Online	100%	100%	100%	100%	Eligible
Shmoop University, Inc.	9781950468072	Journalism	Online	58.62%	58.62%	100%	100%	Eligible

Proclamation 2020 List of Instructional Materials Eligible for Adoption

Course/Publisher	ISBN	Title	Media Format	TEKS: Student %	TEKS: Teacher %	ELPS: Student %	ELPS: Teacher %	Adoption Status
Literary Genres								
Shmoop University, Inc.	9781950468164	Holocaust Literature	Online	57.69%	57.69%	100%	100%	Eligible
Practical Writing Skills								
TPS Publishing, Inc.	9781788053884	STEAM into Practical Writing Skills I - Print with Online	Print with digital components	100%	100%	100%	100%	Eligible
TPS Publishing, Inc.	9781788053891	STEAM into Practical Writing Skills I - Online Only	Online	100%	100%	100%	100%	Eligible
Reading I, II, III								
TPS Publishing, Inc.	9781788053860	STEAM into High School Reading - Print with Online	Print with digital components	100%	100%	100%	100%	Eligible
TPS Publishing, Inc.	9781788053877	STEAM into High School Reading - Online Only	Online	100%	100%	100%	100%	Eligible

Ratification of Texas Essential Knowledge and Skills Coverage in Materials Submitted for the Texas Resource Review

November 15, 2019

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

SUMMARY: This item provides the opportunity for the State Board of Education (SBOE) to ratify the report from the Texas Essential Knowledge and Skills (TEKS) review committees regarding materials that were submitted for the Texas Resource Review. This item presents the final report from the commissioner of education regarding the coverage of the TEKS and English Language Proficiency Standards (ELPS).

STATUTORY AUTHORITY: Texas Education Code (TEC), [§31.081](#) and [§31.082](#).

TEC, §31.081(a) requires the commissioner to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials.

TEC, §31.082(a) requires the commissioner to contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under §31.081.

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

PREVIOUS BOARD ACTION: The SBOE received an update at the September 2019 meeting on the Texas Resource Review.

BACKGROUND INFORMATION AND JUSTIFICATION: The commissioner of education is required to develop and maintain a web portal that includes general information for each material submitted for review, evaluation of the quality of the material and the extent to which it covers the TEKS, and a repository of open educational resources, including state-developed materials; create procedures for submitting materials to the web portal; use a competitive process to contract for the development of the portal; and contract with a private entity to conduct an independent analysis of materials submitted for review.

The goal of the TRR portal is to provide free, transparent, and user-friendly information about the extent to which materials reflect research-based pedagogy and support the learning of all students.

PUBLIC BENEFIT AND COST TO PERSONS: School districts and charter schools will have additional information to assist with decisions regarding selection of instructional materials based on local needs.

MOTION TO BE CONSIDERED: 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.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials
Kristen Dobson, Associate Commissioner, Product Strategy

Attachment: *Texas Resource Review State Review Panel Error and Comment Report*

Separate Exhibit: Report of the commissioner of education regarding TEKS and ELPS alignment in instructional materials submitted to Texas Resource Review

Texas Resource Review (July 2019)
State Review Panel Error and Comment Report

Amplify Education, Inc.						
English Language Arts and Reading, grade 6 <i>Amplify ELA (2nd Edition) (ISBN 9781643831480)</i>						
Report Type	Component ISBN	Class Type	Page Number	Specific Location	State Review Panel Comment	Publisher Response
Comment	9781643831480	Student/Teacher		Vocab App, Example: 6B: Mysteries & Investigations, Sub-unit 1, Lesson 1, LO1: Launch Vocab App (Click through words and activities)	Difficulty opening Vocab App for some reviewers.	No response
American Reading Company						
English Language Arts and Reading, Grade 1 <i>ARC Core Grade 3</i>						
Report Type	Component ISBN	Class Type	Page Number	Specific Location	Description of Error	Description of Correction, Changed Text, or Response to Feedback
Error	FSTK-E2TK-2R	Student/Teacher	93	PDF pgs 93	Says -un at the end of word (should say beginning of word)	We agree with the identified error and will work to correct it in future print runs and digital versions.

Update on Texas Essential Knowledge and Skills (TEKS) Review

November 15, 2019

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 at the June 2019 SBOE meeting, on July 22, 2019, on August 19, 2019, at the September 2019 meeting, and on October 8, 2019.

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.

PUBLIC COMMENTS: None.

Staff Member Responsible:

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

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

November 13, 2019

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

SUMMARY: This item provides an opportunity for the committee to discuss 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 and to renumber sections and update course 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 the TEC, §28.002.

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, proposed revisions to 19 TAC Chapter 113 will be presented for consideration by the SBOE at a future meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 83rd Texas Legislature, 2013, passed House Bill (HB) 5, amending the 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.

This item presents an opportunity for the committee to discuss adding TEKS for a new African American studies ethnic studies course and renumbering sections and updating course titles to reflect recent revisions to the social studies TEKS.

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

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter B, Graduation Requirements**

November 13, 2019

**COMMITTEE OF THE FULL BOARD: 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 B, Graduation Requirements, to 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 graduation program that are consistent with the required curriculum under TEC, §28.002.

TEC, §28.025(c-1), permits a student to earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the SBOE by rule. The SBOE is required to by rule provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses.

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

FUTURE ACTION EXPECTED: Proposed amendments to 19 TAC Chapter 74 will be presented for first reading and filing authorization at the January 2020 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 new graduation program.

Senate Bill (SB) 671, 85th Texas Legislature, Regular Session, 2017, added TEC, §28.025(b-21), to require the SBOE to adopt criteria to allow a student to comply with the curriculum requirement for one credit in a language other than English by successfully completing a dual language immersion program at

an elementary school. The SBOE adopted an amendment to 19 TAC §74.12 effective August 1, 2019, to address this requirement. The 86th Texas Legislature, 2019, passed HB 678, which amended TEC, §28.025(b-21), requiring the SBOE to adopt criteria 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. The proposed amendment to §74.12, Foundation High School Program, would add language to allow students who complete a course in American Sign Language to earn one high school credit toward the LOTE graduation requirement.

The proposed amendment to §74.12 would also clarify the requirement for demonstrating academic competence in order to earn LOTE credit through participation in a dual language immersion program.

In 2015, the SBOE adopted new Texas Essential Knowledge and Skills (TEKS) for CTE, which were implemented beginning with the 2017-2018 school year. The SBOE adopted the technology applications TEKS effective September 1, 1998. In April 2011, the SBOE adopted revisions to the technology applications TEKS effective September 26, 2011. The 86th Texas Legislature, 2019, passed HB 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. 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. The proposed amendments would update the graduation requirements in Chapter 74, Subchapter B, to align with proposed revisions to 19 TAC Chapter 126 and Chapter 130 that would consolidate technology applications and CTE courses and align with revised CTE programs of study.

This item provides an opportunity for the committee to discuss proposed amendments to 19 TAC Chapter 74, Subchapter B.

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, are included as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support
Heather Justice, Division Director, College Career and Military Preparation

Attachment: Text of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter B. Graduation Requirements

§74.12. Foundation High School Program.

- (a) Credits. A student must earn at least 22 credits to complete the Foundation High School Program.
- (b) Core courses. A student must demonstrate proficiency in the following.
 - (1) English language arts--four credits. Two of the credits must consist of English I and II. (Students with limited English proficiency who are at the beginning or intermediate level of English language proficiency, as defined by §74.4(d) of this title (relating to English Language Proficiency Standards), may satisfy the English I and English II graduation requirements by successfully completing English I for Speakers of Other Languages and English II for Speakers of Other Languages.) A third credit must consist of English III, a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation, or a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.33 of this title (relating to English Language Arts and Reading, English III (One Credit), Beginning with School Year 2009-2010). A fourth credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (A) English IV;
 - (B) Independent Study in English;
 - (C) Literary Genres;
 - (D) Creative Writing;
 - (E) Research and Technical Writing;
 - (F) Humanities;
 - (G) Public Speaking III;
 - (H) Communication Applications, which must be combined with another half credit from the other courses listed in subparagraphs (A)-(G) and (I)-(S) of this paragraph;
 - (I) Oral Interpretation III;
 - (J) Debate III;
 - (K) Independent Study in Speech;
 - (L) Independent Study in Journalism;
 - (M) Advanced Broadcast Journalism III;
 - (N) Advanced Journalism: Newspaper III;
 - (O) Advanced Journalism: Yearbook III;
 - (P) a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation;
 - (Q) a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.34 of this title (relating to English Language Arts and Reading, English IV (One Credit), Beginning with School Year 2009-2010);

- (R) after the successful completion of English I, II, and III, a locally developed English language arts course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the Texas Education Code (TEC), §28.002(g-1);
 - (S) Business English; and
 - (T) a college preparatory English language arts course that is developed pursuant to the TEC, §28.014.
- (2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry.
- (A) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses or a credit selected from the courses listed in subparagraph (B) of this paragraph:
 - (i) Mathematical Models with Applications;
 - (ii) Mathematical Applications in Agriculture, Food, and Natural Resources;
 - (iii) Digital Electronics;
 - (iv) Robotics Programming and Design;
 - (v) Financial Mathematics;
 - (vi) Applied Mathematics for Technical Professionals;
 - (vii) Accounting II;
 - (viii) Manufacturing Engineering Technology II; and
 - (ix) Robotics II.
 - (B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (i) Algebra II;
 - (ii) Precalculus;
 - (iii) Advanced Quantitative Reasoning;
 - (iv) Independent Study in Mathematics;
 - (v) Discrete Mathematics for Problem Solving;
 - (vi) Algebraic Reasoning;
 - (vii) Statistics;
 - (viii) a comparable AP mathematics course that does not count toward another credit required for graduation;
 - (ix) AP Computer Science A;
 - (x) IB Computer Science Higher Level;
 - (xi) Engineering Mathematics;
 - (xii) Statistics and Business Decision Making;
 - (xiii) Mathematics for Medical Professionals;
 - (xiv) Discrete Mathematics for Computer Science;
 - (xv) pursuant to the TEC, §28.025(b-5), after the successful completion of Algebra II, a mathematics course 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. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this clause; and

- (xvi) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
- (C) One credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) may satisfy the additional mathematics credit.
- (3) Science--three credits. One credit must consist of Biology or a comparable AP or IB biology course.
 - (A) One credit must be selected from the following laboratory-based courses:
 - (i) Integrated Physics and Chemistry;
 - (ii) Chemistry;
 - (iii) Physics;
 - (iv) Principles of Technology; and
 - (v) a comparable AP or IB chemistry or physics course that does not count toward another credit required for graduation.
 - (B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following laboratory-based courses:
 - (i) Chemistry;
 - (ii) Physics;
 - (iii) Aquatic Science;
 - (iv) Astronomy;
 - (v) Earth and Space Science;
 - (vi) Environmental Systems;
 - (vii) a comparable AP science course that does not count toward another credit required for graduation;
 - (viii) Advanced Animal Science;
 - (ix) Advanced Plant and Soil Science;
 - (x) Anatomy and Physiology;
 - (xi) Medical Microbiology;
 - (xii) Pathophysiology;
 - (xiii) Food Science;
 - (xiv) Forensic Science;
 - (xv) Biotechnology I;
 - (xvi) Biotechnology II;
 - (xvii) Principles of Technology;

- (xviii) Scientific Research and Design;
 - (xix) Engineering Design and Problem Solving;
 - (xx) Engineering Science;
 - (xxi) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course 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. The TEA shall maintain a current list of courses offered under this clause;
 - (xxii) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1); and
 - (xxiii) one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science).
- (C) Credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.
- (4) Social studies--three credits. Two of the credits must consist of United States History Studies Since 1877 (one credit), United States Government (one-half credit), and Economics with Emphasis on the Free Enterprise System and Its Benefits (one-half credit). The additional credit may be selected from the following courses:
- (A) World History Studies; or
 - (B) World Geography Studies; or
 - (C) a comparable AP or IB world history or world geography course that does not count toward another credit required for graduation.
- (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) Physical education--one credit.
- (A) The required credit may be selected from any combination of the following one-half to one credit courses:

- (i) Foundations of Personal Fitness;
 - (ii) Adventure/Outdoor Education;
 - (iii) Aerobic Activities; and
 - (iv) Team or Individual Sports.
- (B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.
- (C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:
- (i) Athletics;
 - (ii) Junior Reserve Officer Training Corps (JROTC); and
 - (iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.
 - (I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - (II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.
- (D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:
- (i) Drill Team;
 - (ii) Marching Band; and
 - (iii) Cheerleading.
- (E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.
- (F) Credit may not be earned more than once for any course identified in subparagraph (A) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.
- (G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1),

for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:

- (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;
- (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; or
- (iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.

(7) Fine arts--one credit.

(A) The credit may be selected from the following courses subject to prerequisite requirements:

- (i) Art, Level I, II, III, or IV;
- (ii) Dance, Level I, II, III, or IV;
- (iii) Music, Level I, II, III, or IV;
- (iv) Music Studies;
- (v) Theatre, Level I, II, III, or IV;
- (vi) Musical Theatre, Level I, II, III, or IV;
- (vii) Technical Theatre, Level I, II, III, or IV;
- (viii) IB Film Standard or Higher Level;
- (ix) Floral Design;
- (x) Digital Art and Animation; and
- (xi) 3-D Modeling and Animation.

(B) In accordance with local district policy, credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course as defined by Chapter 117, Subchapter C, of this title (relating to High School, Adopted 2013).

(c) Elective courses--five credits. The credits must be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements) or from a locally developed course or activity developed pursuant to the TEC, §28.002(g-1), for which a student may receive credit and that does not satisfy a specific course requirement.

(d) Substitutions. No substitutions are allowed in the Foundation High School Program, except as specified in this chapter.

§74.13. Endorsements.

- (a) A student shall specify in writing an endorsement the student intends to earn upon entering Grade 9.
- (b) A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. This section does not entitle a student to remain enrolled to earn more than 26 credits.

- (c) A student must earn at least 26 credits to earn an endorsement.
- (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) To earn an endorsement a student must demonstrate proficiency in the following.
 - (1) The curriculum requirements for the Foundation High School Program as defined by §74.12 of this title (relating to Foundation High School Program).
 - (2) A fourth credit in mathematics that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
 - (A) Algebra II;
 - (B) Precalculus;
 - (C) Advanced Quantitative Reasoning;
 - (D) Independent Study in Mathematics;
 - (E) Discrete Mathematics for Problem Solving;
 - (F) Algebraic Reasoning;
 - (G) Statistics;
 - (H) a comparable Advanced Placement (AP) mathematics course that does not count toward another credit required for graduation;
 - (I) AP Computer Science A;
 - (J) International Baccalaureate (IB) Computer Science Higher Level;
 - (K) Engineering Mathematics;
 - (L) Statistics and Business Decision Making;
 - (M) Mathematics for Medical Professionals;
 - (N) Discrete Mathematics for Computer Science;
 - (O) pursuant to the Texas Education Code (TEC), §28.025(b-5), after the successful completion of Algebra II, a mathematics course 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. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this subparagraph; and
 - (P) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).
 - (3) A student may complete a course listed in paragraph (2) of this subsection before or after completing a course listed in §74.12(b)(2)(A) of this title.
 - (4) The fourth mathematics credit may be a college preparatory mathematics course that is developed and offered pursuant to the TEC, §28.014.
 - (5) The fourth mathematics credit may be satisfied with one credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) that does not count toward another credit required for graduation.

- (6) An additional credit in science that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:
- (A) Chemistry;
 - (B) Physics;
 - (C) Aquatic Science;
 - (D) Astronomy;
 - (E) Earth and Space Science;
 - (F) Environmental Systems;
 - (G) a comparable AP science course that does not count toward another credit required for graduation;
 - (H) Advanced Animal Science;
 - (I) Advanced Plant and Soil Science;
 - (J) Anatomy and Physiology;
 - (K) Medical Microbiology;
 - (L) Pathophysiology;
 - (M) Food Science;
 - (N) Forensic Science;
 - (O) Biotechnology I;
 - (P) Biotechnology II;
 - (Q) Principles of Technology;
 - (R) Scientific Research and Design;
 - (S) Engineering Design and Problem Solving;
 - (T) Engineering Science;
 - (U) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course 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. The TEA shall maintain a current list of courses offered under this subparagraph;
 - (V) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1);
 - (W) pursuant to the TEC, §28.025(c-3), a student pursuing an arts and humanities endorsement who has the written permission of the student's parent or a person standing in parental relation to the student may substitute a course that is not being used to satisfy another specific graduation requirement selected from:
 - (i) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
 - (ii) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
 - (iii) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or

- (iv) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and
- (X) credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.
- (Y) The fourth science credit may be satisfied with one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) that does not count toward another credit required for graduation.
- (7) Two additional elective credits that may be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements).
- (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) 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
 - (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) 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)-(x) of this subparagraph; or
 - (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) 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) A course completed as part of the set of four courses needed to satisfy an endorsement requirement may also satisfy a requirement under §74.12(b) and (c) of this title and subsection (e)(2), (4), (5), and (6) of this section, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

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

November 13, 2019

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

SUMMARY: This item provides an opportunity for the committee to discuss proposed revisions to 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education. 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 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.

FUTURE ACTION EXPECTED: Proposed revisions to 19 TAC Chapter 126 and Chapter 130 will be presented for first reading and filing authorization at the January 2020 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, 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 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. These occur in the Business, Marketing, and Finance career clusters as well as the Law and Public Safety and Government career clusters. The Science, Technology, Engineering, and Mathematics (STEM) career cluster did not align with any one industry sector but had occupations spread throughout. Lastly, the diverse economic landscape in Texas includes an entire industry sector, Energy, that was not included in the original 16 programs of study. The proposed revisions would update the TEKS for CTE to align with revised programs of study.

This item provides an opportunity for the committee to discuss proposed revisions to 19 TAC Chapter 126 and Chapter 130.

Staff Members Responsible:

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

Discussion Regarding Special-Purpose School Districts

November 13, 2019

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

SUMMARY: This item provides the opportunity for the board to discuss special-purpose school districts operated by Texas Tech University and The University of Texas at Austin and authorization in House Bill 3, 86th Texas Legislature, for these districts to receive state funding.

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.

FUTURE ACTION EXPECTED: At the request of the board, proposed new rules regarding duties or limitations to be imposed on the special-purpose school districts will be presented for consideration at a future SBOE meeting.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The 86th Texas Legislature, 2019, passed House Bill 3, which entitles 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 Texas Education Code.

This item provides the opportunity for the board to discuss rules regarding duties or limitations to be imposed on the special-purpose school districts if they opt to receive state funding.

Staff Member Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Update on Joint Meeting of the State Board of Education and School Land Board

November 13, 2019

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

SUMMARY: The committee will receive an update on efforts to schedule a statutorily-required joint meeting of the State Board of Education (SBOE) and School Land Board (SLB).

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); and Natural Resources Code ([NRC](#)), [§32.0161](#).

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 SBOE to manage and invest the permanent school fund in accordance with the prudent person standard.

NRC, §32.0161 directs the SBOE and the SLB to hold an annual joint public meeting to discuss the allocation of assets of the permanent school fund and the investment of the money in the fund.

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

FUTURE ACTION EXPECTED: The SBOE at its June 2019 meeting directed that the first joint meeting of the boards be held in April 2020 and in September in subsequent years. The board also directed that an update on the meeting plans be provided to the SBOE.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE and the SLB share management of the Permanent School Fund. The combined PSF is valued at approximately \$44 billion and is the largest educational endowment in the country. Of that amount, \$10 billion of land, mineral rights, and certain real asset investments are managed by the SLB. The remaining \$34 billion in financial investments is managed by the SBOE.

Senate Bill 608, 86th Legislature, 2019, requires the two boards to hold a joint annual meeting. The legislation also expanded the SLB from a three-member board, headed by the elected Texas Land Commissioner, to a five-member board. The Land Commissioner continues to head the board with the number of citizen members expanding from two to four. The legislation requires the SBOE to submit to the governor two lists of six nominees each for him to consider for appointment to the SLB. Agenda items in the Committee on School Finance/Permanent School Fund address the appointments.

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund.

Discussion of Pending Litigation

November 13, 2019

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

Work Session Regarding Feedback on Texas Resource Review Quality Rubrics

November 14, 2019

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

SUMMARY: This item provides an overview of optional State Board of Education (SBOE) member working group sessions focused on obtaining input on quality rubrics developed as a part of the Texas Resource Review initiative. The quality rubrics are specific to prekindergarten (Pre-K), English language arts and reading (ELAR K-2) foundational literacy, and mathematics K-8 instructional materials. The first working group will take place from 1 – 2:30 p.m. and focus on the ELAR Foundations and math K-8 rubrics. The second working group will take place from 2:30– 4 p.m. and focus on the Pre-K quality rubric. All sessions will be held in 1-104, however, members that sign up to give feedback specifically on the math K-8 rubric will break out into room 1-100 for a portion of the session. Each working group will include an overview of the Texas Resource Review development process and timeline, a facilitated conversation focused on obtaining rubric feedback, and a question and answer discussion related to the Texas Resource Review quality rubrics.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§31.081](#) and [§31.082](#).

TEC, §31.081 requires the Texas Education Agency to develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials.

TEC, §31.082 outlines what is to be included in an independent analysis of instructional materials. The analysis must include evaluation of quality and the extent to which materials cover the essential knowledge and skills identified in TEC §28.002 for the subject and grade level. TEC, §31.082 also requires the results of the analysis to be posted on the web portal developed under §31.081.

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

PREVIOUS BOARD ACTION: At the September 2019 meeting, the board voted to accept the recommendations made by the SBOE's Texas Resource Review Ad Hoc Committee. One of the recommendations focused on integration of the SBOE Texas Essential Knowledge and Skills (TEKS)/English Language Proficiency Standards (ELPS) alignment process with the Texas Resource Review process.

BACKGROUND INFORMATION AND JUSTIFICATION: Quality review evaluation of instructional materials require content and grade-level specific rubrics that outline indicators of quality to be clearly communicated to review teams, educators, and publishers. TEA has drafted three new rubrics for Pre-K, ELAR K-2 foundational literacy, and mathematics K-8 released for public comment. TEA would like to obtain direct input and feedback from the SBOE on draft rubrics for Pre-K, ELAR K-2 foundational literacy, and mathematics K-8.

PUBLIC BENEFIT AND COST TO PERSONS: The rubrics will be used to evaluate quality of instructional materials being considered for purchase by school districts and open-enrollment charter schools across Texas.

Staff Members Responsible:

Kristen Dobson, Associate Commissioner, Instructional Strategy
Melissa Lautenschlager, Director, Instructional Materials Quality

This page has been intentionally left blank.

COMMITTEE ON INSTRUCTION

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs
(Second Reading and Final Adoption)**

November 15, 2019

**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, §74.27, Innovative Courses and Programs. The proposed amendment would update the rule to modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of Texas Essential Knowledge and Skills (TEKS)-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §28.002(f).

TEC, §28.002(f), authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education (SBOE) to be flexible in approving a course for credit for high school graduation.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2020-2021 school year. The earlier effective date would update the requirements for the submission of innovative course applications for the 2019-2020 school year.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27 effective September 1, 1996, with amendments effective September 1, 1998, and September 1, 2001. In November 2007, the SBOE adopted an additional amendment to 19 TAC §74.27 effective December 25, 2007. At the September 2019 meeting, the SBOE approved the proposed amendment to 19 TAC §74.27 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: After the SBOE 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 TEKS, school districts now submit new requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the commissioner of education to approve discipline-based courses but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses.

The proposed amendment would modify the requirements for approval of innovative courses, specify that innovative courses cannot be approved if they substantially duplicate the content of TEKS-based courses, and add requirements for review of ethnic studies innovative courses approved by the commissioner.

The attachment to this item reflects the text of the proposed amendment to 19 TAC §74.27 for consideration by the SBOE for second reading and final adoption. 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 modifying the requirements for approval of innovative courses, specifying that innovative courses cannot be approved if they substantially duplicate the content of TEKS-based courses, and adding requirements for review of ethnic studies innovative courses approved by the commissioner.

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 and entities that submit applications for innovative courses clearer guidance regarding requirements for approval. 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 September 2019 SBOE meeting, notice of the proposed amendment to 19 TAC §74.27 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 4, 2019, and ended November 8, 2019. 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 November 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 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, §74.27, Innovative Courses and Programs; and

Make an affirmative finding that immediate adoption of the 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. *(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, §74.27, Innovative Courses and Programs

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
- (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
 - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
 - (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.

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

November 15, 2019

**COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, 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.

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. A discussion item regarding §74.26 was included on the agenda for the Committee on Instruction during the September 2019 SBOE 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.

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.

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 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: 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: 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 December 20, 2019, and ends January 24, 2020. 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. 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 December 20, 2019.

MOTION TO BE CONSIDERED: 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.

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
(First Reading and Filing Authorization)

November 15, 2019

COMMITTEE ON INSTRUCTION: 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 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.

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.

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 amendments to 19 TAC §§117.312, 117.313, and 117.314 for consideration by the SBOE. The proposed amendments would update the TEKS for music to align with current IB course offerings in music.

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 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: 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: 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 December 20, 2019, and ends January 24, 2020. 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. 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 December 20, 2019.

MOTION TO BE CONSIDERED: 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.

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.)

Approval of Update of Instructional Materials for EDUSPARK, Inc.

November 15, 2019

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: ACTION

SUMMARY: EDUSPARK, Inc. is requesting approval to update content in four of its adopted products for Spanish language arts and reading: *Lengua, Ritmo y Cultura Kindergarten*; *Lengua, Ritmo y Cultura 1*; *Lengua, Ritmo y Cultura 4*; and *Lengua, Ritmo y Cultura 5*. The updated content has been reviewed by curriculum subject-area specialists 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: Spanish language arts and reading instructional materials from EDUSPARK, Inc. were adopted in November 2018 under *Proclamation 2019*. At the September 2019 meeting, the SBOE postponed action on this item until the November 2019 meeting.

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. *Lengua, Ritmo y Cultura Kindergarten* (9781948617567); *Lengua, Ritmo y Cultura 1* (9781948617574); *Lengua, Ritmo y Cultura 4* (9781948617604); and *Lengua, Ritmo y Cultura 5* (9781948617611), published by EDUSPARK, Inc., underwent review by state review panels in the summer of 2018. *Lengua, Ritmo y Cultura Kindergarten* was found to have 67.86% Texas Essential Knowledge and Skills (TEKS) coverage, *Lengua, Ritmo y Cultura 1* was found to have 58.33% TEKS coverage, *Lengua, Ritmo y Cultura 4* was found to have 68.75% TEKS coverage, and *Lengua, Ritmo y Cultura 5* was found to have 78.13% TEKS coverage.

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 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*.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Kelly Callaway, Senior Director, Instructional Materials

Separate Exhibit: EDUSPARK, Inc. Update Request

Texas Certificate of High School Equivalency

November 15, 2019

COMMITTEE ON INSTRUCTION: ACTION **STATE BOARD OF EDUCATION: ACTION**

SUMMARY: This item provides an opportunity for the committee and board to discuss the final extension to the test vendor contracts for the Texas Certificate of High School Equivalency. The initial three-year contracts allowed for two one-year extensions. The first contract extension expires on August 31, 2020. The final extension would expire on August 31, 2021.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.111.

TEC, §7.111, requires the State Board of Education (SBOE) to adopt rules to develop and deliver high school equivalency examinations and provide for the administration of the examinations online.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, to be effective September 1, 1996. Rules in 19 TAC Subchapter C, were last amended to be effective December 25, 2016.

BACKGROUND INFORMATION AND JUSTIFICATION: In January 2015, the Texas Education Agency (TEA) released a competitive request for proposals (RFP) to solicit proposals for a provider for the Texas Certificate of High School Equivalency examination. At the April 2015 SBOE meeting, TEA staff presented the results of the RFP. The SBOE requested that TEA extend the existing provider's Memorandum of Understanding for six months beyond the expiration date and begin the development of a new RFP to potentially identify multiple test providers.

At the July 2015 meeting, the committee held a public hearing. Additionally, at the July 2015 meeting, the board approved a decision matrix of requirements to be included in a future RFP. During the September 2015 meeting, the board approved the competitive RFP to be released in fall 2015.

On January 29, 2016, the board voted to award contracts to three separate companies to provide high school equivalency assessments in Texas. The three companies are Data Recognition Corporation, Educational Testing Service, and GED Testing Service. On September 16, 2016, the board gave the chair authority to sign new contracts with vendors beginning October 8, 2016, or when the vendors were ready to provide services and staff and the board chair were confident the vendor was able to execute the terms of the Request for Proposals.

On November 18, 2016, the board approved expanding the entities eligible to serve as official paper-based testing centers and defined the requirements for paper-based testing centers.

On November 16, 2018 the board instructed staff to proceed with renewal of existing contracts.

On February 1, 2019, the board approved the contract renewal for GED Testing Service with no amendments and approved the contract renewal for Educational Testing Service with an amendment to increase pricing for certain tests and services. Data Recognition Corporation notified TEA that it did not wish to renew its contract which would expire on August 31, 2019.

FISCAL IMPACT: None.

PUBLIC BENEFIT AND COST TO PERSONS: Individuals will have access to appropriate examinations aligned to Texas standards in order to be able to earn a Texas Certificate of High School Equivalency.

MOTION TO BE CONSIDERED: The State Board of Education:

Provide approval for TEA 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.

PUBLIC COMMENTS: None.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Cindee Tonnesen, Assistant Director, Texas Certificate of High School Equivalency, College, Career, and Military Preparation

**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**

November 14, 2019

**COMMITTEE ON INSTRUCTION: 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 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.

FUTURE ACTION EXPECTED: The review of 19 TAC Chapter 66, Subchapters A-C, will be presented to the SBOE for adoption at the January 2020 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 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. 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.

ANTICIPATED REVISIONS TO RULES: At the September 2019 meeting, the SBOE approved for first reading and filing authorization proposed revisions to 19 TAC Chapter 66, Subchapter B. A separate item in this agenda presents proposed revisions to 19 TAC Chapter 66, Subchapter B, for second reading and final adoption. As a result of the rule review, Texas Education Agency (TEA) staff do not anticipate presenting changes to 19 TAC Chapter 66, Subchapters A and C, at a future meeting.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 66, Subchapters A-C, with the Texas Register following the November 2019 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 66, Subchapters A-C, continue to exist. The public comment period on the proposed rule review begins December 20, 2019, and ends January 24, 2020. The Committee on Instruction will take registered oral and written comments on this item at the January 2020 meeting.

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:

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.

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

**Work Session Regarding Selection of Nominees for Appointment
to the School Land Board**

November 12, 2019

**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 nominees to be considered by the governor for appointment to the School Land Board.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Natural Resources Code ([NRC](#)), [§32.012](#) and [§32.013](#); 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.

NRC, §32.012 states that the School Land Board shall be composed of four citizens of the state appointed by the governor with the advice and consent of the senate. Two of the citizens appointed by the governor must be selected from lists of nominees submitted by the SBOE. The SBOE shall submit to the governor a list of six nominees for a vacant position. At least one of the citizens appointed must be a resident of a county with a population of less than 200,000.

NRC, §32.013 states that the appointed members of the School Land Board serve for terms of two years.

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.

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

PREVIOUS BOARD ACTION: At the September 2019 meeting, the board approved procedures for selecting nominees for appointment to the School Land Board.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 608, 86th Legislature, 2019, requires that two citizens appointed by the governor to the School Land Board must be selected from lists of nominees submitted by the SBOE. The SBOE must submit a list of six nominees for each vacant position. At least one of the citizens appointed must be a resident of a county with a population of less than 200,000.

A related action item can be found on the Thursday, November 14, agenda for 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

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)

November 15, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption proposed amendment to 19 Texas Administrative Code (TAC) Chapter 129, Student Attendance, Subchapter B, Student Attendance Accounting, §129.21, Requirements for Student Attendance Accounting for State Funding Purposes. The proposed amendment would update the rule to allow districts and charter schools flexibility for selecting an official attendance-taking time during the campus's instructional day. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §48.004 and §12.106.

TEC, §48.004, requires the commissioner, in accordance with rules adopted by the State Board of Education (SBOE), to require reports necessary to implement and administer the Foundation School Program.

TEC, §12.106, provides for charter schools to receive funding under certain conditions through TEC, Chapter 48.

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 is necessary to coincide with the adoption of the *2019-2020 Student Attendance Accounting Handbook*.

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §129.21 effective September 1, 1996. The SBOE last amended 19 TAC §129.21 effective March 29, 2018. The SBOE adopted the review of 19 TAC Chapter 129, Subchapters A and B, at its April 2019 meeting. A discussion item regarding the proposed amendment to 19 TAC §129.21 was included on the agenda for the Committee on School Finance/Permanent School Fund at the June 2019 SBOE meeting. At the September 2019 meeting, the SBOE approved the proposed amendment to 19 TAC §129.21 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 129.21 provides the student attendance accounting requirements school districts and open-enrollment charter schools must follow and describes the manner in which student attendance is earned. The rule also provides a list of conditions under which a student who is not actually on campus at the time attendance is taken may be considered in attendance for Foundation School Program funding purposes.

The proposed amendment to 19 TAC §129.21 is recommended as a result of the review of the rules in 19 TAC Chapter 129, Subchapters A and B, adopted by the SBOE in April 2019. The proposed amendment to §129.21 would change the requirement for the official attendance-taking time from the second or fifth instructional hour to any time selected during the campus's instructional day. This change would provide more flexibility for campuses.

The attachment to this item reflects the text of the amendment to 19 TAC §129.21 for consideration by the SBOE for second reading and final adoption.

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 by providing clarification of the timeframe during which attendance must be determined.

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 clarity regarding student attendance accounting procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no data 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 September 2019 SBOE meeting, notice of proposed amendment to 19 TAC §129.21 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 4, 2019, and ended November 8, 2019. 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 November 2019 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2019 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 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. *(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:

Leo Lopez, Associate Commissioner, School Finance
David Marx, Director, Financial Compliance
Yolanda Walker, Manager, Financial Compliance

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

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.

**Approval of Costs to Administer the 2019–2020 State-Developed Assessments to
Private School Students**

November 15, 2019

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: CONSENT**

SUMMARY: Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public-school district. This item requests approval of these costs for the 2019–2020 school year.

STATUTORY AUTHORITY: Texas Education Code (TEC), §39.033.

TEC, §39.033 states that through an agreement with TEA, private schools may administer adopted assessment instruments if private schools reimburse TEA the cost for administering the assessment. The per-student cost of administering adopted assessments is determined by the State Board of Education.

PREVIOUS BOARD ACTION: In November 2018, the SBOE approved the costs of administering the STAAR and TELPAS assessments to private school students for the 2018–2019 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: Since the spring 1996 test administration, private schools, including home schools, have been eligible to participate on a voluntary basis in the Texas assessment program. During the 2018–2019 school year, participation in these voluntary assessments for grades 3 through 12 involved 26 private schools and 4,802 students. The attachment lists the 2018–2019 participating private schools.

Under TEC, §39.033, private schools that administer the tests must enter into an agreement with the Texas Education Agency. The agreement requires private schools, as determined appropriate by the commissioner of education, to provide the commissioner the information listed in TEC, §39.053(c) and §39.301(c), which includes information to be used as indicators of academic performance, and to maintain confidentiality as required under TEC, §39.030. Private schools that participate in the assessments must provide reimbursement for the cost of administering the assessments, which may not exceed the per-student cost of administering the same assessment to a student enrolled in a public-school district. In addition, participating private schools must agree to test all eligible students and to administer the primary form of all subject-area tests available for a particular grade.

A critical component of the contract with private schools is the per-student cost for each instrument, which must be determined by the SBOE. The attachment displays the per-student cost for each test that will be available to private schools in the 2019–2020 school year. These figures were derived by taking the costs from the agency's contract for fiscal year 2019 and dividing by the number of testing booklets for each grade and test administered during the 2018–2019 school year. Using this method for determining the per-student cost ensures that the cost for assessing a private school student will not exceed the per-student cost for administering the same test to a public-school student. Costs cover developing tests and ancillary materials; printing, packaging, and shipping test materials; scoring tests; and reporting results. The attachment also provides assurances from both ETS and Pearson, the assessment vendors, that these costs do not exceed per-student test costs for the public schools.

FISCAL IMPACT: The figures provided in the attachment cover the costs of administering the STAAR and TELPAS assessments. There are no additional fiscal implications.

PUBLIC BENEFIT AND COST TO PERSONS: Both the public and students will benefit from the approval of these private school testing cost figures. Private schools can administer state-developed tests and use test results for program planning and as a guide for individual student remediation. Public schools will benefit in that students entering public school systems from private schools may have test scores available on the same instruments for which public schools are held accountable.

DATA AND REPORTING IMPACT: Private schools choosing to administer the statewide tests must agree to follow standard procedures for test administration, maintain security and confidentiality, and report to the commissioner their test results and other information outlined in TEC, §39.053(c) and §39.301(c).

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the per-student costs for administering the state assessments to private school students in 2019–2020 as listed in the attachment.

Staff Member Responsible:

Julie Guthrie, Director of Policy and Publications, Student Assessment

Attachment: Letter of Assurance from ETS and Pearson, Spring 2019 Participating Private Schools, and Recommended Costs for Administering Assessments to Private School Students for 2019–2020

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	369,881	\$1,611,886.99	\$4.36
English Language Arts	English I	414,697	\$7,220,207.58	\$17.41
	English II	383,399	\$7,220,207.58	\$18.83
Science	Biology	342,848	\$1,494,081.02	\$4.36
Social Studies	U.S. History	304,102	\$1,325,230.69	\$4.36
STAAR Grades 3-8				
Grade 3	Reading	395,800	\$1,525,033.44	\$3.85
	Mathematics			
Grade 3 (Spanish)	Reading	55,157	\$425,044.45	\$7.71
	Mathematics			
Grade 4	Reading	390,683	\$1,505,317.07	\$3.85
	Mathematics			
	Writing	382,974	\$5,910,350.08	\$15.43
Grade 4 (Spanish)	Reading	44,646	\$172,023.22	\$3.85
	Mathematics			
	Writing	40,554	\$625,861.18	\$15.43
Grade 5	Reading	379,541	\$1,462,386.63	\$3.85
	Mathematics			
	Science	374,488	\$1,442,917.91	\$3.85
Grade 5 (Spanish)	Reading	26,985	\$103,974.57	\$3.85
	Mathematics			
	Science	25,683	\$98,957.43	\$3.85
Grade 6	Reading	370,380	\$1,427,088.99	\$3.85
	Mathematics			
Grade 7	Reading	369,847	\$1,425,035.64	\$3.85
	Mathematics			
	Writing	360,405	\$5,562,047.75	\$15.43
Grade 8	Reading	395,110	\$1,522,375.16	\$3.85
	Mathematics			
	Science	362,915	\$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

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

November 14, 2019

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 August and September 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 August and September 2019**

November 15, 2019

**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 August and September 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 September 2019 meeting, the board approved purchases in the amount of \$1,687,046,391 and sales in the amount of \$1,622,061,401, conducted in the investment portfolio of the Permanent School Fund for the months of May through July 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

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)

November 15, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION
STATE BOARD OF EDUCATION: CONSENT

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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The rules being reviewed establish definitions, requirements, and procedures for the investment of the Permanent School Fund (PSF).

STATUTORY AUTHORITY: The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 33 is the Texas Education Code (TEC), §§7.102(c)(31) and (33), 43.0031-43.004, and 45.051-45.063; TGC, §2263.004; and the Texas Constitution, Article VII, §5(f).

TEC, §7.102(c)(31), states that the SBOE may invest the PSF within the limits of the authority granted by the Texas Constitution, Article VII, §5, and the TEC, Chapter 43. TEC, §7.102(c)(33), authorizes the SBOE to adopt an annual report on the status of the guaranteed bond program and states that the SBOE may adopt rules as necessary to administer the guaranteed bond program as provided under the TEC, Chapter 45, Subchapter C, Guaranteed Bonds.

TEC, §43.0031, requires the SBOE to adopt and enforce an ethics policy regarding management and investment of the PSF. TEC, §43.0032, requires disclosure of certain relationships with entities that provide services relating to the management and investment of the PSF, requires the board to define those relationships, and prohibits giving advice when relationships exist in certain circumstances. TEC, §43.0033, requires certain persons providing services to the SBOE regarding management and investment of the PSF to file expenditure reports. TEC, §43.0034, requires the SBOE to adopt forms for conflicts of interest and expenditure reports. TEC, §43.004, requires the SBOE to adopt written investment objectives for the PSF and employ a service to analyze the performance of the PSF.

TEC, Chapter 45, Subchapter C, authorizes the guarantee of bonds. TEC, §45.051, establishes definitions for the bond guarantee program. TEC, §45.052, extends the bond guarantee upon approval by the commissioner of education to independent school districts and charter districts. TEC, §45.053, establishes parameters around the amount of bonds that may be guaranteed and authorizes the SBOE to increase the limit on the bond guarantee program under certain circumstances. TEC, §45.0531, authorizes the SBOE to establish a reserve amount when implementing the bond guarantee. TEC, §45.0532, establishes the amount of guarantee available to charter districts and provides some limitations on when the guarantee may be granted. TEC, §45.054 and §45.0541, establish what bonds issued by a school district or a charter district may be eligible for the guarantee. TEC, §45.055, establishes the procedures and minimum requirements for an application for a bond guarantee. TEC, §45.056, establishes the investigation required following receipt of an application for the guarantee of bonds. TEC, §45.057, establishes what constitutes a guarantee endorsement. TEC, §45.0571, establishes a separate charter district bond guarantee reserve fund. TEC, §45.058, imposes a duty on school districts or charter districts to notify by a certain time when they are unable to pay maturing principal or interest. TEC, §45.059 and §45.0591, describe the

process required to make a payment from the PSF when a school district or charter district is unable to pay maturing principal or interest. TEC, §45.060, prohibits the acceleration of maturity when the PSF makes a payment. TEC, §45.061, establishes the process for reimbursement of the PSF after payment and authorizes certain setting of certain tax rates by the commissioner. TEC, §45.062, authorizes seeking attorney general assistance to compel action with regard to the guarantee program in certain circumstances. TEC, §45.063, authorizes the SBOE to adopt rules as necessary to implement the bond guarantee program.

The Texas Government Code, §2263.004, requires the SBOE to adopt by rule standards of conduct applicable to certain financial advisors or service providers.

The Texas Constitution, Article VII, §5, describes the PSF, the limit on distributions to the Available School Fund, the setting of spending rates by the SBOE, and the ten-year distribution test; authorizes a bond guarantee utilizing the PSF; and describes the management of the PSF by the SBOE.

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 33, Subchapter A, was presented to the Committee on School Finance/Permanent School Fund at the September 2019 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The rules in 19 TAC Chapter 33 establish investment objectives, policies, and guidelines for the PSF.

Section 33.1 describes the composition, limitation on distribution, and SBOE management of the PSF as required by the Texas constitution. Section 33.2 describes the yearly process by which the SBOE determines PSF distributions subject to the constitutional limitations. Section 33.5 describes the code of ethics and disclosures, including prescribed forms, that apply to members, relevant staff, and service providers regarding the management of the PSF as required by statute. Section 33.10 and §33.15 describe the investment policy of the PSF as required by statute. Section 33.20 describes the relevant duties of entities assisting the SBOE in their duty to manage the PSF, which ensures transparency and appropriate division of duties in fulfilling constitutional and statutory requirements. Section 33.25 describes the parameters that must be met by the SBOE investment managers, which ensures investments meet constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.30 establishes performance standards that the SBOE's PSF committee should follow to ensure management of the fund complies with constitutional, statutory, and policy objectives. Section 33.35 establishes guidelines for custodians and securities lending agents, which ensures investments meet constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.40 establishes the board's trading and brokerage policy to meet the statutory requirements of adopting policies and objectives. Section 33.45 establishes the board's policy regarding proxy voting as necessary given their constitutional and statutory investment authority. Section 33.50 establishes the socially and politically responsible investment policy of the board in accordance with statutory requirements to adopt an investment policy. Section 33.55 sets out the standards the SBOE uses in selecting outside expertise to ensure transparency and meeting the constitutional, statutory, and policy objectives established by and for the SBOE. Section 33.60 establishes requirements for performance and review procedures in accordance with statutory requirements to analyze performance. Section 33.65 and §33.67 establish the bond guarantee program for school districts and charter districts in accordance with the constitution and statutory directives.

The constitutional and statutory requirements governing the PSF and its investment, distribution, and guarantee of bonds remain in effect. Consequently, the need for the rules still exists.

If authorized by the SBOE, the Texas Education Agency (TEA) will file the adopted review with the Texas Register stating that the SBOE finds the reasons for adopting 19 TAC Chapter 33, Subchapter A, continue to exist.

ANTICIPATED REVISIONS TO RULES: A separate item in this agenda presents proposed amendments to 19 TAC Chapter 33, Subchapter A, for first reading and filing authorization.

PUBLIC COMMENTS: The TEA filed the review of 19 TAC Chapter 33, Subchapter A, with the Texas Register following the September 2019 SBOE meeting. The public comment period on the proposed review began October 4, 2019, and ended on November 8, 2019. At the time this item was prepared, no comments had been received regarding the review. Any public comments received will be provided to the SBOE during the November 2019 meeting. The SBOE will take registered oral and written comments on the proposed review at the committee meeting in November 2019 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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules

Staff Members Responsible:

Holland Timmins, Executive Administrator and Chief Investment Officer, Texas Permanent School Fund

Attachment: Text of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules

**ATTACHMENT
Text of 19 TAC**

**Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas
Permanent School Fund**

Subchapter A. State Board of Education Rules

§33.1. Constitutional Authority and Constitutional Restrictions.

- (a) The Texas Permanent School Fund (PSF) is comprised of the principal of investment assets and the principal arising from the sale of the lands set apart for the PSF, including dividends and other income to the fund. The total amount distributed from the permanent school fund to the available school fund:
- (1) must be an amount that is not more than 6.0% 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 the Texas Constitution, Article VII, §4, 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 subparagraph (A) of this paragraph; 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) In managing the assets of the PSF, the State Board of Education (SBOE) 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 the Texas Constitution, Article XVI, §70, 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.

§33.2. Distributions to the Available School Fund.

Each year, the State Board of Education (SBOE) shall determine whether a distribution to the Available School Fund (ASF) shall be made for the current state fiscal year. The SBOE shall determine whether such distribution is permitted under the Texas Constitution, Article VII, §5(a)(2). The annual determination for the current fiscal year shall include a projection of the expected total return of the Permanent School Fund (PSF) at the end of the current fiscal year and the realized returns during the nine preceding state fiscal years. Any one-year distribution to the ASF shall not exceed 6.0% of the average market value of the PSF, excluding real property managed, sold, or acquired under the Texas Constitution, Article VII, §4, as determined under the Texas Constitution, Article VII, §5(a)(1).

§33.5. Code of Ethics.

- (a) General principles. The Texas Permanent School Fund (PSF) is held in public trust for the benefit of the schoolchildren of Texas. All those charged with the management of the PSF will aspire to the highest standards of ethical conduct. The purpose of the PSF code of ethics is to assist and help guide all such persons in the proper discharge of their duties and to assist them in avoiding even the appearance of impropriety.
- (b) Fiduciary responsibility. The members of the State Board of Education (SBOE) serve as fiduciaries of the PSF and are responsible for prudently investing its assets. The SBOE members or anyone acting on their

behalf shall comply with the provisions of this section, the Texas Constitution, Texas statutes, and all other applicable provisions governing the responsibilities of a fiduciary.

- (c) Compliance with constitution and code of ethics. The SBOE members are public officials governed by the provisions of the Texas Government Ethics Act, as stated in the Texas Government Code, Chapter 572.
- (d) Definitions. For purposes of this chapter, the following terms shall have the following meanings.
 - (1) SBOE Member, for the purposes of the PSF code of ethics, means a member of the SBOE, and shall be deemed to include the SBOE Member or a person related to the member within the second degree of affinity or consanguinity.
 - (2) Person means any individual, corporation, firm, limited liability company, limited partnership, trust, association, or other legal entity.
 - (3) Investment manager or manager means a Person who manages and invests PSF assets and may be either an internal investment manager or an external investment manager.
 - (4) PSF Service Providers are the following Persons:
 - (A) any Person who is an external investment manager, as described in §33.20(b)(1) of this title (relating to Responsible Parties and Their Duties), or who is responsible by contract for providing legal advice regarding the PSF, executing PSF brokerage transactions, or acting as a custodian of the PSF;
 - (B) a member of the Committee of Investment Advisors;
 - (C) any Person who is Investment Counsel as described in §33.20(b)(4) of this title or provides consultant services for compensation regarding the management and investment of the PSF;
 - (D) any Person who provides investment and management advice to an SBOE Member, with or without compensation, if an SBOE Member:
 - (i) gives the Person access to PSF records or information that are identified as confidential; or
 - (ii) asks the Person to interview, meet with, or otherwise confer with a PSF Service Provider, Fund Manager, or TEA staff;
 - (E) any Person who is a member of the PSF staff who is responsible for managing or investing assets of the PSF, executing brokerage transactions, acting as a custodian of the PSF, or providing investment or management advice regarding the investment or management of the PSF to an SBOE Member or PSF staff;
 - (F) any Person who is a member of TEA legal staff who is responsible for providing legal advice regarding the investment or management of the PSF; or
 - (G) any Person who submits a response to a Request for Proposal (RFP) or Request for Qualifications (RFQ), or similar types of solicitations, while such response is pending. An applicant is not required to file reports under this section except as required in the RFP or RFQ process.
 - (5) Expenditure, for purposes of this section, means any expenditure other than an expenditure made on behalf of an employee acting in the scope of their employment.
 - (6) Fund Manager means the Person, except the Texas Education Agency (TEA) or a member of the PSF staff, who controls a non-publicly traded investment fund or other investment vehicle (which, by way of example but without limitation, may include a partnership, a limited liability company, trust, association, or other entity) in which the PSF is invested, such as the Person who acts as the vehicle's sponsor, general partner, managing member, manager, or adviser. For purposes of this chapter, Fund Managers are not considered to be PSF Service Providers, external investment managers, consultants, or Investment Counsel.

- (e) Assets affected by this section. The provisions of this section apply to all PSF assets, both publicly and nonpublicly traded investments.
- (f) General ethical standards.
 - (1) SBOE Members and PSF Service Providers must comply with all laws applicable to them, which may include one or more of the following statutes: Texas Government Code, Chapter 2263 (Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers), §572.051 (Standards of Conduct; State Agency Ethics Policy), §552.352 (Distribution or Misuse of Confidential Information), §572.002 (General Definitions), §572.004 (Definition: Regulation), §572.054 (Representation by Former Officer or Employee of Regulatory Agency Restricted; Criminal Offense), §572.058 (Private Interest in Measure or Decision; Disclosure; Removal from Office for Violation), §572.021 (Financial Statement Required), §2252.908 (Disclosure of Interested Parties), and Chapter 305 (Registration of Lobbyists); Texas Penal Code, Chapter 36 (Bribery and Corrupt Influence) and Chapter 39 (Abuse of Office); and Texas Education Code, §43.0031 (Permanent School Fund Ethics Policy), §43.0032 (Conflicts of Interest), and §43.0033 (Reports of Expenditures). The omission of any applicable statute listed in this paragraph does not excuse violation of its provisions. Fund Managers must comply with all applicable laws, including laws governing the investment vehicle, as provided in the governing documents of the investment vehicle.
 - (2) SBOE Members and PSF Service Providers must be honest in the exercise of their duties and must not take actions that will discredit the PSF.
 - (3) SBOE Members and PSF Service Providers shall be loyal to the interests of the PSF to the extent that such loyalty is not in conflict with other duties, which legally have priority. SBOE Members and PSF Service Providers shall avoid personal, employment, or business relationships that create conflicts of interest as defined in subsection (i)(1) of this section. Should an SBOE Member or a PSF Service Provider become aware of any conflict of interest involving himself or herself or another SBOE Member, PSF Service Provider, or Fund Manager, he or she has an affirmative duty to disclose the conflict to the SBOE chair and vice chair and the commissioner within seven days of discovering the conflict and, in the case of a conflict involving himself or herself, to cure the conflict in a manner provided for under this section prior to the next SBOE or committee meeting and such SBOE Member shall take no action nor participate in the RFP or RFQ process, or similar types of solicitations, that concerns the conflict.
 - (4) SBOE Members and PSF Service Providers shall not use nonpublic information gained through their relationship with the PSF to seek or obtain personal gain beyond agreed compensation and/or any properly authorized expense reimbursement. This should not be interpreted to forbid the use of PSF as a reference or the communication to others of the fact that a relationship with PSF exists, provided that no misrepresentation is involved.
 - (5) An SBOE Member shall report in writing the name and address of any PSF Service Provider, as defined by subsection (d)(4)(D) of this section, who provides investment and management advice to that SBOE Member. The SBOE Member shall submit the report to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider first providing investment and management advice to that SBOE Member.
 - (6) SBOE Members and PSF Service Providers shall report in writing any action described by the Texas Education Code, §7.108, to the commissioner of education for distribution to the SBOE within seven days of discovering the violation.
 - (7) A PSF Service Provider or Fund Manager shall not make any gift or donation to a school or other charitable interest on behalf of, at the request of, or in coordination with an SBOE Member. Any PSF Service Provider, Fund Manager, or SBOE Member shall disclose in writing to the commissioner of education any information regarding such a donation.
 - (8) A PSF Service Provider or Fund Manager shall disclose in writing to the commissioner of education for dissemination to all SBOE Members any business or financial transaction greater than \$50 in value with an SBOE Member, the commissioner of education, or any member of PSF

staff or TEA legal staff who is a PSF Service Provider within 30 days of the transaction. Excluded from this subsection are checking accounts, savings accounts, credit cards, brokerage accounts, mutual funds, or other financial accounts that are provided to the SBOE Member or to a member of the PSF staff or TEA legal staff under the same terms and conditions as they are provided to members of the general public.

- (9) An SBOE Member shall disclose in writing to the commissioner of education on a quarterly basis any business or financial transaction greater than \$50 in value between the SBOE Member, or a business entity in which the SBOE Member has a significant ownership interest, and a PSF Service Provider or Fund Manager. A report shall be filed even if there has not been a business or financial transaction greater than \$50 in value between the SBOE Member, or a business entity in which the SBOE Member has a significant ownership interest, and a PSF Service Provider or Fund Manager. Excluded from this subsection are checking accounts, savings accounts, credit cards, brokerage accounts, mutual funds, or other financial accounts that are provided to an SBOE Member under the same terms and conditions as they are provided to members of the general public. The reports shall be filed on or before January 15, April 15, July 15, and October 15 and shall cover the preceding three calendar months. The first report filed for each SBOE Member shall cover the preceding one-year period. Subsection (u) of this section does not apply to the first report filed. The commissioner of education shall communicate the information included in the disclosure to all SBOE Members.
- (g) Notification of disclosure. In order to preserve the integrity and public trust in the PSF, it is deemed necessary and appropriate to allow all SBOE Members a reasonable time to promptly review and respond to any disclosures or written inquiries made by applicants or made by PSF Service Providers as provided in SBOE operating procedures. In compliance with Texas Government Code, §2156.123, no SBOE Member or PSF Service Provider should publicly disclose any submission materials prior to completion of the RFP or RFQ process. For purposes of this subsection, an RFP or RFQ is completed upon final award of an RFP, or selection of qualified bidders for an RFQ, or closure without any selection. This subsection does not allow an SBOE Member to refrain from publicly disclosing a conflict of interest as required by subsections (f)(3) and (i)(4) of this section and Texas Government Code, §572.058.
- (h) Disclosure.
- (1) If an SBOE Member solicited a specific investment action by the PSF staff or a PSF Service Provider or a Fund Manager, the SBOE Member shall publicly disclose the fact to the SBOE in a public meeting. The disclosure shall be entered into the minutes of the meeting. For purposes of this section, a matter is a prospective directive to the PSF staff or a PSF Service Provider or a Fund Manager to undertake a specific investment or divestiture of securities for the PSF. This term does not include ratification of prior securities transactions performed by the PSF staff or a PSF Service Provider and does not include an action to allocate classes of assets within the PSF.
 - (2) In addition, an SBOE Member shall fully disclose any substantial interest in any publicly or nonpublicly traded PSF investment (business entity) on the SBOE Member's annual financial report filed with the Texas Ethics Commission pursuant to Texas Government Code, §572.021. An SBOE Member has a substantial interest if the SBOE Member:
 - (A) has a controlling interest in the business entity;
 - (B) owns more than 10% of the voting interest in the business entity;
 - (C) owns more than \$25,000 of the fair market value of the business entity;
 - (D) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10% of the profits, proceeds, or capital gains of the business entity;
 - (E) is a member of the board of directors or other governing board of the business entity;
 - (F) serves as an elected officer of the business entity; or
 - (G) is an employee of the business entity.

(i) Conflicts of interest.

- (1) A conflict of interest exists whenever SBOE Members or PSF Service Providers have business, commercial, or other relationships, including, but not limited to, personal and private relationships, that could reasonably be expected to diminish their independence of judgment in the performance of their duties. For example, a person's independence of judgment is diminished when the person is in a position to take action or not take action with respect to PSF and such act or failure to act is, may be, or reasonably appears to be influenced by considerations of personal gain or benefit rather than motivated by the interests of the PSF. Conflicts include, but are not limited to, beneficial interests in securities, corporate directorships, trustee positions, familial relationships, or other special relationships that could reasonably be considered a conflict of interest with the duties to the PSF. Further, Texas Education Code, §43.0032, requires disclosure and no participation, unless a waiver is granted, when an SBOE Member or a PSF Service Provider has a business, commercial, or other relationship that could reasonably be expected to diminish a person's independence of judgment in the performance of the person's responsibilities relating to the management or investment of the PSF. Such business, commercial, or other relationship is defined to be a relationship that is prohibited under Texas Government Code, §572.051, or that would require public disclosure under Texas Government Code, §572.058, or a relationship that does not rise to this level but that is determined by the SBOE to create an unacceptable risk to the integrity and reputation of the PSF investment program.
- (2) Any SBOE Member or PSF Service Provider who has a possible conflict of interest as defined in paragraph (1) of this subsection shall disclose the possible conflict to the commissioner of education and the chair and vice chair of the SBOE on the disclosure form. The disclosure form is provided in this paragraph entitled "Potential Conflict of Interest Disclosure Form."

Figure: 19 TAC §33.5(i)(2)
- (3) A person who files a statement under paragraph (2) of this subsection 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 SBOE, after consultation with the general counsel of the TEA, expressly waives this prohibition. The SBOE may delegate the authority to waive this prohibition. If a waiver is not granted by the SBOE or its delegate to an SBOE Member or a PSF Service Provider for a possible conflict of interest, the SBOE Member or PSF Service Provider may request an opinion from the Texas Ethics Commission as to a determination of whether a conflict of interest exists. An SBOE Member will be given the assistance of the TEA ethics advisor to help draft a request for an opinion, if such assistance is requested. When the SBOE Member or PSF Service Provider receives the opinion of the Texas Ethics Commission and if a waiver is still sought, the SBOE Member or PSF Service Provider shall forward the opinion to the SBOE chair and vice chair and the commissioner. An opinion of the Texas Ethics Commission that determines a conflict exists is final and the SBOE may not waive the conflict of interest. An opinion of the Texas Ethics Commission that determines that no conflict exists will automatically result in an SBOE waiver.
- (4) If an SBOE Member believes he or she has a conflict of interest based on the existence of certain relationships described in Texas Government Code, §572.058, the SBOE Member shall publicly disclose the conflict at an SBOE meeting or committee meeting and the SBOE Member shall not vote or otherwise participate in any decision involving the conflict. In accordance with Texas Government Code, §572.058, the SBOE may not waive the prohibition under this paragraph. This requirement is in addition to the requirement of filing a disclosure under paragraph (2) of this subsection.
- (5) Texas Government Code, §572.051, establishes standards of conduct for state officers and employees. SBOE Members and TEA employees shall abide by these standards.

(j) Prohibited transactions and interests.

- (1) For purposes of this section, the term "direct placement" (with respect to investments that are not publicly traded) is defined as a direct sale of fixed income securities, generally to institutional investors, with or without the use of brokers or underwriters, primarily offered to Qualified

Institutional Buyers (QIBs) and not registered by the Securities and Exchange Commission. The term does not include offerings or sales of interests in investment funds or investment vehicles.

- (2) For the purposes of this section, the term "placement agent" is defined as any third party, whether or not affiliated with a PSF Service Provider or Fund Manager, that is a party to an agreement or arrangement (whether written or oral) with a PSF Service Provider or Fund Manager for direct or indirect payment of a fee in connection with a PSF investment.
- (3) No SBOE Member or PSF Service Provider shall:
 - (A) have a financial interest in a direct placement investment of the PSF;
 - (B) serve as an officer, director, or employee of an entity in which a direct placement investment is made by the PSF; or
 - (C) serve as a consultant to, or receive any fee, commission or payment from, an entity in which a direct placement investment is made by the PSF.
- (4) No SBOE Member shall:
 - (A) act as a representative or agent of a third party in dealing with a PSF investment manager, Investment Counsel, or consultant in connection with a PSF investment; or
 - (B) be employed for two years after the end of his or her term on the SBOE with an organization in which the PSF invested, unless the organization's stock or other evidence of ownership is traded on the public stock or bond exchanges.
- (5) A PSF Service Provider shall
not act as a representative or agent of a third party in dealing with a PSF investment manager, Investment Counsel, or consultant in connection with a PSF investment.
- (6) A PSF Service Provider or Fund Manager shall, except as approved by the SBOE, not use a placement agent in connection with a PSF investment unless:
 - (A) the relationship of the PSF Service Provider or Fund Manager with the placement agent, any compensation, and a description of the services provided by the placement agent in connection with a PSF investment are disclosed in writing to PSF staff;
 - (B) the placement agent is registered with the Securities and Exchange Commission (SEC) or the Financial Industry Regulatory Authority (FINRA) or, if not required to register with the SEC or FINRA, is registered with an applicable regulatory body;
 - (C) such placement agent does not share any fees with a non-registered person or entity; and
 - (D) in executed closing documents for the PSF investment, the PSF Service Provider or Fund Manager contractually represents and warrants that the information provided about the placement agent is true, correct, and complete in all material respects, provided that information provided by the placement agent is, to the knowledge of the PSF Service Provider or Fund Manager, true, correct, and complete in all material respects.
- (7) A placement agent shall file campaign contribution reports in the same manner as does a PSF Service Provider under subsection (o)(1) of this section for the period during which the placement agent provides services in connection with a PSF investment.
- (k) Solicitation of support. No SBOE Member shall solicit or receive a campaign contribution on behalf of any political candidate, political party, or political committee from a PSF Service Provider or Fund Manager. The PSF Service Provider or Fund Manager shall report any such incident in writing to the commissioner of education for distribution to the SBOE.
- (l) Hiring external professionals. The SBOE may contract with investment managers to make or assist with PSF investments. The SBOE has the authority and responsibility to hire other external professionals, including custodians, Investment Counsel, or consultants. The SBOE shall select each professional based on merit and cost and subject to the provisions of §33.55 of this title (relating to Standards for Selecting

Consultants, Investment Managers, Custodians, and Other Professionals To Provide Outside Expertise for the Fund).

- (m) Responsibilities of PSF Service Providers and Fund Managers. The PSF Service Providers and Fund Managers shall be notified in writing of the code of ethics contained in this section. Any existing contracts for investment and any future investment shall strictly conform to this code of ethics. The PSF Service Provider or Fund Manager shall report in writing any suggestion or offer by an SBOE Member to deviate from the provisions of this section to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider or Fund Manager discovering the violation. The PSF Service Provider or Fund Manager shall report in writing any violation of this code of ethics committed by another PSF Service Provider or Fund Manager to the commissioner of education for distribution to the SBOE within 30 days of the PSF Service Provider or Fund Manager discovering the violation. A PSF Service Provider or other person retained in a fiduciary capacity must comply with the provisions of this section.
- (n) Gifts and entertainment.
- (1) Bribery. SBOE Members are prohibited from soliciting, offering, or accepting gifts, payments, and other items of value in exchange for an official act, including a vote, recommendation, or any other exercise of official discretion pursuant to Texas Penal Code, §36.02.
- (2) Acceptance of gifts.
- (A) An SBOE Member may not accept gifts, favors, services, or benefits that may reasonably tend to influence the SBOE Member's official conduct or that the SBOE Member knows or should know are intended to influence the SBOE Member's official conduct. For purposes of this paragraph, a gift does not include an item with a value of less than \$50, excluding cash, checks, loans, direct deposit, or negotiable instruments.
- (B) An SBOE Member may not accept a gift, favor, service, or benefit from a Person that the SBOE Member knows is interested or is likely to become interested in a charter, contract, purchase, payment, claim, or other pecuniary transaction over which the SBOE has discretion.
- (C) An SBOE Member may not accept a gift, favor, service, or benefit from a Person that the SBOE Member knows to be subject to the regulation, inspection, or investigation of the SBOE or the TEA.
- (D) An SBOE Member may not solicit, accept, or agree to accept a gift, favor, service, or benefit from a Person with whom the SBOE Member knows that civil or criminal litigation is pending or contemplated by the SBOE or the TEA.
- (E) Except as prohibited in subparagraphs (A)-(D) of this paragraph and subject to the requirements for PSF Service Providers, Fund Managers, and lobbyists in subparagraph (F) of this paragraph, an SBOE Member may accept a gift, favor, service, or benefit if it fits into one of the following categories:
- (i) items worth less than \$50, but may not be cash, checks, loans, or negotiable instruments;
- (ii) item is given in the context of a relationship, such as kinship, or a personal, professional, or business relationship that is independent of the SBOE Member's official capacity;
- (iii) fees for services rendered outside the SBOE Member's official capacity;
- (iv) government property issued by a governmental entity that allows the use of the property; or
- (v) food, lodging, entertainment, and transportation, if accepted as a guest and the donor is present.
- (F) In addition to the requirements of subparagraph (E) of this paragraph, the following provisions govern the disposition of an individual who is a PSF Service Provider or Fund

Manager or who is both a lobbyist registered with the Texas Ethics Commission and who represents a person subject to the SBOE's or the TEA's regulation, inspection, or investigation. A gift, favor, service, or benefit from a PSF Service Provider or Fund Manager or lobbyist will not be considered a violation of the prohibition set forth in subparagraph (C) of this paragraph.

- (i) An SBOE Member may not accept the following from a PSF Service Provider or Fund Manager or lobbyist, even if otherwise permitted under subparagraph (E) of this paragraph:
 - (I) loans, cash, checks, direct deposits, or negotiable instruments;
 - (II) transportation or lodging for a pleasure trip;
 - (III) transportation or lodging in connection with a fact-finding trip or to a seminar or conference at which the SBOE Member does not provide services;
 - (IV) entertainment worth more than \$250 in a calendar year;
 - (V) gifts, other than awards and mementos, that combined are worth more than \$250 in value for a calendar year. Gifts do not include food, entertainment, lodging, and transportation if accepted as a guest and the PSF Service Provider or Fund Manager or lobbyist is present; or
 - (VI) individual awards and mementos worth more than \$250 each if from a lobbyist or worth \$50 or more each if from a PSF Service Provider or Fund Manager.
 - (ii) An SBOE Member may accept food and beverages as a guest if the PSF Service Provider or Fund Manager or lobbyist is present.
- (G) An SBOE Member may not solicit, agree to accept, or accept an honorarium in consideration for services that the SBOE Member would not have been asked to provide but for the SBOE Member's official position. An SBOE Member may accept food, transportation, and lodging in connection with a speech performed as a result of the SBOE Member's position in accordance with the rulings with the Texas Ethics Commission, which may place limitations on the type of entity that may fund such travel. An SBOE Member must report the food, lodging, or transportation accepted under this subparagraph in the SBOE Member's annual personal financial statement.
- (H) Under no circumstances shall an SBOE Member accept a prohibited gift if the source of the gift is not identified or if the SBOE Member knows or has reason to know that the gift is being offered through an intermediary.
- (I) If an unsolicited prohibited gift is received by an SBOE Member, he or she should return the gift to its source. If that is not possible or feasible, the gift should be donated to charity. The SBOE Member shall report the return of the gift or the donation of the gift to the commissioner of education.
- (J) A PSF Service Provider or Fund Manager shall file a report annually with the TEA's PSF office, in the format specified by the PSF staff, on or before January 31 of each year. The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. The expenditure report must describe in detail any expenditure of more than \$50 made by the Person on behalf of:
- (i) an SBOE Member;
 - (ii) the commissioner of education; or
 - (iii) an employee of the TEA or of a nonprofit corporation created under the Texas Education Code, §43.006.

(K) A PSF Service Provider or Fund Manager shall file a report annually with the TEA's PSF office, in the format specified by the PSF staff, on or before January 31 of each year. The report will be deemed to be filed when it is actually received. The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. It shall list any individuals who served in any of the following capacities at any time during the reporting period:

- (i) all members of the governing body of the PSF Service Provider or Fund Manager;
- (ii) the officers of the PSF Service Provider or Fund Manager;
- (iii) any broker who conducts transactions with PSF funds;
- (iv) all members of the governing body of the firm of a broker who conducts transactions with PSF funds; and
- (v) all officers of the firm of a broker who conducts transactions with PSF funds.

(L) This subsection does not apply to campaign contributions.

(M) Each SBOE Member and each PSF Service Provider and Fund Manager shall, no later than April 15, file an annual report affirmatively disclosing any violation of this code of ethics known to that Person during the time period beginning January 1 and ending December 31 of the previous year which has not previously been disclosed in writing to the commissioner of education for distribution to all board members, or affirmatively state that the Person has no knowledge of any such violation. For purposes of this subparagraph only, "SBOE Member" means only the individual elected official.

(o) Campaign contributions.

(1) A PSF Service Provider or Fund Manager shall, no later than January 31 and July 31, file a semi-annual report of each political contribution that the PSF Service Provider or Fund Manager has made to an SBOE Member or a candidate seeking election to the SBOE in writing to the commissioner of education. The report shall be for the six-month time period preceding the reporting dates and include the name of each SBOE Member or candidate seeking election to the SBOE who received a contribution, the amount of each contribution, and date of each contribution. Subsection (u) of this section does not apply to the first report filed. A report shall be filed even if the PSF Service Provider or Fund Manager made no reportable contribution during the reporting period to an SBOE Member or a candidate seeking election to the SBOE. The commissioner of education shall communicate the information included in the disclosure to all SBOE Members.

(2) Any person or firm filing a response to an RFP or RFQ relating to the management and investments of the PSF shall disclose in the response whether at any time in the preceding four years from the due date of the response to the RFP or RFQ the person or firm has made a campaign contribution to a candidate for or member of the SBOE.

(p) Compliance with professional standards.

(1) SBOE Members and PSF Service Providers who are members of professional organizations which promulgate standards of conduct must comply with those standards.

(2) To the extent applicable to them, PSF Service Providers must comply with the Code of Ethics and Standards of Professional Conduct of the Chartered Financial Analyst Institute.

(q) Transactions involving PSF Service Providers or Fund Managers.

(1) A PSF Service Provider or Fund Manager other than a PSF executing broker shall not engage in any transaction involving the assets of the PSF with a Person who is an SBOE Member, Investment Counsel, a consultant to the SBOE or to an SBOE Member, or a member of the PSF staff or TEA legal staff who is responsible for managing or investing assets of the PSF or

providing investment or management advice or legal advice regarding the investment or management of the PSF.

- (2) A PSF Service Provider or Fund Manager other than a PSF executing broker shall report to the SBOE on a quarterly basis all investment transactions or trades and any fees or compensation paid or received in connection with the transactions or trades with a Person who is an SBOE Member, Investment Counsel, a consultant to the SBOE or an SBOE Member, or a member of the PSF staff or TEA legal staff who is responsible for managing or investing assets of the PSF or providing investment or management advice or legal advice regarding the investment or management of the PSF.
- (r) Compliance and enforcement.
- (1) The SBOE will enforce this section through its chair or vice chair or the commissioner of education.
 - (2) Any violation of this section will be reported to the chair and vice chair of the SBOE and the commissioner of education and a recommended action will be presented to the SBOE by the chair or the commissioner. A violation of this section may result in the termination of the contract or a lesser sanction. Repeated minor violations may also result in the termination of the contract. With respect to Fund Managers, the recommended action, if any, shall be limited to a withdrawal or other disposition of the PSF's interest in the investment vehicle, each in accordance with the governing documents of the investment vehicle and laws applicable thereto.
 - (3) The PSF compliance officer under the direction of the TEA confidentiality officer shall act as custodian of all statements, waivers, and reports required under this section for purposes of public disclosure requirements.
 - (4) The ethics advisor of the TEA shall respond to inquiries from the SBOE Members and PSF Service Providers concerning the provisions of this section. The ethics advisor may confer with the general counsel and the executive administrator of the PSF.
 - (5) No payment shall be made to a PSF Service Provider who has failed to timely file a completed report as described by subsection (m) of this section, until a completed report is filed.
- (s) Ethics training. The SBOE shall receive annual training regarding state ethics laws through the Texas Ethics Commission and the TEA's ethics advisor.
- (t) TEA general ethical standards. The commissioner of education and PSF staff shall comply with the General Ethical Standards for the Staff of the Permanent School Fund and the Commissioner of Education.
- (u) Reporting period. A new report required by an amendment to the code of ethics need only concern events after the effective date of the amendment. An amendment to a rule that presently requires a report does not affect the reporting period unless the amendment explicitly changes the reporting period.
- (v) Statutory statement.
- (1) A "statutory financial advisor or service provider" as defined in this subsection shall on or before April 15 file a statement as required by Texas Government Code, §2263.005, with the commissioner of education and the state auditor, for the previous calendar year. The statement will be deemed filed when it is actually received. A statutory financial advisor or service provider shall promptly file a new or amended statement with the commissioner of education and the state auditor whenever there is new information required to be reported under Texas Government Code, §2263.005(a).
 - (2) A "statutory financial advisor or service provider" is a member of the Committee of Investment Advisors or an individual or business entity, including a financial advisor, financial consultant, money or investment manager, or broker, who is not an employee of the TEA, but who provides financial services or advice to the TEA or the SBOE or an SBOE member in connection with the management and investment of the PSF and who may reasonably be expected to receive, directly or indirectly, more than \$5,000 in compensation from the TEA or the SBOE during a fiscal year.

- (3) An annual statement required to be filed under this subsection will be made using the form developed by the state auditor.

§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 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 invest according to the prudent person rule; and
 - (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) 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 rate of return objectives; and
 - (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, establishes the Available School Fund, the Texas Permanent School Fund (PSF), and the State Board of Education (SBOE), and 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 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.
- (c) The SBOE shall meet on a regular or as-needed basis to conduct the affairs of the PSF.
- (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.

- (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;
 - (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) representing the PSF to the state.
- (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.
- (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.

§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;
 - (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;
 - (6) borrowing by pledging or otherwise encumbering PSF assets;
 - (7) purchasing the equity or debt securities of the PSF investment manager's own organization or an affiliated organization;
 - (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;
 - (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;
 - (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;
 - (11) purchasing tax exempt bonds;
 - (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;
 - (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;
 - (14) purchasing short-term money market instruments rated below A-1 by Standard & Poor's or P-1 by Moody's;
 - (15) engaging in any transaction that results in unrelated business taxable income (excluding current holdings);
 - (16) engaging in any transaction considered a "prohibited transaction" under the Internal Revenue Code or the Employee Retirement Income Security Act (ERISA);
 - (17) purchasing precious metals or other commodities;
 - (18) engaging in any transaction that would leverage a manager's position;

- (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
 - (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 an 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), for each asset class in which the assets of the PSF 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:
 - (-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;

- (-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.

§33.40. Trading and Brokerage Policy.

- (a) Security transaction policy.
 - (1) The following principles shall guide all Texas Permanent School Fund (PSF) transactions.
 - (A) Each manager shall be responsible for complying fully with PSF policies for trading securities and selecting brokerage firms, as specified in this section. 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.
 - (B) Ongoing efforts must be made to reduce trading costs, in terms of both commissions and market impact, provided the investment returns of the PSF are not jeopardized.
 - (2) The State Board of Education (SBOE) may enter into brokerage commission recapture agreements or soft dollar agreements.
 - (3) The SBOE may evaluate transaction activity annually through a trading cost analysis.
- (b) Directed trades. The SBOE may adopt directed trade procedures for the PSF portfolio according to procedures developed by the SBOE Committee on School Finance/Permanent School Fund.
- (c) Guidelines for selecting a brokerage firm and standards of ethical conduct for brokerage firms.
 - (1) Introduction and basic principles.
 - (A) The SBOE intends that any transaction of publicly traded security occur through a brokerage firm or automated trading system, regardless of location, to obtain the lowest transaction cost consistent with best execution.

- (B) Each investment manager shall be responsible for selecting brokerage firms or automated trading systems through which PSF trading shall be completed. The selections must meet PSF guidelines and be for the exclusive benefit of the PSF.
- (2) Guidelines for selection and standards of ethical conduct. The broker or dealer firm must:
- (A) have appropriate trading and market expertise;
 - (B) have comprehensive, proprietary, in-house research capabilities;
 - (C) be in compliance with applicable federal and Texas laws related to conducting business as a broker or dealer, including the Anti-Fraud provisions of the Securities Exchange Act of 1934;
 - (D) be a member in good standing of the major financial exchanges;
 - (E) have on-site, in-house trading capability and direct access to major markets;
 - (F) have in-house access to trading support equipment;
 - (G) trade for competitive rates that provide the lowest transaction cost consistent with best execution;
 - (H) be financially able to accommodate a capital commitment trade over an industry standard settlement period;
 - (I) have the ability and record to clear and settle trades without unnecessary delays or fails; and
 - (J) have been in business as a broker or dealer for a reasonable period of time to ensure financial and operational stability.
- (3) Exemptions.
- (A) Broker/dealer firms that are certified as Texas based historically underutilized businesses (HUBs) are exempted from the requirements specified in paragraph (2)(B), (D), and (H) of this subsection; and
 - (B) broker/dealer firms that are operating as electronic communication networks are exempted from the requirements specified in paragraph (2)(B) of this subsection.
- (4) Reporting requirements. The executive administrator of the PSF will report to the SBOE Committee on School Finance/Permanent School Fund, on an ongoing basis, a list of broker dealers with whom the PSF has conducted business during the fiscal year that have been granted exemptions under paragraph (2)(B), (D), and (H) of this subsection and will identify the specific exemptions granted.
- (5) Review and evaluation. At least annually, the SBOE Committee on School Finance/Permanent School Fund shall review the brokerage firms used by PSF investment managers and all transactions for compliance with the provisions of this section.
- (6) Broker expenditure report. A broker shall file a report annually on April 15 of each year on the expenditure report provided in §33.5(n)(2)(J) of this title (relating to Code of Ethics) entitled "Report of Expenditures of Persons Providing Services to the State Board of Education Relating to the Management and Investment of the Permanent School Fund." The report shall be for the time period beginning on January 1 and ending on December 31 of the previous year. The expenditure report must describe in detail any expenditure of more than \$50 made by the person on behalf of:
- (A) an SBOE Member;
 - (B) the commissioner of education; or
 - (C) an employee of the Texas Education Agency or of a nonprofit corporation created under the Texas Education Code, §43.006.

§33.45. Proxy Voting Policy.

The State Board of Education (SBOE) recognizes its fiduciary obligations with respect to the voting of proxies of companies with securities that are owned by the Texas Permanent School Fund (PSF). Because the issues related to proxy voting are complex and directly impact investment values, the SBOE believes the PSF is best suited to vote the proxies of shares held in the PSF portfolio. Therefore, as part of the PSF investment policy, the SBOE instructs the PSF executive administrator and investment staff to vote all of the PSF proxies of companies according to the following guidelines. The executive administrator may delegate voting of proxies of securities not held in internally managed portfolios to external investment managers or proxy voting companies, provided voting is in accordance with the following guidelines.

- (1) Routine matters. Routine proxy proposals shall be voted in support of company proposals unless there is a clear reason not to do so. Routine matters include:
 - (A) electing directors;
 - (B) determining the size of a board;
 - (C) changing a corporate name;
 - (D) appointing an auditor;
 - (E) splitting stock;
 - (F) amending articles of incorporation that are required to comply with federal or state regulation; and
 - (G) changing the date, time, or location of an annual meeting.
- (2) Business matters. Business proposals that do not eliminate the rights of shareholders, especially minority shareholders, or the status of securities held, including ownership status, shall not be treated as routine; rather, they shall be carefully analyzed. These issues may be voted with management. However, business proposals that are nonroutine or would impair the economic interests of shareholders shall be voted against management. Examples of such proposals include:
 - (A) requests to alter bylaws to require a super majority to approve mergers;
 - (B) anti-takeover proposals that could restrict tender offers or deny majority owners from exercising judgment;
 - (C) proposals to dilute existing shares by issuing substantially more stock without a adequate explanation by management; and
 - (D) proposals that would enrich management excessively or substantially increase compensation awards or employment contracts to senior management that become effective when ownership of the company changes (also known as "golden parachute" awards).
- (3) Other matters. On all other matters, the PSF executive administrator, investment staff, and external investment managers shall vote proxies judged to be in the best interests of the PSF.
- (4) Reporting to SBOE. At each regularly scheduled SBOE meeting, the PSF executive administrator shall advise the SBOE of all instances in which the PSF executive administrator or external investment managers voted against management. External investment managers shall provide written reports monthly to the executive administrator according to procedures and a format established by the executive administrator.

§33.50. Socially and Politically Responsible Investment Policy.

Investments shall be considered based on the prudent person rule and the provisions of this chapter. Investments shall provide the highest return commensurate with the lowest risk and shall be diversified.

§33.55. Standards for Selecting Consultants, Investment Managers, Custodians, and Other Professionals To Provide Outside Expertise for the Fund.

The State Board of Education (SBOE) may retain qualified professionals to assist in investment and related matters.

- (1) Basis for selection. The SBOE shall retain professional assistance based on the demonstrated ability of the professional to provide the expertise or assistance needed along with the proposed cost of the service in order to provide the best overall value for the Permanent School Fund. For each type of expertise, relevant and objective criteria shall be established to judge and select experts.
- (2) Types of expertise for consideration. Examples of professionals or specialized expertise the SBOE may retain include: investment managers, accountants, consultants, legal counsel, custodians, security lending agents, and system specialists.
- (3) Process for selecting professional assistance. The SBOE shall establish and maintain in the Texas Permanent School Fund (PSF) Procedures Manual an objective process for selecting expertise or assistance. The SBOE Committee on School Finance/Permanent School Fund shall periodically review the process to ensure it reflects SBOE objectives.

§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) 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.
- (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.
- (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.

§33.65. Bond Guarantee Program for School Districts.

- (a) Statutory provision. The commissioner of education must administer the guarantee program for school district bonds according to the provisions of the Texas Education Code (TEC), Chapter 45, Subchapter C.
- (b) Definitions. The following definitions apply to the guarantee program for school district bonds.
 - (1) Annual debt service--Payments of principal and interest on outstanding bonded debt scheduled to occur between September 1 and August 31 during the fiscal year in which the guarantee is sought as reported by the Municipal Advisory Council (MAC) of Texas or its successor, if the district has outstanding bonded indebtedness.
 - (A) The annual debt service will be determined by the current report of the bonded indebtedness of the district as reported by the MAC of Texas or its successor as of the date of the application deadline.
 - (B) The annual debt service does not include:
 - (i) the amount of debt service to be paid on the bonds for which the reservation is sought; or
 - (ii) the amount of debt service attributable to any debt that is no longer outstanding at the application deadline, provided that the Texas Education Agency (TEA) has sufficient evidence of the discharge or defeasance of such debt.
 - (C) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement, or if there is no official statement, debt service amounts based on the maximum rate permitted by the bond order or other bond proceeding that establishes a maximum interest rate for the bonds.
 - (2) Application deadline--The last business day of the month in which an application for a guarantee is filed. Applications must be submitted electronically through the website of the MAC of Texas or its successor by 5:00 p.m. on the last business day of the month to be considered in that month's application processing.
 - (3) Average daily attendance (ADA)--Total refined average daily attendance as defined by the TEC, §42.005.
 - (4) Bond--A debt security issuance approved by the attorney general, issued under the TEC, §45.003 or §45.004, to provide long-term financing with a maturity schedule of at least three years.
 - (5) Bond Guarantee Program (BGP)--The guarantee program that is described by this section and established under the TEC, Chapter 45, Subchapter C.
 - (6) Bond order--The order adopted by the governing body of a school district that authorizes the issuance of bonds and the pricing certificate, if any, establishing the terms of the bonds executed pursuant to such order.
 - (7) Combination issue--An issuance of bonds for which an application for a guarantee is filed that includes both a new money portion and a refunding portion, as permitted by the Texas Government Code, Chapter 1207. The eligibility of combination issues for the guarantee is limited by the eligibility of the new money and refunding portions as defined in this subsection.

- (8) Enrollment growth--Growth in student enrollment, as defined by §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook), that has occurred over the previous five school years.
- (9) Nationally recognized investment rating firm--An investment rating firm that is designated by the United States Securities and Exchange Commission as a nationally recognized statistical rating organization (NRSRO) and is demonstrating that it has:
- (A) had its current NRSRO designation for at least three consecutive years;
 - (B) provided credit ratings to each of the following:
 - (i) fifteen or more fixed income securities denominated in United States dollars and issued during the immediately preceding three years; and
 - (ii) ten or more school districts in the United States; and
 - (C) a documented separation of duties between employees involved in credit analysis and employees involved in business relationships with clients.
- (10) New money issue--An issuance of bonds for the purposes of constructing, renovating, acquiring, and equipping school buildings; the purchase of property; or the purchase of school buses. An issuance of bonds for the purpose of constructing teacher or student housing is eligible for the guarantee for new money only if it is an integral part of the educational mission of the school district as determined by the commissioner. Eligibility for the guarantee for new money issues is limited to the issuance of bonds authorized under the TEC, §45.003. A new money issue does not include the issuance of bonds to purchase a facility from a public facility corporation created by the school district or to purchase any property that is currently under a lease-purchase contract under the Local Government Code, Chapter 271, Subchapter A. A new money issue does not include an issuance of bonds to refinance any type of maintenance tax-supported debt. Maintenance tax-supported debt includes, but is not limited to:
- (A) time warrants or loans entered under the TEC, Chapter 45, Subchapter E; or
 - (B) any other type of loan or warrant that is not supported by bond taxes as defined by the TEC, §45.003.
- (11) Notes issued to provide interim financing--An issuance of notes, including commercial paper notes, designed to provide short-term financing for the purposes of constructing, renovating, acquiring, and equipping school buildings; the purchase of property; or the purchase of school buses. For notes to be eligible for the guarantee under this section, the notes must be:
- (A) issued to pay costs for which bonds have been authorized at an election occurring before the issuance of the notes;
 - (B) approved by the attorney general or issued in accordance with proceedings that have been approved by the attorney general; and
 - (C) refunded by bonds issued to provide long-term financing no more than three years from the date of issuance of such notes, provided that the date of issuance of notes will be determined by reference to the date on which the notes were issued for capital expenditures and the intervening date or dates of issuance of any notes issued to refinance outstanding notes will be disregarded.
- (12) Refunding issue--An issuance of bonds for the purpose of refunding bonds, including notes issued to provide interim financing, that are supported by bond taxes as defined by the TEC, §45.003. Eligibility for the guarantee for refunding issues is limited to refunding issues that refund bonds, including notes issued to provide interim financing, that were authorized by a bond election under the TEC, §45.003.
- (13) Total debt service--Total outstanding principal and interest on bonded debt.

- (A) The total debt service will be determined by the current report of the bonded indebtedness of the district as reported by the MAC of Texas or its successor as of the date of the application deadline, if the district has outstanding bonded indebtedness.
- (B) The total debt service does not include:
 - (i) the amount of debt service to be paid on the bonds for which the reservation is sought; or
 - (ii) the amount of debt service attributable to any debt that is no longer outstanding at the application deadline, provided that the TEA has sufficient evidence of the discharge or defeasance of such debt.
- (C) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement, or if there is no official statement, debt service amounts based on the maximum rate permitted by the bond order or other bond proceeding that establishes a maximum interest rate for the bonds.

(c) Data sources.

- (1) The following data sources will be used for purposes of prioritization:
 - (A) projected ADA for the current school year as adopted by the legislature for appropriations purposes;
 - (B) final property values certified by the comptroller of public accounts, as described in the Texas Government Code, Chapter 403, Subchapter M, for the tax year preceding the year in which the bonds will be issued. If final property values are unavailable, the most recent projection of property values by the comptroller, as described in the Texas Government Code, Chapter 403, Subchapter M, will be used;
 - (C) debt service information reported by the MAC of Texas or its successor as of the date of the application deadline; and
 - (D) enrollment information reported to the Public Education Information Management System (PEIMS) for the five-year time period ending in the year before the application date.
- (2) The commissioner may consider adjustments to data values determined to be erroneous or not reflective of current conditions before the deadline for receipt of applications for that application cycle.

(d) Bond eligibility.

- (1) Only those combination, new money, and refunding issues as defined in subsection (b)(7), (10), and (12), respectively, of this section are eligible to receive the guarantee.
- (2) Refunding issues must comply with the following requirements to retain eligibility for the guarantee for the refunding bonds, except that subparagraph (C) of this paragraph does not apply to a refunding issue that provides long-term financing for notes issued to provide interim financing.
 - (A) As with any district applying for approval for the guarantee, the district issuing the refunding bonds must meet the requirements for initial approval specified in subsection (g)(2)(A) of this section.
 - (B) The bonds to be refunded must have been:
 - (i) previously guaranteed by the Permanent School Fund (PSF) or approved for credit enhancement under §61.1038 of this title (relating to School District Bond Enhancement Program);
 - (ii) issued on or after November 1, 2008, and before January 1, 2010; or

- (iii) issued as notes to provide interim financing as defined in subsection (b)(11) of this section.
 - (C) The district must demonstrate that issuing the refunding bond(s) will result in a present value savings to the district and that the refunding bond or bonds will not have a maturity date later than the final maturity date of the bonds being refunded. Present value savings is determined by computing the net present value of the difference between each scheduled payment on the original bonds and each scheduled payment on the refunding bonds. Present value savings must be computed at the true interest cost of the refunding bonds. If the commissioner approves refunding bonds for the guarantee based on evidence of present value savings but at the time of the sale of the refunding bonds a present value savings is not realized, the commissioner may revoke the approval of the bonds for the guarantee.
 - (D) The refunding transaction must comply with the provisions of subsection (g)(4)(A)-(C) of this section.
 - (3) If a district files an application for a combination issue, the application will be treated as an application for a single issue for the purposes of eligibility for the guarantee. A guarantee for the combination issue will be awarded only if both the new money portion and the refunding portion meet all of the applicable eligibility requirements described in this section. As part of its application, the applicant district must present data that demonstrate compliance for both the new money portion of the issue and the refunding portion of the issue.
 - (4) If the commissioner determines that an applicant has deliberately misrepresented information related to a bond issue to secure a guarantee, the commissioner must revoke the approval of the bonds for the guarantee.
- (e) Determination of PSF capacity to guarantee bonds.
- (1) Each month the commissioner will estimate the available capacity of the PSF. If necessary, the commissioner will confirm that the PSF has sufficient capacity to guarantee the bonds before the issuance of the final approval for the guarantee in accordance with subsection (g)(3) of this section. The calculation of capacity will be based on a multiplier of three and one-half times the cost value of the PSF with the proviso that under no circumstances could the capacity of the fund exceed the limits set by federal regulation. The commissioner may reduce the multiplier to maintain the AAA credit rating of the PSF. Changes to the multiplier made by the commissioner are to be ratified or rejected by the State Board of Education (SBOE) at the next meeting for which the item can be posted.
 - (2) The SBOE will establish an amount of capacity to be held in reserve of no less than 5.0% of the fund's capacity. The reserved capacity can be used to award guarantees for districts that experience unforeseen catastrophes or emergencies that require the renovation or replacement of school facilities as described in the TEC, §44.031(h). The amount to be held in reserve may be increased by a majority vote of the SBOE based on changes in the asset allocation and risk in the portfolio and unrealized gains in the portfolio, or by the commissioner as necessary to prudently manage fund capacity. Changes to the amount held in reserve made by the commissioner are to be ratified or rejected by the SBOE at the next meeting for which the item can be posted.
 - (3) The net capacity of the PSF to guarantee bonds is determined by subtracting the amount to be held in reserve, as determined under paragraph (2) of this subsection, from the total available capacity, as described in paragraph (1) of this subsection.
- (f) Application process and application processing.
- (1) Application submission and fee. A district must apply to the commissioner for the guarantee of eligible bonds or the credit enhancement of eligible bonds as authorized under §61.1038 of this title by submitting an application electronically through the website of the MAC of Texas or its successor. The district must submit the information required under the TEC, §45.055(b), and this section and any additional information the commissioner may require. The application and all additional information required by the commissioner must be received before the application will

be processed. The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

- (A) The application fee is \$1,500.
 - (B) The fee is due at the time the application for the guarantee or the credit enhancement is submitted. An application will not be processed until the fee has been remitted according to the directions provided on the website of the MAC of Texas or its successor and received by the TEA.
 - (C) The fee will not be refunded to a district that:
 - (i) is not approved for the guarantee or the credit enhancement; or
 - (ii) does not sell its bonds before the expiration of its approval for the guarantee or the credit enhancement.
 - (D) The fee may be transferred to a subsequent application for the guarantee or the credit enhancement by the district if the district withdraws its application and submits the subsequent application before the expiration of its approval for the guarantee or the credit enhancement.
- (2) Application prioritization and processing. Applications will be prioritized based on districts' property wealth per ADA, with the application of a district with a lower property wealth per ADA prioritized before that of a district with a higher property wealth per ADA. All applications received during a calendar month will be held until up to the 15th business day of the subsequent month. On or before the 15th business day of each month, the commissioner will announce the results of the prioritization and process applications for initial approval for the guarantee, up to the available net capacity as of the application deadline, subject to the requirements of this section.
- (A) Approval for guarantees will be awarded each month beginning with the districts with the lowest property wealth per ADA until the PSF reaches its net capacity to guarantee bonds.
 - (B) Approval for guarantees will be awarded based on the fund's capacity to fully guarantee the bond issue for which the guarantee is sought. Applications for bond issues that cannot be fully guaranteed will not receive an award. The amount of bond issue for which the guarantee was requested may not be modified after the monthly application deadline for the purposes of securing the guarantee during the award process. If PSF net capacity has been exhausted, the commissioner will process the application for approval of the credit enhancement as specified in §61.1038 of this title.
 - (C) The actual guarantee of the bonds is subject to the approval process prescribed in subsection (g) of this section.
 - (D) An applicant school district is ineligible for consideration for the guarantee if its lowest credit rating from any nationally recognized investment rating firm as defined in subsection (b)(9) of this section is the same as or higher than that of the PSF.
- (3) Late application. An application received after the application deadline will be considered a valid application for the subsequent month, unless withdrawn by the submitting district before the end of the subsequent month.
- (4) Notice of application status. Each district that submits a valid application will be notified of the application status within 15 business days of the application deadline.
- (5) Reapplication. If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the time period specified in subsection (g)(4) of this section, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months.
- (g) Approval for the guarantee; district responsibilities on receipt of approval.

- (1) Initial and final approval provisions.
 - (A) If, during the monthly estimation of PSF capacity described in subsection (e)(1) of this section, the commissioner determines that the available capacity of the PSF is 10% or less, the commissioner may require an applicant school district to obtain final approval for the guarantee as described in paragraph (3) of this subsection.
 - (B) If the commissioner has not made such a determination:
 - (i) the commissioner will consider the initial approval described in paragraph (2) of this subsection as both the initial and final approval; and
 - (ii) an applicant school district that has received notification of initial approval for the guarantee, as described in paragraph (2) of this subsection, may consider that notification as notification of initial and final approval for the guarantee and may complete the sale of the applicable bonds.
- (2) Initial approval.
 - (A) The following provisions apply to all applications for the guarantee, regardless of whether an application is for a new money, refunding, or combination issue. Under the TEC, §45.056, the commissioner will investigate the applicant school district's accreditation status and financial status. A district must be accredited and financially sound to be eligible for initial approval by the commissioner. The commissioner's review will include the following:
 - (i) the purpose of the bond issue;
 - (ii) the district's accreditation status as defined by §97.1055 of this title (relating to Accreditation Status) in accordance with the following:
 - (I) if the district's accreditation status is Accredited, the district will be eligible for consideration for the guarantee;
 - (II) if the district's accreditation status is Accredited-Warning or Accredited-Probation, the commissioner will investigate the underlying reason for the accreditation rating to determine whether the accreditation rating is related to the district's financial soundness. If the accreditation rating is related to the district's financial soundness, the district will not be eligible for consideration for the guarantee; or
 - (III) if the district's accreditation status is Not Accredited-Revoked, the district will not be eligible for consideration for the guarantee;
 - (iii) the district's compliance with statutes and rules of the TEA; and
 - (iv) the district's financial status and stability, regardless of the district's accreditation rating, including approval of the bonds by the attorney general under the provisions of the TEC, §45.0031 and §45.005.
 - (B) The following limitation applies to applications for new money issues of bonds for which the election authorizing the issuance of the bonds was called after July 15, 2004. The commissioner will limit approval for the guarantee to a district that has, at the time of the application for the guarantee, less than 90% of the annual debt service of the district with the highest annual debt service per ADA, as determined by the commissioner annually, or less than 90% of the total debt service of the district with the highest total debt service per ADA, as determined by the commissioner annually. The limitation will not apply to school districts that have enrollment growth, as defined in subsection (b)(8) of this section, of at least 25%, based on PEIMS data on enrollment available at the time of application. The annual debt service amount is the amount defined by subsection (b)(1) of this section. The total debt service amount is the amount defined by subsection (b)(13) of this section.

- (C) The commissioner will grant or deny initial approval for the guarantee based on the review described in subparagraph (A) of this paragraph and the limitation described in subparagraph (B) of this paragraph and will provide an applicant district whose application has received initial approval for the guarantee written notice of initial approval.
- (3) Final approval. The provisions of this paragraph apply only as described in paragraph (1) of this subsection. A district must receive final approval before completing the sale of the bonds for which the district has received notification of initial approval.
- (A) A district that has received initial approval must provide a written notice to the TEA two business days before issuing a preliminary official statement (POS) for the bonds that are eligible for the guarantee or two business days before soliciting investment offers, if the bonds will be privately placed without the use of a POS.
 - (i) The district must receive written confirmation from the TEA that the capacity continues to be available before proceeding with the public or private offer to sell bonds.
 - (ii) The TEA will provide this notification within one business day of receiving the notice of the POS or notice of other solicitation offers to sell the bonds.
 - (B) A district that received confirmation from the TEA in accordance with subparagraph (A) of this paragraph must provide written notice to the TEA of the placement of an item to approve the bond sale on the agenda of a meeting of the school board of trustees no later than two business days before the meeting. If the bond sale is completed pursuant to a delegation by the board to a pricing officer or committee, notice must be given to the TEA no later than two business days before the execution of a bond purchase agreement by such pricing officer or committee.
 - (i) The district must receive written confirmation from the TEA that the capacity continues to be available for the bond sale before the approval of the sale by the school board of trustees or by the pricing officer or committee.
 - (ii) The TEA will provide this notification within one business day before the date that the district expects to complete the sale by official action of the board or of a pricing officer or committee.
 - (C) The TEA will process requests for final approval from districts that have received initial approval on a first come, first served basis. Requests for final approval must be received before the expiration of the initial approval.
 - (D) A district may provide written notification as required by this paragraph by facsimile transmission or by email in a manner prescribed by the commissioner.
- (4) District responsibilities on receipt of approval.
- (A) Once a district is awarded initial approval for the guarantee, each issuance of the bonds must be approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee. The initial approval for the guarantee will expire at the end of the 180-day period. The commissioner may extend the 180-day period, based on extraordinary circumstances, on receiving a written request from the district or the attorney general before the expiration of the 180-day period.
 - (B) If the bonds are not approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee, the commissioner will consider the application withdrawn, and the district must reapply for a guarantee.
 - (C) If applicable, the district must comply with the provisions for final approval described in paragraph (3) of this subsection to maintain approval for the guarantee.
 - (D) A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee.

- (h) Financial exigency. The following provisions describe how a declaration of financial exigency under §109.2001 of this title (relating to Financial Exigency) affects a district's application for guarantee approval or a district's previously granted approval.
- (1) Application for guarantee of new money issue. The commissioner will deny approval of an application for the guarantee of a new money issue if the applicant school district has declared a state of financial exigency for the district's current fiscal year. The denial of approval will be in effect for the duration of the applicable fiscal year unless the district can demonstrate financial stability.
 - (2) Approval granted before declaration. If in a given district's fiscal year the commissioner grants approval for the guarantee of a new money issue and the school district subsequently declares a state of financial exigency for that same fiscal year, the district must immediately notify the commissioner and may not offer the bonds for sale unless the commissioner determines that the district may proceed.
 - (3) Application for guarantee of refunding issue. The commissioner will consider an application for the guarantee of a refunding issue that meets all applicable requirements specified in this section even if the applicant school district has declared a state of financial exigency for the district's current fiscal year. In addition to fulfilling all applicable requirements specified in this section, the applicant school district must also describe, in its application, the reason financial exigency was declared and how the refunding issue will support the district's financial recovery plan.
- (i) Allocation of specific holdings. If necessary to successfully operate the BGP, the commissioner may allocate specific holdings of the PSF to specific bond issues guaranteed under this section. This allocation will not prejudice the right of the SBOE to dispose of the holdings according to law and requirements applicable to the fund; however, the SBOE will ensure that holdings of the PSF are available for a substitute allocation sufficient to meet the purposes of the initial allocation. This allocation will not affect any rights of the bond holders under law.
- (j) Defeasance. The guarantee will be completely removed when bonds guaranteed by the BGP are defeased, and such a provision must be specifically stated in the bond order. If bonds guaranteed by the BGP are defeased, the district must notify the commissioner in writing within ten calendar days of the action.
- (k) Bonds issued before August 15, 1993. For bonds issued before August 15, 1993, a school district seeking the guarantee of eligible bonds must certify that, on the date of issuance of any bond, no funds received by the district from the Available School Fund (ASF) are reasonably expected to be used directly or indirectly to pay the principal or interest on, or the tender or retirement price of, any bond of the political subdivision or to fund a reserve or placement fund for any such bond.
- (l) Bonds guaranteed before December 1, 1993. For bonds guaranteed before December 1, 1993, if a school district cannot pay the maturing or matured principal or interest on a guaranteed bond, the commissioner will cause the amount needed to pay the principal or interest to be transferred to the district's paying agent solely from the PSF and not from the ASF. The commissioner also will direct the comptroller of public accounts to withhold the amount paid, plus interest, from the first state money payable to the district, excluding payments from the ASF.
- (m) Bonds issued after August 15, 1993, and guaranteed on or after December 1, 1993. If a school district cannot pay the maturing or matured principal or interest on a guaranteed bond, the commissioner will cause the amount needed to pay the principal or interest to be transferred to the district's paying agent from the PSF. The commissioner also will direct the comptroller of public accounts to withhold the amount paid, plus interest, from the first state money payable to the district, regardless of source, including the ASF.
- (n) Payments. For purposes of the provisions of the TEC, Chapter 45, Subchapter C, matured principal and interest payments are limited to amounts due on guaranteed bonds at scheduled maturity, at scheduled interest payment dates, and at dates when bonds are subject to mandatory redemption, including extraordinary mandatory redemption, in accordance with the terms of the bond order. All such payment dates, including mandatory redemption dates, must be specified in the bond order or other document pursuant to which the bonds initially are issued. Without limiting the provisions of this subsection, payments attributable to an optional redemption or a right granted to a bondholder to demand payment on a

tender of such bonds according to the terms of the bonds do not constitute matured principal and interest payments.

- (o) Guarantee restrictions. The guarantee provided for eligible bonds under the provisions of the TEC, Chapter 45, Subchapter C, is restricted to matured bond principal and interest. The guarantee applies to all matured interest on eligible bonds, whether the bonds were issued with a fixed or variable interest rate and whether the interest rate changes as a result of an interest reset provision or other bond order provision requiring an interest rate change. The guarantee does not extend to any obligation of a district under any agreement with a third party relating to bonds that is defined or described in state law as a "bond enhancement agreement" or a "credit agreement," unless the right to payment of such third party is directly as a result of such third party being a bondholder.
- (p) Notice of default. A school district that has determined that it is or will be unable to pay maturing or matured principal or interest on a guaranteed bond must immediately, but not later than the fifth business day before maturity date, notify the commissioner.
- (q) Payment from PSF.
 - (1) Immediately after the commissioner receives the notice described in subsection (p) of this section, the commissioner will instruct the comptroller to transfer from the appropriate account in the PSF to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
 - (2) Immediately after receipt of the funds for payment of the principal or interest, the paying agent must pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller will hold the canceled bond or coupon on behalf of the PSF.
 - (3) Following full reimbursement to the PSF with interest, the comptroller will further cancel the bond or coupon and forward it to the school district for which payment was made. Interest will be charged at the rate determined under the Texas Government Code, §2251.025(b). Interest will accrue as specified in the Texas Government Code, §2251.025(a) and (c).
- (r) Bonds not accelerated on default. If a school district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's default.
- (s) Reimbursement of PSF. If payment from the PSF is made on behalf of a school district, the school district must reimburse the amount of the payment, plus interest, in accordance with the requirements of the TEC, §45.061.
- (t) Repeated failure to pay. If a total of two or more payments are made under the BGP or the credit enhancement program authorized under §61.1038 of this title on the bonds of a school district, the commissioner will take action in accordance with the provisions of the TEC, §45.062.

§33.67. Bond Guarantee Program for Charter Schools.

- (a) Statutory provision. The commissioner of education must administer the guarantee program for open-enrollment charter school bonds according to the provisions of the Texas Education Code (TEC), Chapter 45, Subchapter C.
- (b) Definitions. The following definitions apply to the guarantee program for open-enrollment charter school bonds.
 - (1) Amortization expense--The annual expense of any debt and/or loan obligations.
 - (2) Annual debt service--Payments of principal and noncapitalized interest on outstanding bonded debt scheduled to occur during a charter district's fiscal year as reported by the Municipal Advisory Council (MAC) of Texas or its successor, if the charter district is responsible for outstanding bonded indebtedness.
 - (A) The annual debt service will be determined by the current report of the bonded indebtedness of the charter district as reported by the MAC of Texas or its successor as of the date of the application deadline.

- (B) Solely for the purpose of this calculation, the debt service amounts for variable rate bonds will be those that are published in the final official statement or, if there is no official statement, debt service amounts based on the maximum rate permitted by the bond resolution or other bond proceeding that establishes a maximum interest rate for the bonds.
 - (C) Annual debt service includes required payments into a sinking fund as authorized under 26 United States Code (USC) §54A(d)(4)(C), provided that the sinking fund is maintained by a trustee or other entity approved by the commissioner that is not under the control or common control of the charter district.
- (3) Application deadline--The last business day of the month in which an application for a guarantee is filed. Applications must be submitted electronically through the website of the MAC of Texas or its successor by 5:00 p.m. on the last business day of the month to be considered in that month's application processing. This application deadline does not apply to applications for issues to refund bonds previously guaranteed by the Bond Guarantee Program.
 - (4) Board resolution--The resolution adopted by the governing body of an open-enrollment charter holder that:
 - (A) requests guarantee of bonds through the Bond Guarantee Program; and
 - (B) authorizes the charter holder's administration to pursue bond financing.
 - (5) Bond--A debt security issuance approved by the attorney general, issued under the TEC, Chapter 53, to provide long-term financing with a maturity schedule of at least three years.
 - (6) Bond Guarantee Program (BGP)--The guarantee program that is described by this section and established under the TEC, Chapter 45, Subchapter C.
 - (7) Bond resolution--The resolution, indenture, or other instrument adopted by the governing body of an issuer of bonds authorizing the issuance of bonds for the benefit of a charter district.
 - (8) Charter district--An open-enrollment charter holder designated as a charter district under subsection (e) of this section, as authorized by the TEC, § 12.135.
 - (9) Combination issue--An issuance of bonds for which an application for a guarantee is filed that includes both a new money portion and a refunding portion, as permitted by the TEC, Chapter 53. The eligibility of combination issues for the guarantee is limited by the eligibility of the new money and refunding portions as defined in this subsection.
 - (10) Debt service coverage ratio--A measure of a charter district's ability to pay interest and principal with cash generated from current operations. The debt service coverage ratio (total debt service coverage on all long-term capital debt) equals the excess of revenues over expenses plus interest expense plus depreciation expense plus amortization expense, all divided by annual debt service. The calculation can be expressed as: $(\text{Excess of revenues over expenses} + \text{interest expense} + \text{depreciation expense} + \text{amortization expense}) / \text{annual debt service}$.
 - (11) Depreciation expense--The audited amount of depreciation that was expensed during the fiscal period.
 - (12) Educational facility--A classroom building, laboratory, science building, faculty or administrative office building, or other facility used exclusively for the conduct of the educational and administrative functions of a charter school.
 - (13) Foundation School Program (FSP)--The program established under the TEC, Chapters 41, 42, and 46, or any successor program of state appropriated funding for school districts in the state of Texas.
 - (14) Long-term debt--Any debt of the charter district that has a term of greater than three years and is secured on a parity basis with the bonds to be guaranteed.
 - (15) Maximum annual debt service--As of any date of calculation, the highest annual debt service requirements with respect to all outstanding long-term debt for any succeeding fiscal year.

- (16) Nationally recognized investment rating firm--An investment rating firm that is designated by the United States Securities and Exchange Commission as a nationally recognized statistical rating organization (NRSRO) and is demonstrating that it has:
- (A) had its current NRSRO designation for at least three consecutive years;
 - (B) provided credit ratings to each of the following:
 - (i) fifteen or more fixed income securities denominated in United States dollars and issued during the immediately preceding three years;
 - (ii) ten or more school districts in the United States;
 - (iii) one or more charter schools in the United States; and
 - (C) a documented separation of duties between employees involved in credit analysis and employees involved in business relationships with clients.
- (17) New money issue--An issuance of revenue bonds under the TEC, Chapter 53, for the purposes of:
- (A) the acquisition, construction, repair, or renovation of an educational facility of an open-enrollment charter school and equipping real property of an open-enrollment charter school, provided that any bonds for student or teacher housing must meet the following criteria:
 - (i) the proposed housing is contemplated in the charter or charter application; and
 - (ii) the proposed housing is an essential and integral part of the educational program included in the charter contract; or
 - (B) the refinancing of one or more promissory notes executed by an open-enrollment charter school, each in an amount in excess of \$500,000, that evidence one or more loans from a national or regional bank, nonprofit corporation, or foundation that customarily makes loans to charter schools, the proceeds of which loans were used for a purpose described in subparagraph (A) of this paragraph; or
 - (C) both.
- (18) Open-enrollment charter--This term has the meaning assigned in §100.1001 of this title (relating to Definitions).
- (19) Open-enrollment charter holder--This term has the meaning assigned to the term "charter holder" in the TEC, §12.1012.
- (20) Open-enrollment charter school--This term has the meaning assigned to the term "charter school" in §100.1001 of this title.
- (21) Open-enrollment charter school campus--This term has the meaning assigned to the term "charter school campus" in §100.1001 of this title.
- (22) Refunding issue--An issuance of bonds under the TEC, Chapter 53, for the purpose of refunding:
- (A) bonds that have previously been issued under that chapter and have previously been approved by the attorney general; or
 - (B) bonds that have previously been issued for the benefit of an open-enrollment charter school under Vernon's Civil Statutes, Article 1528m, and have previously been approved by the attorney general.
- (c) Bond eligibility.
- (1) Only those combination, new money, and refunding issues as defined in subsection (b)(9), (17), and (22), respectively, of this section are eligible to receive the guarantee. The bonds must, without the guarantee, be rated as investment grade by a nationally recognized investment rating firm and must be issued on or after September 28, 2011.

- (2) Refunding issues must comply with the following requirements to retain eligibility for the guarantee for the refunding bonds.
 - (A) As with any open-enrollment charter holder applying for approval for the guarantee, the charter holder for which the refunding bonds are being issued must meet the requirements for charter district designation specified in subsection (e)(2) of this section and the requirements for initial approval specified in subsection (f)(3)(A) of this section.
 - (B) The charter holder must demonstrate that issuing the refunding bond(s) will result in a present value savings to the charter holder. Present value savings is determined by computing the net present value of the difference between each scheduled payment on the original bonds and each scheduled payment on the refunding bonds. Present value savings must be computed at the true interest cost of the refunding bonds. If the commissioner approves refunding bonds for the guarantee based on evidence of present value savings but at the time of the sale of the refunding bonds a present value savings is not realized, the commissioner may revoke the approval of the bonds for the guarantee.
 - (C) For issues that refund bonds previously guaranteed by the BGP, the charter holder must demonstrate that the refunding bond or bonds will not have a maturity date later than the final maturity date of the bonds being refunded.
 - (D) The refunding transaction must comply with the provisions of subsection (f)(5)(A)-(C) and (E) of this section.
 - (3) If an open-enrollment charter holder files an application for a combination issue, the application will be treated as an application for a single issue for the purposes of eligibility for the guarantee. A guarantee for the combination issue will be awarded only if both the new money portion and the refunding portion meet all of the applicable eligibility requirements described in this section. As part of its application, the charter holder making the application must present data that demonstrate compliance for both the new money portion of the issue and the refunding portion of the issue.
 - (4) If the commissioner determines that an applicant has deliberately misrepresented information related to a bond issue to secure a guarantee, the commissioner must revoke the approval of the bonds for the guarantee.
- (d) Determination of Permanent School Fund (PSF) capacity to guarantee bonds for charter districts.
- (1) Each month the commissioner will estimate the available capacity of the PSF to guarantee bonds for charter districts. This capacity is determined by multiplying the net capacity determined under §33.65 of this title (relating to Bond Guarantee Program for School Districts) by the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. The commissioner's determination of the number of students enrolled in open-enrollment charter schools in this state and the number of students enrolled in all public schools in this state is based on the enrollment data submitted by school districts and charter schools to the Public Education Information Management System (PEIMS) during the most recent fall PEIMS submission. Annually, the commissioner will post the applicable student enrollment numbers and the percentage of students enrolled in open-enrollment charter schools on the Texas Education Agency (TEA) web page related to the BGP. The commissioner shall hold 5.0% of the charter school available capacity in reserve each month.
 - (2) For state fiscal years 2018 through 2022, the available capacity of the PSF to guarantee bonds for charter districts shall follow the schedule described in TEC, §45.0532(b-1), unless the SBOE adopts a different percentage for a specific fiscal year or years in accordance with TEC, §45.0532(b-2) and (b-3). This paragraph expires September 1, 2022.
 - (3) Up to half of the total capacity of the PSF to guarantee bonds for charter districts may be used to guarantee charter district refunding bonds.

- (e) Application process and application processing. An open-enrollment charterholder must apply to the commissioner for the guarantee of eligible bonds by submitting an application electronically through the website of the MAC of Texas or its successor. Before an application for the guarantee will be considered, a charterholder must first be determined by the commissioner to meet criteria for designation as a charter district for purposes of this section. The application submitted through the website of the MAC of Texas or its successor will serve as both a charterholder's application for designation as a charter district and its application for the guarantee.
- (1) Application submission and fee. As part of its application, an open-enrollment charter holder must submit the information required under the TEC, §45.055(b), and this section and any additional information the commissioner may require. The application and all additional information required by the commissioner must be received before the application will be processed. The open-enrollment charterholder may not submit an application for a guarantee before the governing body of the charterholder adopts a board resolution as defined in subsection (b)(4) of this section.
- (A) The amount of the application fee is the amount specified in §33.65 of this title.
- (B) The fee is due at the time the application for charter district designation and the guarantee is submitted. An application will not be processed until the fee has been remitted according to the directions provided on the website of the MAC of Texas or its successor and received by the TEA.
- (C) The fee will not be refunded to an applicant that:
- (i) is designated a charter district but is not approved for the guarantee; or
- (ii) receives approval for the guarantee but does not sell its bonds before the expiration of its approval for the guarantee.
- (D) The fee may be transferred to a subsequent application for the guarantee by a charter district that has been approved for the guarantee if the charter district withdraws its application and submits the subsequent application before the expiration of its approval for the guarantee.
- (2) Eligibility to be designated a charter district.
- (A) To be designated a charter district and have its application for the guarantee considered by the commissioner, an open-enrollment charter holder must:
- (i) have operated at least one open-enrollment charter school in the state of Texas for at least three years and have had students enrolled in the school for those three years;
- (ii) identify in its application for which open-enrollment charter school and, if applicable, for which open-enrollment charter school campus the bond funds will be used;
- (iii) in its application, agree that the bonded indebtedness for which the guarantee is sought will be undertaken as an obligation of all entities under common control of the open-enrollment charterholder and agree that all such entities will be liable for the obligation if the open-enrollment charterholder defaults on the bonded indebtedness, provided that an entity that does not operate a charter school in Texas is subject to this subparagraph only to the extent that it has received state funds from the open-enrollment charterholder;
- (iv) not have an unresolved corrective action that is more than one year old, unless the open-enrollment charterholder has taken appropriate steps, as determined by the commissioner, to begin resolving the action;
- (v) have had, for the past three years, an audit as required by §100.1047 of this title (relating to Accounting for State and Federal Funds) that was completed with unqualified or unmodified opinions;

- (vi) have received an investment grade credit rating from a nationally recognized investment rating firm as defined in subsection (b)(16) of this section as specified by the TEC, §45.0541, within the last year; and
 - (vii) not have materially violated a covenant relating to debt obligation in the immediately preceding three years.
 - (B) For an open-enrollment charter holder to be designated a charter district and have its application for the guarantee considered by the commissioner, each open-enrollment charter school operated under the charter must not have an accreditation rating of Not Accredited-Revoked and must have a rating of met standard or met alternative standard as its most recent state academic accountability rating. However, if an open-enrollment charter school operated under the charter is not yet rated because the school is in its first year of operation, that fact will not impact the charter holder's eligibility to be designated a charter district and apply for the guarantee.
 - (3) Application processing. All applications received during a calendar month that were submitted by open-enrollment charter holders determined to meet the criteria in paragraph (2) of this subsection will be held until the 15th business day of the subsequent month. On the 15th business day of each month, the commissioner will announce the results of the pro rata allocation of a available capacity, if pro rata allocation is necessary, and process applications for initial approval for the guarantee, up to the available capacity as of the application deadline, subject to the requirements of this section.
 - (A) If the available capacity is insufficient to guarantee the total value of the bonds for all applicant charter districts, the commissioner will allocate the available capacity on a pro rata basis to each applicant charter district. For each applicant, the commissioner will determine the percentage of the total amount of all applicants' proposed bonds that the applicant's proposed bonds represent. The commissioner will then allocate to that applicant the same percentage of the available capacity, but in no event will an allocation be equal to an amount less than \$500,000.
 - (B) The actual guarantee of the bonds is subject to the approval process prescribed in subsection (f) of this section.
 - (C) An applicant charter district is ineligible for consideration for the guarantee if its lowest credit rating from any nationally recognized investment rating firm as defined in subsection (b)(16) of this section is the same as or higher than that of the PSF.
 - (4) Late application. An application received after the application deadline will be considered a valid application for the subsequent month, unless withdrawn by the submitting open-enrollment charter holder before the end of the subsequent month.
 - (5) Notice of application status. Each open-enrollment charter holder that submits a valid application will be notified of the application status within 15 business days of the application deadline.
 - (6) Reapplication. If an open-enrollment charter holder does not receive designation as a charter district, does not receive approval for the guarantee, or for any reason does not receive approval of the bonds from the attorney general within the time period specified in subsection (f)(5) of this section, the charter holder may reapply in a subsequent month. An application that was denied approval for the guarantee or that was submitted by a charter holder that the commissioner determined did not meet the criteria for charter district designation will not be retained for consideration in subsequent months. A reapplication fee will be required unless the conditions described in subsection (e)(1)(D) of this section apply to the charter holder.
- (f) Approval for the guarantee; charter district responsibilities on receipt of approval.
- (1) Approval for the guarantee and charter renewal or amendment.
 - (A) If an open-enrollment charter holder applies for the guarantee within the 12 months before the charter holder's charter is due to expire, application approval will be contingent on successful renewal of the charter, and the bonds for which the open-enrollment charter

holder is applying for the guarantee may not be issued before the successful renewal of the charter.

- (B) If an open-enrollment charterholder proposes to use the proceeds of the bonds for which it is applying for the guarantee for an expansion that requires a charter amendment, application approval will be contingent on approval of the amendment, and the bonds may not be issued before approval of the amendment.

(2) Initial and final approval provisions.

- (A) The commissioner may require an applicant charter district to obtain final approval for the guarantee as described in paragraph (4) of this subsection if:
 - (i) during the monthly estimation of PSF capacity described in §33.65 of this title, the commissioner determines that the available capacity of the PSF as described in §33.65 of this title is 10% or less; or
 - (ii) during the monthly estimation of the available capacity of the PSF to guarantee bonds for charter districts described in subsection (d) of this section, the commissioner determines that the available capacity of the PSF to guarantee bonds for charter districts is 10% or less.
- (B) If the commissioner has not made such a determination:
 - (i) the commissioner will consider the initial approval described in paragraph (3) of this subsection as both the initial and final approval; and
 - (ii) an applicant charter district that has received notification of initial approval for the guarantee, as described in paragraph (3) of this subsection, may consider that notification as notification of initial and final approval for the guarantee and may complete the sale of the applicable bonds.

(3) Initial approval.

- (A) The following provisions apply to all applications for the guarantee, regardless of whether an application is for a new money, refunding, or combination issue. Under the TEC, §45.056, the commissioner will investigate the financial status of the applicant charter district and the accreditation status of all open-enrollment charter schools operated under the charter. For the charter district's application to be eligible for initial approval by the commissioner, each open-enrollment charter school operated under the charter must be accredited, and the charter district must be financially sound. The commissioner's review will include review of the following:
 - (i) the purpose of the bond issue;
 - (ii) the accreditation status, as defined by §97.1055 of this title (relating to Accreditation Status), of all open-enrollment charter schools operated under the charter in accordance with the following, except that, if an open-enrollment charter school operated under the charter has not yet received an accreditation rating because it is in its first year of operation, that fact will not impact the charter district's eligibility for consideration for the guarantee:
 - (I) if the accreditation status of all open-enrollment charter schools operated under the charter is Accredited, the charter district will be eligible for consideration for the guarantee;
 - (II) if the accreditation status of any open-enrollment charter school operated under the charter is Accredited-Warning or Accredited-Probation, the commissioner will investigate the underlying reason for the accreditation rating to determine whether the accreditation rating is related to the open-enrollment charter school's financial soundness. If the accreditation rating is related to the open-enrollment charter

school's financial soundness, the charter district will not be eligible for consideration for the guarantee; or

- (III) if the accreditation status of any open-enrollment charter school operated under the charter is Not Accredited-Revoked, the charter district will not be eligible for consideration for the guarantee;
 - (iii) the charter district's financial status and stability, regardless of each open-enrollment charter school's accreditation rating, including approval of the bonds by the attorney general under the provisions of the TEC, §53.40;
 - (iv) whether the TEA has required the charter district to submit a financial plan under §109.1101 of this title (relating to Financial Solvency Review) in the last three years;
 - (v) the audit history of the charter district and of all open-enrollment charter schools operated under the charter;
 - (vi) the charter district's compliance with statutes and rules of the TEA and with applicable state and federal program requirements and the compliance of all open-enrollment charter schools operated under the charter with these statutes, rules, and requirements;
 - (vii) any interventions and sanctions to which the charter district has been subject; to which any of the open-enrollment charter schools operated under the charter has been subject; and, if applicable, to which any of the open-enrollment charter school campuses operated under the charter has been subject;
 - (viii) formal complaints received by the TEA that have been made against the charter district, against any of the open-enrollment charter schools operated under the charter, or against any of the open-enrollment charter school campuses operated under the charter;
 - (ix) the state academic accountability rating of all open-enrollment charter schools operated under the charter and the campus ratings of all open-enrollment charter school campuses operated under the charter;
 - (x) any unresolved corrective actions that are less than one year old; and
 - (xi) whether the charter district is considered a high-risk grantee by the TEA office responsible for planning, grants, and evaluation.
- (B) The commissioner will limit approval for the guarantee to a charter district with a historical debt service coverage ratio, based on annual debt service, of at least 1.1 for the most recently completed fiscal year and a projected debt service coverage ratio, based on projected revenues and expenses and maximum annual debt service, of at least 1.2. If the bond issuance for which an application has been submitted is the charter district's first bond issuance, the commissioner will evaluate only projected debt service coverage. Projections of revenues and expenses are subject to approval by the commissioner.
- (C) The commissioner will grant or deny initial approval for the guarantee based on the review described in subparagraph (A) of this paragraph and the limitation described in subparagraph (B) of this paragraph and will provide an applicant charter district whose application has received initial approval for the guarantee written notice of initial approval.
- (4) Final approval. The provisions of this paragraph apply only as described in paragraph (2) of this subsection. A charter district must receive final approval before completing the sale of the bonds for which the charter district has received notification of initial approval.
- (A) A charter district that has received initial approval must provide a written notice to the TEA two business days before issuing a preliminary official statement (POS) for the

bonds that are eligible for the guarantee or two business days before soliciting investment offers, if the bonds will be privately placed without the use of a POS.

- (i) The charter district must receive written confirmation from the TEA that the capacity continues to be available and must continue to meet the requirements of subsection (e)(2) of this section before proceeding with the public or private offer to sell bonds.
 - (ii) The TEA will provide this notification within one business day of receiving the notice of the POS or notice of other solicitation offers to sell the bonds.
 - (B) A charter district that received confirmation from the TEA in accordance with subparagraph (A) of this paragraph must provide written notice to the TEA of the placement of an item to approve the bond sale on the agenda of a meeting of the bond issuer's board of directors no later than two business days before the meeting. If the bond sale is completed pursuant to a delegation by the issuer to a pricing officer or committee, notice must be given to the TEA no later than two business days before the execution of a bond purchase agreement by such pricing officer or committee.
 - (i) The charter district must receive written confirmation from the TEA that the capacity continues to be available for the bond sale before the approval of the sale by the bond issuer or by the pricing officer or committee.
 - (ii) The TEA will provide this notification within one business day before the date that the bond issuer expects to complete the sale by official action of the bond issuer or of a pricing officer or committee.
 - (C) The TEA will process requests for final approval from charter districts that have received initial approval on a first come, first served basis. Requests for final approval must be received before the expiration of the initial approval.
 - (D) A charter district may provide written notification as required by this paragraph by facsimile transmission, by email, or in another manner prescribed by the commissioner.
- (5) Charter district responsibilities on receipt of approval.
- (A) Once a charter district is awarded initial approval for the guarantee, each issuance of the bonds must be approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee. The initial approval for the guarantee will expire at the end of the 180-day period. The commissioner may extend the 180-day period, based on extraordinary circumstances, on receiving a written request from the charter district or the attorney general before the expiration of the 180-day period.
 - (B) If applicable, the charter district must comply with the provisions for final approval described in paragraph (4) of this subsection to maintain approval for the guarantee.
 - (C) If the bonds are not approved by the attorney general within 180 days of the date of the letter granting the approval for the guarantee, the commissioner will consider the application withdrawn, and the charter district must reapply for a guarantee.
 - (D) A charter district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee.
 - (E) The charter district must provide evidence of the final investment grade rating of the bonds to the TEA after receiving initial approval but before the distribution of the preliminary official statement for the bonds or, if the bonds are offered in a private placement, before approval of the bond sale by the governing body of the charter district.
 - (F) A charter district must identify by legal description any educational facility purchased or improved with bond proceeds no later than 30 days after entering into a binding commitment to expend bond proceeds for that purpose. The charter district must identify at that time whether and to what extent debt service will be paid with any source of revenue other than state funds.

- (g) Allocation of specific holdings. If necessary to successfully operate the BGP, the commissioner may allocate specific holdings of the PSF to specific bond issues guaranteed under this section. This allocation will not prejudice the right of the State Board of Education (SBOE) to dispose of the holdings according to law and requirements applicable to the fund; however, the SBOE will ensure that holdings of the PSF are available for a substitute allocation sufficient to meet the purposes of the initial allocation. This allocation will not affect any rights of the bond holders under law.
- (h) Defeasance. The guarantee will be completely removed when bonds guaranteed by the BGP are defeased, and such a provision must be specifically stated in the bond resolution. If bonds guaranteed by the BGP are defeased, the charter district must notify the commissioner in writing within ten calendar days of the action.
- (i) Payments. For purposes of the provisions of the TEC, Chapter 45, Subchapter C, matured principal and interest payments are limited to amounts due on guaranteed bonds at scheduled maturity, at scheduled interest payment dates, and at dates when bonds are subject to mandatory redemption, including extraordinary mandatory redemption, in accordance with their terms. All such payment dates, including mandatory redemption dates, must be specified in the bond order or other document pursuant to which the bonds initially are issued. Without limiting the provisions of this subsection, payments attributable to an optional redemption or a right granted to a bondholder to demand payment on a tender of such bonds according to the terms of the bonds do not constitute matured principal and interest payments.
- (j) Guarantee restrictions. The guarantee provided for eligible bonds under the provisions of the TEC, Chapter 45, Subchapter C, is restricted to matured bond principal and interest. The guarantee applies to all matured interest on eligible bonds, whether the bonds were issued with a fixed or variable interest rate and whether the interest rate changes as a result of an interest reset provision or other bond resolution provision requiring an interest rate change. The guarantee does not extend to any obligation of a charter district under any agreement with a third party relating to bonds that is defined or described in state law as a "bond enhancement agreement" or a "credit agreement," unless the right to payment of such third party is directly as a result of such third party being a bondholder.
- (k) Notice of default. A charter district that has determined that it is or will be unable to pay maturing or matured principal or interest on a guaranteed bond must immediately, but not later than the fifth business day before the maturing or matured principal or interest becomes due, notify the commissioner.
- (l) Charter District Bond Guarantee Reserve Fund. The Charter District Bond Guarantee Reserve Fund is a special fund in the state treasury outside the general revenue fund and is managed by the SBOE in the same manner that the PSF is managed by the SBOE.
- (m) Payment from Charter District Bond Guarantee Reserve Fund and PSF.
 - (1) Immediately after the commissioner receives the notice described in subsection (k) of this section, the commissioner will notify the TEA division responsible for administering the PSF of the notice of default and instruct the comptroller to transfer from the Charter District Bond Guarantee Reserve Fund established under the TEC, §45.0571, to the charter district's paying agent the amount necessary to pay the maturing or matured principal or interest.
 - (2) If money in the reserve fund is insufficient to pay the amount due on a bond under paragraph (1) of this subsection, the commissioner will instruct the comptroller to transfer from the appropriate account in the PSF to the charter district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.
 - (3) Immediately after receipt of the funds for payment of the principal or interest, the paying agent must pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller will hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.
 - (4) To ensure that the charter district reimburses the reserve fund and the PSF, if applicable, the commissioner will withhold from state funds otherwise payable to the charter district the amount that the charter district owes in reimbursement.
 - (5) Funds intercepted for reimbursement under paragraph (4) of this subsection will be used to fully reimburse the PSF before any funds reimburse the reserve fund. If the funds intercepted under

paragraph (4) of this subsection are insufficient to fully reimburse the PSF with interest, subsequent payments into the reserve fund will first be applied to any outstanding obligation to the PSF.

- (6) Following full reimbursement to the reserve fund and the PSF, if applicable, with interest, the comptroller will further cancel the bond or coupon and forward it to the charter district for which payment was made. Interest will be charged at the rate determined under the Texas Government Code (TGC), §2251.025(b). Interest will accrue as specified in the TGC, §2251.025(a) and (c). For purposes of this section, the "date the payment becomes overdue" that is referred to in the TGC, §2251.025(a), is the date that the comptroller makes the payment to the charter district's paying agent.
- (n) Bonds not accelerated on default. If a charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the charter district's default.
- (o) Reimbursement of Charter District Bond Guarantee Reserve Fund or PSF. If payment from the Charter District Bond Guarantee Reserve Fund or the PSF is made on behalf of a charter district, the charter district must reimburse the amount of the payment, plus interest, in accordance with the requirements of the TEC, §45.061.
- (p) Repeated failure to pay. If a total of two or more payments are made under the BGP on the bonds of a charter district, the commissioner may take action in accordance with the provisions of the TEC, §45.062.
- (q) Report on the use of funds and confirmation of use of funds by independent auditor. A charter district that issues bonds approved for the guarantee must report to the TEA annually in a form prescribed by the commissioner on the use of the bond funds until all bond proceeds have been spent. The charter district's independent auditor must confirm in the charter district's annual financial report that bond funds have been used in accordance with the purpose specified in the application for the guarantee.
- (r) Failure to comply with statute or this section. An open-enrollment charter holder's failure to comply with the requirements of the TEC, Chapter 45, Subchapter C, or with the requirements of this section, including by making any material misrepresentations in the charter holder's application for charter district designation and the guarantee, constitutes a material violation of the open-enrollment charter holder's charter.

Figure: 19 TAC §33.5(i)(2)

POTENTIAL CONFLICT OF INTEREST DISCLOSURE FORM
(State Board of Education and Persons Providing Services to the State Board of Education
Relating to the Management and Investment of the Permanent School Fund)

TO: Commissioner of Education or
 Chair, State Board of Education

FROM:

DATE:

Description of Facts Creating Potential Conflict of Interest:

Proposed Action to Avoid Conflict of Interest:

REVIEWED AND APPROVED: _____

Cc: Internal Auditor
 General Counsel

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)

November 15, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: 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 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.

STATUTORY AUTHORITY: 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.

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.

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 first reading and filing authorization 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.

The proposed amendments were 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 the rules are aligned with statute as soon as possible.

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 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: 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: 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 December 20, 2019, and ends January 24, 2020. 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. 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 December 20, 2019.

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 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.

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) [48] 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) [4E] the rate of return objectives; and
 - (G) [4F] 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.

§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 rated below BB- ~~[not rated investment grade]~~ by Standard & Poor's, Ba3 ~~by~~ ~~(BBB-)~~ Moody's ~~[(Baa3)]~~, or BB- ~~by~~ 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) purchasing any securities that are below investment grade by Standard & Poor's (below BBB-), Moody's (below Baa3), or Fitch (below BBB-), as determined in accordance with subsection (b)(12)(A)-(C) of this section, if the par value amount of such below-investment-grade rated securities exceeds 5.0% of the fixed income portfolio;~~
- (14) purchasing short-term money market instruments rated below A-1 by Standard & Poor's or P-1 by Moody's;
- (15) engaging in any transaction that results in unrelated business taxable income (excluding current holdings);
- (16) engaging in any transaction considered a "prohibited transaction" under the Internal Revenue Code or the Employee Retirement Income Security Act (ERISA);
- (17) purchasing precious metals or other commodities;
- (18) engaging in any transaction that would leverage a manager's position;
- (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
- (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;
 - (-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.

**Authorization to Issue a Request for Qualifications for Bond Guarantee Program Counsel
for the Permanent School Fund**

November 15, 2019

**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 approve the issuance of a request for qualifications for legal counsel for the Bond Guarantee Program (BGP) of the Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC), [§45.051-§45.063](#); 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.

TEC, §45.051-§45.063 authorizes the Bond Guarantee Program whereby certain bonds issued by school districts are guaranteed by the permanent school fund.

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: None

BACKGROUND INFORMATION AND JUSTIFICATION: The scope provision in the current contracts for legal counsel is not broad enough to encompass the work related to the BGP Capacity calculation that is now needed.

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

Review of the Permanent School Fund Liquid Account

November 15, 2019

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides an opportunity for the committee and board to review the bill requirements contained in House Bill (HB) 4388, 86th Texas Legislature, 2019. The committee will consider implementation of the liquid account.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC) [§43.0052](#); Texas Natural Resources Code (NRC), [§§32.068, 51.402, and 51.414](#); 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.

TEC, §43.0052 establishes a quarterly reporting requirement. 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.

NRC, §32.068 establishes a quarterly reporting requirement. Each quarter the School Land 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 School Land Board is responsible.

NRC, §51.402 establishes maximum market values and valuation timing of investments.

NRC, §51.414 establishes the Permanent School Fund Liquid Account as an account in the permanent school fund in the State Treasury to be managed by the State Board of Education.

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 September 2019 meeting, the board approved that the investment of the funds in the liquid account be implemented in two phases. Over the near-term, the Texas Education Agency will invest and manage the Permanent School Fund Liquid Account against a blended benchmark consisting of the three-month U.S. Treasury bill and the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as allocated at the end of the prior month.

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

Review and Determine the List of Nominees for Appointment to the School Land Board

November 15, 2019

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

SUMMARY: This item provides an opportunity for the committee and board to review and determine the list of nominees to be considered by the governor for appointment to the School Land Board.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Natural Resources Code ([NRC](#)), [§32.012](#) and [§32.013](#); 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.

NRC, §32.012 states that the School Land Board shall be composed of four citizens of the state appointed by the governor with the advice and consent of the senate. Two of the citizens appointed by the governor must be selected from lists of nominees submitted by the SBOE. The SBOE shall submit to the governor a list of six nominees for each vacant position. At least one of the citizens appointed must be a resident of a county with a population of less than 200,000.

NRC, §32.013 states that the appointed members of the School Land Board serve for terms of two years.

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.

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

PREVIOUS BOARD ACTION: At the September 2019 meeting, the board approved procedures for selecting nominees for appointment to the School Land Board.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 608, 86th Legislature, 2019, requires that two citizens appointed by the governor to the School Land Board must be selected from lists of nominees submitted by the SBOE. The SBOE must submit a list of six nominees for a vacant position. At least one of the citizens appointed must be a resident of a county with a population of less than 200,000.

The committee will hold a work session on Tuesday, November 12, to review the nominations received.

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

Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes

November 14, 2019

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 the emerging and diverse investment management in alternative asset classes.

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

Review of the Absolute Return Asset Class for the Permanent School Fund

November 14, 2019

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 absolute return 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 10% to the absolute return 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**

November 14, 2019

**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

Open-Enrollment Charter School Application Update

November 14, 2019

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 any updates on the Generation Twenty-Five 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 Twenty-Five Subchapter D Open-Enrollment Charter Schools scheduled to open in school year 2021-2022.

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 Twenty-Five application, which will be due in January 2020.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and Systems Support
Joe Siedlecki, Associate Commissioner, Charters and Innovations
Heather Mauzé, Director, Charter School Administration

Separate Exhibit: [Generation Twenty-Five Open-Enrollment Charter Application](#)

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

November 15, 2019

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

SUMMARY: This item provides an opportunity for board consideration of three appointments to the board of trustees of the Fort Sam Houston Independent School District. The appointments are necessary due to the expiration of the term of office for three 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, Samuel E. Fiol, Commander of the 502d Security Forces Group, has notified the commissioner of three vacancies that exists on the board of trustees of the Fort Sam Houston Independent School District due to the expiration of the term of office. Colonel Fiol has provided three nominees for each vacancy and has recommended the re-appointment of Ms. Deborah Seabron and the appointment of Mr. Willie White and Ms. Andrea Nicholas to fill the positions.

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.

PUBLIC COMMENTS: No public comments are presented.

MOTION TO BE CONSIDERED: 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.

Staff Member Responsible:

Jeff Cottrill, Deputy Commissioner of Governance and Accountability
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**



MEMORANDUM FOR MR. MIKE MORATH
COMMISSIONER, TEXAS EDUCATION AGENCY
1701 North Congress Avenue
Austin TX 78701

FROM: 502 FSG/CC
2330 Stanley Road, Suite A
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: The Appointments of Mr. Willie White, Ms. Deborah Seabron and Ms. Andrea Nicholas to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees.

1. I would like to respectfully request appointments for Mr. Willie White, Ms. Deborah Seabron and Ms. Andrea Nicholas to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees. Enclosed are the resumes for each of the three nominees, as required by Texas Administrative Code Section 61.2a (1), along with signed Statements expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.

2. The names of the nominees are listed below and are ranked in order of preference.

Position 1	Position 2	Position 3
1. Mr. Willie White	1. Ms. Deborah Seabron	1. Ms. Andrea Nicholas
2. Mr. Carlos Hernandez	2. Ms. Yazmine Gutierrez	2. Ms. Melanie Gallegos
3. Ms. LaShonda Harvey	3. Mr. Richard King	3. Ms. Amarilys Silva

3. All nominees are qualified under the general school laws of Texas, and they either live or work on Joint Base San Antonio- Fort Sam Houston. Each nominee is well qualified, and the appointments 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 FSHISD and recognize that my role as the commanding officer of 502d Force Support Group is limited only to the duty defined by the statute in the process for appointing the Board of Trustees.

5. Thank you for your support of our school district. If you have any questions please contact, Ms. Nita Ford-Hightower at (210) 221-2214/2256 or nita.fordhightower.1@us.af.mil.

SAMUEL E. FIOL, Colonel, USA
Commander, 502d Force Support Group

9 Attachments:
1. Willie White

2. Deborah Seabron
3. Andrea Nicholas
4. Carlos Hernandez (Alternate 1 to Position 1)
5. Yazmine Gutierrez (Alternate 1 to Position 2)
6. Melaine Gallegos (Alternate 1 to Position 3)
7. LaShonda Harvey (Alternate 2 to Position 1)
8. Richard King (Alternate 2 to Position 2)
9. Amarilys Silva (Alternate 2 to Position 3)



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Willie E White

Residential Address: Bldg 2261 Gun Shed Rd

FSH

TX

78234

Physical Address of Employer:

Bldg 2261 Gun Shed Rd

FSH

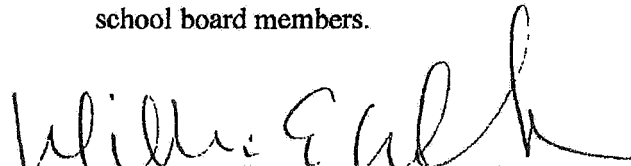
TX

78234

Board of Trustees Location Applying For: FT Sam Houston

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.


Signature of Applicant

30 July 2019

Date

Willie E White

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.

WILLIE E WHITE

MANAGEMENT ANALYST

Security Clearance Level: Secret
 Email: willie8241@sbcglobal.net
 HM: 10207 Ivy Jade, Schertz, TX. 78154
 C: 210-834-5043 /W: 210-466-0365
 Headquarters IMCOM, San Antonio TX.

Areas of Expertise:

Master, Business Administration, Knowledge of Budgeting and Fiscal Management, Effective Community Engagement, School District Governance, Organizational Management, Advocate for Educational Excellence, Human Resource, Civilian Recruiting, Effective Communication, Hospital Administration, Motivational Strategies, Healthcare Administration, Skill in Use of Military Personnel Systems Operational Operations, Knowledge of Policies and Regulations, Practice Roberts Rule of Order, Hiring of Superintendents

PROFESSIONAL EXPERIENCE

April 2019 – Present: Installation Management Command, (IMCOM) G-5 Plans & Strategy Analyst Performs analyses, special studies, and lead and participate in OPT integration efforts directly supporting Army, Army Materiel Command (AMC), Installation Management Command (IMCOM), IMCOM Directorate (ID), and Garrison projects and programs in order to drive toward supporting AMC and IMCOM priorities. Perform and/or provide analyses, special studies, and lead and participate in OPT integration efforts supporting Army, AMC, IMCOM, ID, and Garrison project and program requirements.

Nov/2014 – Present: HQ, IMCOM, College Budget/Management Analyst Management Analyst (Budget) and Global Professional Development & Training **Oversees** the Corporate civilian training Spend Plan and academy Budget of \$11 million supporting 75 Army Bases globally and over 750K civilians. U.S. Bank Corporate Certified Approving Official on all school related purchases. Travel Coordinator; financial reimbursement manager 12-15 courses per year totaling \$400K-500K and 150-180 students.

May/2010 to Nov/2014: Served as the HQ, IMCOM Business Training Coordinator- Responsible for coordinating senior leader's attendance to development training for career advancement. Managed a operating budget of \$3.5 million as a Contract Officer Representative yearly. Accounted for and invoiced 8,000 pieces of equipment valued over \$40 million in shipments to Iraq and Afghanistan.

Aug/2009 to Jun/2011: IMCOM Human Resource Program Management Intern Supervisor Lead analyst accountable for recruitment and managing the placement of 30 newly hired enterprise Management Interns and Developmental Chefs yearly overseeing \$1M budget. Mentored the Interns workforce development, training, and management development for a rotation of 60 Interns over a two year period.

WILLIE E WHITE**MANAGEMENT ANALYST**

Jun/2008 to May/2009: Sergeant Major/ Senior Advisor, Community Relations and Civil Affairs -Principal Staff Adviser, to the Assistant Chief of Staff, of Community Relations supporting 17,000 Soldiers in South Korea. Charged with fostering relationships with the South Korean Non-Government officials and business leaders in order to maintain the Good Neighbor Program with the United States.

May/2006 to Apr/2008: Organization Senior Personnel Manager (First Sergeant) Brook Army Medical Center – Led, managed, and advised an average of 350-400 personnel daily in the Army's largest Level 1 Trauma Center yielding the highest company performance results out of six companies for the command. Organization Master Trainer specialized in education training, unit moral, promotions, discipline and professional development for all personnel assigned.

Apr/2004 to Apr/2006: Company Senior Operations Manager / First Line Supervisor- Effectively monitors, communicates and assists in enforcing mission critical production indicators, statistics, and solution plans for over 400 medical personnel. Responsible for Planning, coordinating and executing all Field Training exercises, weapons qualifications training, army fitness training.

May 1999 to Aug/1999: Senior Enlisted Adviser for; Chief of Department of Nursing - Operations Manager Advisor to the Chief of Nursing Operations and Deputy Commander for Health Services on policies and procedures affecting all Health Care Specialist. Accountable for the performance, counseling, development of 11 Outpatient Clinic Supervisors, 38 Enlisted Soldiers and 11 Civilians. Ensure clinics meet the Joint Accreditation Commission policy and standards.

Mar/2003 to Apr/2004: Served as the Company Senior Drill Instructor, Training Manager and (Instructor) - Directed and supervised professional development of four Army Drill Sergeants (Supervisors). Facilitated and led a Advanced Individual Training Company for over 250 Health Care students quarterly while responsible for teaching 40 hours per cycle for an average of 74 students in Emergency Medical Technician Certification and Army management principles and leadership development.

Civilian Education:

Masters of Business Administration

University of Phoenix 2014

Human Capital Management, Business Law, Organizational Leadership, Economics, Accounting, Management, Operations Management, Corporate Finance, Strategic Planning

Bachelor of Science in Management

University of Phoenix 2012

Regulatory and Policy, Quantitative Analysis, Business Management, Business Communications, Computer Applications, Organizational Change, employee Management

Military Education:

*Graduate of Department of the Army First Sergeant Course, 2006
Advanced Leadership and Management Development School, 2000
Basic Supervisor Development School, 1994
Army Drill Sergeant School, 2001
Leadership Education and Developmental Course, 1997*

Certifications:

*U.S. Bank Corporate Payment System Certified (Approving Official), 2015
Army Instructor Course -Trained to facilitate large instructional based classes, 2002
Computer Based Training Program (SHARE-POINT),2012
Contracting Officer, 2011-Present*

Professional Associations

*President, Fort Sam Houston ISD Board of Trustees, 2018 – Present
Texas Caucus of Black School Board Members, 2015 - Present
My Brother's-Keeper Initiative, San Antonio Chapter, 2015-Present*



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Deborah E. Seabron

Residential Address: 7311 Sawgrass

San Antonio, Texas 78244

Physical Address of Employer:

7311 Sawgrass

San Antonio, Texas 78244

Board of Trustees Location Applying For: Fort Sam Houston Independent School District

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

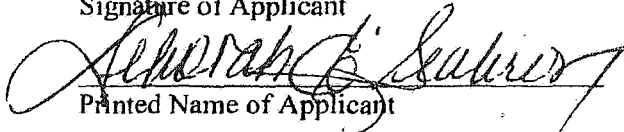
- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

SEABRON.DEBORAH, Digitally signed by
E.1046982572 SEABRON.DEBORAH.E 1046982572
Date 2019.07.29 14:55 13 -05'00'

29 July 2019

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.**

DEBORAH ELAINE (GRANT) SEABRON

Email: deborah.e.seabron.civ@mail.mil

PERSONAL SUMMARY

Fort Sam Houston ISD Board Trustee 2004-2015, 2017-Present
More than 42 Years of Experience in Military Comptroller, Auditing, & Professional Management Fields

SCHOOL BOARD & PROFESSIONAL PROFILE

- Member Fort Sam Houston School Board of Trustees 2004-2015
- Elected Board Secretary 2007-2009, 2017, Board President 2009-2010, Board Vice President 2018-Present
- Director Region 20, Position D, Texas Association of School Boards (TASB) 2013-2015
- Delegate to TASA/TASB Conference Dallas, Texas 2005-2006, 2008, 2009, 2012, 2018
- Board Representative to National Association of Federally Impacted Schools (NAFIS) 2004-2010
- Board Representative FSHISD meeting National Legislative Officials Washington, DC 2004-2012
- Member Bexar County Alliance of School Boards 2006-2015, 2017-Present
- Member Texas Caucus of Black School Board Members 2007-2015, 2017-Present
- Completed approx. 490 School Board Continuing Training Hours
- FSHISD Rep (Lobbyist to Congress) - National Association of Federally Impacted Schools (NAFIS) 2005-2015, 2018
- Representative for San Antonio Area Grass Roots Legislation Advisory Council (LAC) 2008-2009, 2017
- Graduate - Texas Association of School Board's (TASB) Leadership Program 2009
- Graduate - Leadership San Antonio 1991

PROFESSIONAL ACCOMPLISHMENTS

- Field Research *"Authentic Leadership & Factors Affecting Organizational Commitment Among Professionals"* 2018
- San Antonio Women's Chamber of Commerce *"Rising Star Award"*, 2017
- Commissioner, (District 2) San Antonio Mayor's Commission for the Status of Women, 2007-2015
- Keynote Speaker, HQ, IMCOM Black History Program 2011
- Member, San Antonio Mayor's Women's Speaker's Bureau, 2007-2015
- Member, Eastside Promise Neighborhood Speaker's Bureau
- Guest Lecturer, Our Lady of the Lake, Heart and Soul Series, 2011
- Published Article - *"Military & Military City USA Combine to Make 2005 BRAC Recommendations a Reality"*, U.S. Army Journal of Installation Management (BRAC Edition) 2011
- Lead Professor, National Graduate School, Texas Bachelor's Program, Professor Master Program
- Commissioner, VIA Intra-City Rail & Streetcar Commission, 2009-2011
- FSH Representative for San Antonio 20/20 Project - Education Subcommittee 2010 -2011
- FSH Representative to San Antonio Military Task Force - Education Subcommittee 2008-2010
- Army Civilian Leadership Advanced Course, Fort Belvoir, VA 2008
- Graduate - Leadership San Antonio - Class of 1991

ACADEMIC CREDENTIALS

- Ph.D. - Dissertation Pending, *"Authentic Leadership & the Factors Affecting Organizational Commitment Among Professionals"*, Leadership Studies Department, Our Lady of the Lake University, San Antonio, Texas
- M.S. - Quality Systems Management, National Graduate School, Falmouth, Massachusetts
- B.A. - Accounting, University of the Incarnate Word, San Antonio, Texas

PROFESSIONAL PROFILE

- | | | |
|------------------------------|---|----------------|
| • 502 ABW, XP | Chief, JBSA Basing & Reintegration Prgms | 2019 - Present |
| • 502 ABW, XP | Chief, JBSA Wellness & Prevention Prgms | 2017 - 2018 |
| • 502 ABW, XP/8 Integrations | Chief, Integrations/Strategic Initiatives | 2015 - 2017 |
| • 502 MSG, JBSA - FSH, TX | Chief, Commander's Action Group | 2010 - 2015 |
| • Fort Sam Houston, TX | Chief, Plans, Analysis & Integration | 2009 - 2010 |
| • Fort Sam Houston, TX | Lead, Management Analysis Branch, PAIO | 2004 - 2009 |



**Joint Base San Antonio
Statement of Eligibility**

Applicant Full Name: Andrea Delonda Nicholas

Residential Address: 7327 Roveen Trail
San Antonio, TX 78244

Physical Address of Employer: Child & Youth Program
2814 Funston Rd
FSH TX 78234

Board of Trustees Location Applying For:

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

Andrea Nicholas
Signature of Applicant

7 AUG 19
Date

Andrea Nicholas
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.

Andrea D. Nicholas
7327 Roveen Trail, San Antonio, Texas 78244
Telephone: 210-367-1065 Email: andreadnicholas@hotmail.com

PROFESSIONAL SUMMARY

Passionate Robert G. Cole alumna committed to making the educational experience a positive one for all students, faculty and staff. Prepared to support decisions/initiatives that will enhance the district's climate so that all students, faculty and staff may obtain the knowledge, skills and abilities necessary to thrive in all aspects (cognitive, physical, social, and emotional) of their lives at school and in the community. Eager to share 30 years of experiences obtained while working for JBSA-Child and Youth Programs and give back to the district that provided the foundation I needed as a student to be successful. Desires to secure a position as a member of the Fort Sam Houston Independent School District Board of Trustees.

SKILLS

Positive Atmosphere Promoter	Critical Thinking	Strategic Planning and Thinking
Leadership/Communication	Fast Learner	Multitasking
Active Listening	Proficient in Microsoft Office	Child/Youth Mentor/Coaching
Operation Analysis/Monitoring	Adaptive	Teampayer

EXPERIENCE

May 2015 to present Training and Curriculum Specialist, JBSA-Fort Sam Houston, Texas

Provide and/or coordinate training for Child and Youth Program staff to ensure information and guidance in child and youth development are obtained and maintained. Ensure staff receives training in risk management (internal controls, accident/incident reporting, and child abuse identification, prevention and reporting procedures, etc.) Conduct observations of personnel during daily activities and special events to assess their competency level(s), evaluate performance and provide feedback. Complete debriefs reference staff performance. Ensure training, observations, testing, and debriefs are documented appropriately and in a timely manner. Communicate effectively with management on training and performance matters. Work with management and parents to determine if reasonable accommodations can be met for patrons identified as having a special need. Ensure staff is trained and environments support patron utilization. Plans, develops, and executes trainings to include but not limited to New Employee Orientation, New Employee Training, Training Modules, and installation requirements. Serve as an informational resource for personnel, children/youth and parents reference programming requirements, age/developmentally appropriate activities, available community resources and upcoming events. Recommend purchases for developmentally appropriate material, supplies, and equipment. Ensures environments are arranged appropriately and equipment and supplies are in good working condition and being utilized appropriately. Ensure program meets Department of Defense Certification standards and comply with all legal and regulatory requirements. Serve as Subject Matter Expert for Armed Forces Action Process as it pertains to Child and Youth Programs.

Oct 2011 to Nov 2015 Army Child Care in Your Neighborhood (ACCYN) Community Based Program Manager
JBSA-Fort Sam Houston, Texas

Provide regular technical assistance and evaluations to ensure participating child development center directors, staff and family child care providers are providing care that meets the needs of its patrons and is in compliance with established National, State and ACCYN program requirements. Assess programs and develop baselines for plans and improvements through administering environment rating scales. Identify and provide training to child development program staff and Family Child Care providers to ensure safe, age and developmentally appropriate child care is provided. Monitor child development and family child care homes by conducting announced and unannounced site visits to ensure staff adhere to risk management procedures to meet all applicable military and State licensing regulations. Assist programs with planning an annual budget to meet the needs of the program and its patrons. Budget must include staff training and professional development, and promote positive growth and development of children/youth IAW all applicable regulations and standards. Distribute funding and reconcile financial data as it pertains to executing program budgets. Provide technical assistance/guidance to programs and families enrolling in the Fee Assistance program. Serve as a coach/mentor in assisting programs to establish an accreditation team and provide technical support and updates on program progress towards obtaining or

Andrea D. Nicholas
7327 Roveen Trail, San Antonio, Texas 78244
Telephone: 210-367-1065 Email: andreadnicholas@hotmail.com

maintaining credentials and/or national accreditation. Serve as subject matter expert and coordinate with military organizations and outside agencies to provide program materials, consultation, and training. Maintain state-of-the-art knowledge of child and youth development philosophy, principles, methods, and techniques as endorsed by the military and nationally recognized child/youth organizations. Serve as a Records Custodian for Child and Youth Programs. Recruit, support and maintain relationships with community based child care programs to provide families with child care that is commensurate in quality and cost to care being offered on post. Represent the military as a viable partner with resources to increase the quality of care in off post catchment areas which benefits all children served.

Mar 2008 to Oct 2011 Outreach Services (OS) Director, Child, Youth & School Services (CYS), JBSA-Fort Sam Houston, Texas

Provide oversight and accountability for staff performance and safety/well-being of patrons IAW policies and procedures. Supervise and evaluate staff according to established performance standards. Provide professional recognition and/or disciplinary action. Ensure staff follow risk management procedures and standard operating procedures to support program goals. Implement and monitor policies reference fees, patron eligibility, baseline programming, space allocations, etc. Prepare operating procedures to anticipate installation trends and documents in Installation Child and Youth Operations Plan. Apply professional knowledge to plan, and implement OS components via Parent Liaison Services, Community Liaison Services, and CYS Liaison Services, Outreach Care and Supervision Options, and Mobile programs. Provide staff training and development. Process personnel actions in a timely manner. Conduct analysis of annual program budget variances and prepare written justification for funding of program resource requirements.

EDUCATION

Wayland Baptist University- San Antonio, Texas, Seeking a Master of Education with Elementary Teacher Certification

Wayland Baptist University- San Antonio, Texas, BSOE, Management, 2007

St Philip's College- San Antonio, Texas, AA, Liberal Arts (Education), 2004

St Philip's College- San Antonio, Texas, AAS, Computer Information Sys-Acct Specialist, 1990

TRAINING

Over 50 hours of Texas Association of School Administrators/Texas Association of School Boards training, Lean Six Sigma Black Belt (Organizational Efficiency), Resiliency Training Facilitator, Basic Management Course - MWR Academy, Operation Excellence Customer Service Trainer, Galileo Leadership Training, Managing Multiple Projects, Alpine Tower Teambuilding, Parents as Teachers-Heroes at Home, Ethics, Action Skills for Supervisors and Effective Teams (ASSETS), Teamwork and Motivation, Effective Writing, Working with Not Against Parents, Customer Service, and various Military Child Education Coalition Trainings

AFFILIATIONS

2017-present #TeamAction Help Raise 1 Help Save 1 - Mentor

2015-present Leaders of Tomorrow - Mentor

2012-present SayTown Snappers - Vice President

2004-present San Antonio Blazers Premier Track Club- Fundraiser Member

1990-present National Youth Sports Coach Association - Coach

1990-present JBSA-Fort Sam Houston Youth Sports - Cheer Coordinator and Coach

REFERENCES

Roxanne Lacy 210-860-4811 Rex Murphy 210-324-1447



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Carlos Hernandez

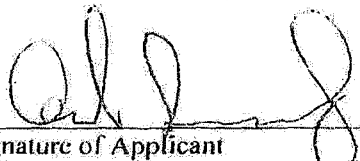
Residential Address: 9707 Chelsea Circle
Selma, TX 78154

Physical Address of Employer: 2404 N New Braunfels
H. Sam Houston, TX 78234

Board of Trustees Location Applying For:

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.



Signature of Applicant

8/1/19

Date

Carlos Hernandez

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.

CARLOS A. HERNANDEZ

9707 Chelsea Circle ♦ Selma, Texas 78154 ♦ 254-291-7538 ♦ carloahernandez@gmail.com

PROFESSIONAL EXPERIENCE

Detective/School Resource Officer

Department of Air Force, 502D Security Forces Squadron (SFS), Fort Sam Houston, Texas
(Tasked to Fort Sam Houston Independent School District) May 2015- present
Supervisor: Sherick Watkins 210-488-7971

- Assist district leadership with updating and creating Emergency Operation Plans
- Coordinate, develop and assist in training Lockdown drills to staff members
- Established relationships with students that reduced juvenile delinquent activities on campus and in community
- Member of monthly district leadership safety committee addressing safety and security measures
- Attend weekly meetings with administration to discuss students who are at-risk
- Instructed DNA/Fingerprint technique classes to police officers in 502D SFS organization
- Conduct investigations into crimes and interview subjects, victims and witnesses
- Collect and preserve evidence crucial to investigations which lead to prosecution

Patrol Officer

Department of Air Force, 502D SFS, Fort Sam Houston, Texas November 2008- May 2015
Supervisor: Gregory Davis 210-262-9370

- Completed police reports with grammar, spelling, capitalization and punctuation
- Maintained law and order, preserved the peace, and protected civil rights
- Investigated misdemeanors, felonies and other violations discovered in conjunction with traffic enforcement duties
- Enforce state, local and Uniform Code of Military Justice laws

Military Police

United States Army, Fort Hood, TX October 2002-August 2008
Supervisor: Eric Barreras 915-637-2381

- Shift Leader for Gen. Raymond Odierno's (Ground commander of coalition forces) protection team during Operation Iraqi Freedom 06-08
- Worked directly with top echelons of U.S. and coalition military and government leadership to provide personal security
- Planned and executed numerous security detail missions in a combat operating environment without incident
- Contributed to the reconstruction of the Iraqi Police Force and force protection of Iraqi Police Stations
- Performed random anti-terrorism measures in accordance with US Army instructions
- Successfully conducted numerous Standard Field Sobriety Tests on Driving While Intoxicated suspects, which led to numerous convictions
- Instructor for the Emergency Vehicle Operator Course

EDUCATION

University of the Incarnate Word, San Antonio, Texas
Bachelor of Arts in Psychology
GPA 3.1

Current Student

CERTIFICATION AND TRAINING

- Safety and Security Agreement Workshop (2019)
- School Safety Issues Beyond the Emergency Operations (2018)
- Internet Safety/Cyberbullying/Human Trafficking and Risk Reduction (2018)
- Mental Health Issues & Impact on School Safety (2018)
- Responding to an Active Shooter: Beyond Lockdown (2018)
- Military Police Investigation School, United States Army Military Police School (USAMPS), Fort Leonard Wood, MO (2015)
- TASER Course (2014)
- Air Force Emergency Response Operations First and Emergency Responders Course (2014)
- Family Advocacy Program Course (2014)
- Evasive Driving / Protective Services School, United States Army Military Police School (USAMPS), Fort Leonard Wood (2006)
- Statement Analysis Techniques Training (2006)
- Standard Field Sobriety Test Course (2006)
- Emergency Vehicle Instructor Course (2006)
- Military Policeman Advanced Military Training (2003)

HONORS

- 502D SFS Non-Supervisory of the Year Award
- Bronze Star Recipient



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Yazmine I. Gutierrez

Residential Address: 2011 Emerald Edge
San Antonio, TX 78245

Physical Address of Employer: 3060 Stanley Rd
FSH, TX 78234

Board of Trustees Location Applying For: JBSA

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.


Signature of Applicant

Printed Name of Applicant

8 Aug 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.

Yazmine Ines Gutierrez
2011 Emerald Edge, San Antonio, TX 78245 US
Mobile: 210-347-3941
Email: yaz_cuervo@hotmail.com

Professional Profile

I am a dedicated, accomplished, and effective professional with multifaceted experience within social services in civilian and military populations seeking a meaningful position interfacing with military personnel, DA/DOD civilians, and family members. I am experienced at assessing individual, family, and system needs and successfully providing the resources required to empower them to accomplish their goals. I have the educational background, professional experience, and proven record of accomplishment to successfully carry out the job requirements for this position. I am motivated and enthusiastic, and would appreciate the opportunity to become an asset for the Department of the Air Force.

Summary of Qualifications

- Experienced in behavioral health, social service programs, and community education
- Expertise in creating and executing programs within military communities
- Several years of experience collecting, analyzing, and interpreting social and behavioral data
- Experience in independently developing and present clear, concise briefings with sound conclusions and recommendations
- Clear and concise communication skills, both orally and in writing, to a broad audience of military and civilian professionals, technical and administrative personnel, in a diplomatic and tactful manner, and sufficient to serve as a productive member of boards, meetings, and working groups
- Several years of experience in establishing and maintaining effective working relationships using tact, empathy, and diplomacy in interactions with subordinates, peers, supervisors, and external partners

Work Experience

Soldier For Life-Transition Assistance Program (SFL-TAP)	01/2019 - Present
2450 Connell RD	Hours per week: 40
Fort Sam Houston, TX 78234 United States	Annual Salary: \$64,534
Transition Services Specialist/Work/Life Consultant	

CREATED and ESTABLISHED the Transition Assistance Program Too (TAP Too). An adjunct program established, for the first time at JBSA FSH, which seeks to empower Military Spouses by providing information and resources in support of Service member retiring/separating.

and concerns. Providing advice, guidance and additional referral options to ensure clients had access and assistance in securing support or direct aid.

UTILIZED interview data and changing military demographics, develops family profiles, and addressed work/life issues affecting families. Monitoring and tracking each case to evaluate and ensure customer service and client satisfaction. Reviewing cases with the work/life consultant(s), recommending and carrying out appropriate actions to resolve concerns.

COMPILED data to document service effectiveness. Providing individual and family consultation services, education, referrals, and follow-up. Referring difficult or complex situations to appropriate organization, program and personally advised clients.

SERVED as the primary advisor to the commander and staff on all matters relating to the Armed Forces Action Plan Forum and issue statuses. Encouraged senior spouse advisors and supporters.

CONDUCTED a variety of educational forums and briefings to enhance community capacity and thus assist serviced populations in improving work/life skills and knowledge of available resources. Implemented referral policies and procedures between the M&FR and base and Community agencies; prepared operating instructions to formalize agreements and identify roles and responsibilities.

DELIVERED training and seminars for standard work/life issues and interest areas such as personal financial management, employment, community life, transition, relocation, emergency/crisis assistance, personal and family readiness, and other work/life issues. Ensures compliance with regulatory requirements and governing directives.

COORDINATED and MANAGED program implementation and focus groups providing service members and families in a joint base community the opportunity to raise issues of concern regarding quality of life for leadership awareness, action and resolution.

CONDUCTED and IMPLEMENTED marketing and public relations campaigns, maintaining relationships with professional associations, base agencies, and others to enhance and deliver comprehensive services. Identifies and develops formal and informal local networks to enhance service delivery (e.g., guest speakers, subject matter experts, etc.) to ensure target populations are informed of program(s).

MAINTAINED and UPDATED marketing resources (bulletins, flyers, advertisements, etc.) in preparation for monthly and annual events. Ensuring all training materials, equipment and student handouts are readily available for scheduled classes. Set up classrooms. Maintained participant rosters, sign-in sheets, and attendance records.

SUPPORTED and ASSISTED the Transition Assistance Program with the annual Hiring Heroes and Hiring Our Heroes Career Fairs for Joint Base San Antonio. Assisted in coordinating base access for employers, shuttled employers and job seekers to and from event site, consolidated and coordinated resources to be provided to job seekers upon arrival.

OVERSAW the annual joint base Armed Forces Action Plan (AFAP) forum. Responsible for planning, organizing, developing, coordinating, administering, and implementing of the joint base AFAP Forum. Organizing and establishing required classes, workbooks, schedules, and other necessary materials. Contacting various resources to ensure public affairs, operations

Community Service (ACS) program areas.

National University
La Jolla, CA 92038
Master's Degree Student - Human Behavior
Supervisor: Desiree Butts

04/2015 – 07/2016
Hours per week: 30

CONTRIBUTED in communication and understanding of theories through experimental processes based on real-world situations. Data was collected using an array of online resources (University Libraries, Generated Surveys, etc.).

CONDUCTED research led to a greater understanding and personal growth in knowledge and understanding of moral and ethical principles and values. Through research, data collection, and conducted experimentation an understanding of adult development and human sexuality theories and principles lead to personal and interpersonal growth.

DEVELOPED a more in-depth application of behavioral change (commitment, focus, etc.) and organizational change (efficiency, timelines/deadlines, etc.) was achieved. Result was applied to help promote growth on a personal, social, and organizational level. Leadership courses allowed a better understanding of what is expected from a leader and led to the application of leadership theories being established and executed for areas of supervision, management, and administration.

COMPLETED coursework and article reviews helped to improve on, and produce, written materials (papers, essays, projects, journals, etc.) that analyze, integrate, and critique critical theories, issues and research in human behavior.

RESEARCHED, CONDUCTED and EXAMINED experiments and display practical competence in the use of behavioral theory, research and assessment. Class debates, group discussions, individual presentations, etc., exhibit oral fluency in articulation of the theory, and practice of behavioral science. Demonstrates multi-cultural awareness and appreciation of human diversity.

Elated Weddings
San Antonio, TX 78249
Design and Marketing Assistant
Supervisor: Imogene Goodman-Rodriguez

03/2015 – 10/2016
Hours per week: 12
Salary: \$14.00 Per Hour

PROMOTED products and services to bring in more clientele through the use of advertising, promotion managers, and marketing activities. Developed marketing strategies based on knowledge of establishment objectives, market characteristics, and cost and markup factors.

DEVELOPED pricing strategies and firm objectives by staying informed of market trends, thus maintaining customer satisfaction. Developed and organized lists describing product or service offerings in order to maintain proper organization and flow. Kept abreast of trends, trend forecasting, and strategic planning utilizing social media and market research to ensure the sale and profitability of products and services.

COORDINATES and ASSISTS in weekly promotional activities or trade shows, worked with developers, advertisers, or production managers, to market products and services. Consults with buying personnel to gain advice regarding the types of products or services expected to be in demand. Helps with the overall creation for the client's vision. Demands of the job required an

ENSURED compliance with the use of funds agreement accepted by clients. Made approved vendor purchases of expendable supplies and requests the procurement of non-expendable supplies and equipment. Arranged for routine cleaning, maintenance and repairs of equipment, and for transportation as required.

PROVIDED input for after action reviews to company owner on a wide range of topics. Reviews included employee helpfulness (usually up to four employees) per event. Meet with sponsors and organizing committees to plan scope and format of events, to establish and monitor budgets, and to review administrative procedures and event progress. Held one-on-one meetings to establish clients' desires which are used to evaluate and select providers of services according to customers' requirements.

PLANNED with vendors to establish the availability of audio-visual equipment, transportation, displays, and other event needs. Planned and develops programs, agendas, budgets, and services according to customer requirements.

IMCOM G9, Family Programs

Joint Base San Antonio-Fort Sam Houston, TX 78234

Army Volunteer Corps Volunteer

Supervisor: Lorraine Clark, AVCC (210-466-1207)

03/2015 - Present

Hours per week: 25

Salary: Zero

PROVIDED administrative support (typing, phone calls, file organization, etc.) to Installation Management Command (IMCOM) G9 Family Programs Program Managers for Army Volunteer Corps (AVC), Army Family Team Building (AFTB), Army Family Action Plan (AFAP) and Mobilization and Deployment (Mob/Dep).

REVIEWED, EDITED, and FORMATTED program guidebooks. Assembled manuals, guidebooks, packets. Coordinated special projects. Answered and assists on Defense Connect Online (DCO) Calls. Offered training, based on qualifications, for teleconferences or DCO.

RESEARCHED materials: articles, newsletters, pages, blogs either for programs or to promote better understanding of programs. Assisted with analysis of customer demands, social change, community needs using social media (i.e. Twitter, Facebook, Instagram, and Snapchat) and other means in an effort to improve programs and events.

ASSISTED with data analysis from Client Tracking System (CTS) and Volunteer Management Information System (VMIS). Organized files systematically. Created forms, documents, certificates, spreadsheets. Maintained confidentiality of any information protected by the Privacy Act.

US Air Force

Boerne, TX 78015

Child and Youth Program Assistant Series 1702

Supervisor: Christopher Keiser

04/2015 - 08/2015

Hours Per week: 39

Salary: \$11.32 per Hour

SUPERVISED as a Child and Youth Program Assistant (CYPA) in one or more child and youth programs. Worked with accountability systems (sign-in/out sheets, and computer systems) to ensure the whereabouts and safety of children and youth. Based on a required activity log used to help tactile, mental, and emotional growth plans, activities were coordinated for the youth programs. Activities were then personally adjusted to fit program participants based on observed needs of individual children and youth ranging in age from 6 weeks to 18 years.

an audience through a presentation. Critical analysis - Attainable to research and critically evaluate texts, information and argument to offer informed and logical arguments of their own.

ANALYZED data and statistics - Able to interpret and critically assess scientific data, using problem-solving and reasoning skills. With experimental research am able to gather, assess, utilize and prepare statistical information. Confident in exploring different approaches and exercising personal responsibility and initiative. Data collection (surveys, polling, etc.) taught the ability to obtain, maintain, and analyze data for planning and reporting purposes in accordance with program guidance.

PREPARED reports and surveys as appropriate, using gathered data, to meet requirements outlined by the department and as requested. Gained knowledge in conducting assessments with clients to determine required needs and evaluating safety and levels of risk. Through client assessment training, can identify urgency of cases and develop a plan for assistance. Ethics and safety training enabled the conduction of safety planning and initiate the notification process with specific agencies. Psychology education provided a foundation to recognizing symptoms of emotional distress.

ATTAINED knowledge of how to maintain a resource book with local professional and non-professional services for emotionally distressed individuals. Attendance of classes on ethics and rights brought the ability to inform individuals of reporting options, their rights and responsibilities.

PROFICIENT in Computer and IT - skills used for the handling of textual and graphical information, including the use of the Internet for research and a variety of Social Media (Facebook, Twitter, etc). Using gained knowledge can effectively solve problems by analyzing complex fact situations to identify the legal issues raised and applying legal rules and principles to them. Gained Project Management experience running a significant empirical project with independence and responsibility, to meet constraints and time limits, and to achieve work of a recognized scientific quality which takes account ethical dimensions.

ABILITY to work independently with minimal direction; organize work and manage time effectively. Team-player, able to participate in and contribute to group activities and use material derived from these to inform written assessments. Performed a variety of administrative functions to include writing and reviewing official correspondence. Determined data required for analysis and devises, appropriate methods for securing required information from sources such as reports, surveys, on-site investigations, discussions with officials, statutes, policies, plans, schedules, etc.

ANALYZED data, hypotheses/issues and selects and applies accepted analytical techniques. Research required the development of the initial hypotheses and recommendation of solutions for problems analyzed for submission to professors or group members. Proper time management and organization helped in tracking and organizing a large number of project actions and official correspondence.

Army Community Service
Fort Sam Houston
Fort Sam Houston, TX 78234 United States
Volunteer

10/2009 - 08/2013
Hours per week: 15
Salary: Zero

National University La Jolla, CA United States
Master's Degree 07/2016
GPA: 3.175 of a maximum 4.0
Credits Earned: 54.00
Major: Human Behavior

University of Texas at San Antonio San Antonio, TX United States
Bachelor's Degree
GPA: 3.01 of a maximum 4.0
Credits Earned: 175 Semester hours
Major: Psychology

St. Philip's College San Antonio, TX United States
Associate's Degree
GPA: 3.7 of a maximum 4.0
Major: Culinary Arts

Job Related Training:

ENG Introduction to Literature (3 Semester Hours)
MAS Latino Cultural Expressions (3 Semester Hours)
SOC Social Problems (3 Semester Hours)
SPN Elementary SPN I (3 Semester Hours)
PSY Statistics for Psychology (3 Semester Hours)
PSY Abnormal Psychology (3 Semester Hours)
PSY Social Psychology (3 Semester Hours)
PSY Theories of Learning (3 Semester Hours)
PSY Introduction to Psychology (3 Semester Hours)
PSY Cognition (3 Semester Hours)
PSY Motivation and Emotion (3 Semester Hours)
PSY Attitudes (3 Semester Hours)
PSY Sensation and Perception (3 Semester Hours)
PSY Psychology Perspectives on Gender (3 Semester Hours)
PSY Psychology of Health (3 Semester Hours)
SOC Social Stratification (3 Semester Hours)
SOC Intro to the Study of Society (3 Semester Hours)
WS Introduction: Women's Studies (3 Semester Hours)

CERTIFICATES:

Government Purchase Card - November 2018
Basic Transition Employment Management (BTEM) - May 2019
Personal Financial Readiness (PFR) - May 2019
Bob Pike Train the Trainer - June 2018
Bob Pike Gamification - September 2018
Airman and Family Readiness Center Basic Course - February 2019
Advanced Facilitation – January 2017
Emerging Leaders Course (ELC) - July 2017
Programs & Policies – Travel Card Program (Travel Card 101) - May 2017
DTS (Basic)-About DTS - May 2017
Telework Fundamentals – Employee Training – March 2017
DoD Combating Trafficking in Persons – General
Force Protection – Annually



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Melanie E. Gallegos

Residential Address: 7902 Hatchmere Ct.
Converse, Tx 78109

Physical Address of Employer: 5557 Watkins Patch
Bldg 1630
Fort Sam Houston, Tx 78234

Board of Trustees Location Applying For:

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

Melanie E. Gallegos
Signature of Applicant

7/31/2019
Date

Melanie E. Gallegos
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.

Melanie Eve Gallegos

DSN: 471-3381

Office: 210-221-3381

Email: melanie.e.gallegos.naf@mail.mil

Experience/Work History:

US Air Force

Bldg. 1630

Fort Sam Houston, TX 78234 United States

Experience/Work/History

08/2011 - Present

Series: NF-04

Instructional Program Specialist/SKIES Manager (This is a federal job)

Duties, Accomplishments and Related Skills:

Manage the overall planning, managing, integration, evaluation and analysis Instructional Programs/SKIES.

Coordinates details of activities to include: sports and fitness, social recreation, community-wide activities, and instructional classes and workshops, preteen and teen activities, before and after school and day camp activities, community services partnerships.

Negotiate prices, times and availability for potential contractors.

Develops a scope of work which consists details on services to be provided, times, locations and a dollar amount that will correspond with the budget for the contracting officer.

Provide training for all contractors and submit their Care National Agency Check and Inquiries (CNACI), Instillation Records Check (IRC)

Processes all contractors' payouts through accounting.

Perform regular observations and evaluations on contractors and youth program staff.

Create and maintain all logistics of classes within the webtrac system. Maintain cost effectiveness for our programs when networking for new contractors.

Establishes and maintain relationships with military families. Organize and maintain child/youth/contractor file. Brief CYS Programs at the newcomers brief twice a month at the Family Readiness Center. Collaborates with Joint Base San Antonio (JBSA) marketing department with special instillation events as the Youth Programs (YP) representative with special events on the instillation: Glow Run, Cowboys for Heroes, Oktoberfest, Fiesta, and Take a Brake at Canyon lake and manages staff.

Directs, plans and manages staff needs and supplies for special events. Appointed to exercise the supervisory responsibilities of the EDGE! Program prior to its dissimulation.

Supervisor: Jeanne Warren (210-221-4488)

US Army Child Development CTR
Bldg. P-10785C Chapel Drive
Black River, NY 13612 United States

09/2007 - 09/2008

Lead

Duties, Accomplishments and Related Skills:

Planned and implemented developmentally appropriate programming, curriculum and activities for children and youth in their care. Instructed team members on daily tasks and written instructions. Briefed parents on the activities of their children and the observations made throughout the day. Worked closely with supervisors, trainer to implement activities and special events appropriate for the children in their care. Sets up displays, bulletin boards of artwork or special information for parents.

Maintained and submitted all USDA, accident reports, and medication forms to my director on a monthly basis. Conducted on-the job training and provides instructions for incoming room staff. Maintained control of and accounts for the whereabouts and safety of children and youth.

Exercised significant work methods and provides work-related guidance to subordinates.

Ensured employees followed safety, fitness, and health and nutrition procedures methods and provides work related guidance to subordinates. Instructed employees in specific tasks and job techniques; makes available written instructions, reference materials and supplies. Explained and ensured compliance with program guidance, procedures, policies and directives.

Collaborated with TACS on the Child Abuse Risk Assessment Tool (CARAT) Team and provided expertise in evaluating child abuse and neglect, assessed risk and protective factors, and provided recommendations for interventions to protect children and enhance a caregiver's capacity to provide a safer environment.

Supervisor: Cheryl Burns Stephens (315-774-4831)

Okay to contact this Supervisor: Yes

Education:

Iver C. Ranum High School Denver, CO United States High School
or equivalent 06/1988

Front Range Community College Westminster, CO United States
Some College Coursework Completed

Relevant Coursework, Licenses and Certifications:

withdrew

University Of Northern Colorado Greeley, CO United States Some College
Coursework Completed



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: LaShonda F. Harvey

Residential Address: 3800 Perrin Central Blvd

Apartment 622

San Antonio

Texas

Physical Address of Employer:

2530 Funston Road

~~3800 Perrin Central Blvd~~

~~Apartment 622~~

FORT SAM HOUSTON

~~San Antonio~~

Texas

Board of Trustees Location Applying For: Fort Sam Houston

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.

HARVEY.LASHONDA.
F.1114166983

Digitally signed by
HARVEY LASHONDA F 1114166983
Date: 2019.07.30 08:05:22 -05'00'

Signature of Applicant

LaShonda Harvey

Printed Name of Applicant

30 July 19

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.

MS. LaShonda Fanee Harvey

14001 Oak Meadows

Universal City, TX 78148 US

Mobile: 4022126735 - Ext:

Evening Phone: 4022126735 - Ext:

Email: lashonda707@gmail.com

Availability:

Job Type: Permanent

Work Schedule: Full-Time, Job Sharing

Desired locations:

United States - TX

Work Experience:

Offutt Child Development Center

55 FSS/FSFC

105 Washington Square Suite 136

Bellevue, NE 68113 United States

08/2013 - Present

Salary: 41,130.00 USD Per Year

Hours per week: 40

Clerk

Duties, Accomplishments and Related Skills:

I can type at least 40 words per minute, based on a 5 minute sample with three or fewer errors. I provide clerical and automation support for administrative correspondence, personnel actions, timecards, and various other support functions am Courteously provide appropriate information and answer questions concerning types and availability of programs. I Enroll children into appropriate child/youth program, ensuring parents complete required forms. Assist parents with form completion. Input enrollment data accurately into database. I am accurate computes and collects fee for child care program participants, ensuring local policies are adhered to; inputs payment data into database ensure payments are accurately recorded in accordance with local policies; notifies supervisor of account deficiencies after an attempt has been made to collect payments from parents'. Accurately prepare and transport daily deposit next business day Utilize office automation software to perform administrative functions such as payroll, word processing, electronic mail and electronic records management can Establish, update, and maintain office records Accurately maintain data in the appropriate electronic file. Use child care enrollment software to monitor children's records Establish files, maintain, purge, and dispose of office records/files accurately maintain established files in accordance with an office file plan so that materials may be easily retrieved. I Consolidate, attach, and/or cross references materials in multiple categories with previously filed materials so that relevant information is complete and readily available. I

with applicable laws and regulations. . I work with a minimum of direct supervision. . Knowledge of current principles of educational techniques and methods Ready to effectively communicate verbally and in writing sufficient to express ideas, thoughts and instructions clearly to students, parents, community and staff, regardless of ethnic, racial, religious background or socio-economic level. I am Able to collaborate effectively on inter- and intra-agency levels. Has the ability to supervise staff and volunteers, coordinate and assign tasks, evaluate results and control assignments. Has the Ability to produce an effective educational program for students of preschool age. Ready to schedule and manage time effectively. Has the ability to read, understand and implement policies, procedures and state mandates. I am very Knowledgeable of NAEYC Accreditation process. I Have the Knowledge of and ability to evaluate curriculum Knowledge of policies and regulations governing the operation of a child development center, e.g., fire, health, safety, and facility requirements, food service regulation, design criteria and financial operations, and ability to plan and budget to meet operating needs structure assignments and assigns work to subordinates based on priorities and deadlines, selective consideration of the difficulty and requirements of assignments, and the capabilities of employees. I interpret and monitor the implementation of Air Force and National Association for the Education of Young Children criteria for center-based child care services. I plan, administer, supervise, carry out and evaluating early childhood development and preschool programs designed to promote children's physical, social, emotional and cognitive growth from infancy to school age. I Interpret all applicable policies and guidance; evaluates/assesses program effectiveness; makes recommendations for program development and improvements; and implements, directs, and coordinates the program operations in accordance with regulatory guidance. I have the knowledge of child development principles, norms, behaviors, growth patterns, and procedures to develop meaningful program services, establish criteria for the organization of developmentally appropriate child activity spaces, determine requirements for program materials and equipment and develop curriculum plans and activities which promote the physical, social, emotional and intellectual growth and development of children from infancy through school age Maintain effective communications with subordinates, early childhood education professionals, co-workers, superiors, and patrons. I Establish develop and maintain effective working relationships with early childhood education professionals, customer organizations, human resource office, civilian personnel, financial management, family advocacy, public health, medical community, schools, safety, and fire department. I promote purpose and program, services, orientations, and activities within the activity, and with the squadron, program patrons, and the public. I exercise supervisory personnel, administrative, and managerial responsibilities in relation to subordinate groups, squadrons and staff agencies. I apply Equal Opportunity principles and requirements to all personnel management actions and decisions and ensure all personnel are treated in a manner free of discrimination. I explain performance expectations, provide regular feedback, and appraise performance of subordinate supervisors and employees directly supervised.

Executive Leadership staff, provides assignment clarification/instructions, and facilitates development of any appropriate attachments' Provide general clerical, public contact, and support services, such as answering the telephone, referring visitors, or providing information about the office, its functions, and standard operating procedures. I Deal with people of varied backgrounds. I communicate with staff and management. I organized effectively the flow of administrative/clerical processes in an office environment am responsible for the control, assignment, coordination, and final review of all such material prepared for the signature Use the computer programs and other applications to assure that message traffic and correspondence is reviewed and routed for action and/or distributed to appropriate parties in a timely manner can use the computer system to input and extract information regarding patient care. I used office equipment such as copy machine, fax machine, printer, scanner, etc. Can use word-processing and printing equipment to create, copy, edit, store, retrieve and print a variety of documents can compile and sorting data for accuracy after initial entry I Integrate several types of software to generate specific working documents and forms such as spreadsheet, database, word processing, graphics and other similar products.

J. C. Penny

Birmingham, AL United States

08/1996 - 06/2000

Salary: 30,000.00 USD Per Year

Hours per week: 50

Hair Stylist

Duties, Accomplishments and Related Skills:

Duties: Provide excellent customer service to our members and guests by answering phone calls, setting appointments, greeting members/guests upon arrival, pre-selling/selling our membership, working with companies on corporate memberships, maintaining professional front desk and reception area, assisting in administrative tasks including filing, member folder maintenance, and data entry of client records and surveys, liaison between the front desk and therapists, scheduling of therapists and clients, assists in maintaining cleanliness of therapy rooms, and common areas.

Experience: Sales and customer service experience preferred. Ability to effectively communicate with members/guests on membership benefits, and clinic policies and procedures. Ability to work cohesively with others in a fun fast paced environment. Able to work flexible schedule. Previous sales in the health and wellness industry beneficial.

Education:

Metropolitan Community Collage Bellevue, NE United States

Some College Coursework Completed 06/2012

Relevant Coursework, Licenses and Certifications:

Child Development Associate

Employee of the Month 2008
Employee of the Month 2009
Employee of the Quarter 2009
Employee of the Year 2009



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Richard G. Kling III

Residential Address: 2748 Worth Rd-Suite 200

Fort Sam Houston

Texas

78234

Physical Address of Employer:

2748 Worth Rd-Suite 200

Fort Sam Houston

Texas

78234

Board of Trustees Location Applying For:

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

KLING.RICHARD.GOR
DON.III.1018607197

Digitally signed by
KLING.RICHARD.GORDON.III 1018607197
Date: 2019.07.31 07:55:46 -04'00'

Signature of Applicant

Richard G. Kling III

Printed Name of Applicant

07/31/2019

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.

RICHARD G. KLING III

10909 Forest Breeze, San Antonio, TX 78233

(703) 399-5916

Richard.kling6@gmail.com

www.linkedin.com/in/richard-klings

PROFESSIONAL SUMMARY

Multi-disciplined Military Veteran with **Active Secret Security Clearance**, over 25 years of proven experience in the **United States Army**. Accomplished measurable results while leading teams ranging from 12 to over 100 personnel in dynamic, fast-paced environments at any given time throughout an accomplished military career. Currently a **DA Civilian** in support of the **Army Surgeon General** as a resourceful Protocol Specialist adept at fostering productive national and international relationships between U.S. Army Executive Officers, civilians and foreign military delegates. Meticulous experience with planning, coordinating, directing, training and executing high level events for up to 400 personnel. Specialized in managing and processing official representation funding (ORF) approvals in excess of \$280k per year in support of all Army medical regions worldwide to support special functions and gift purchases at the executive level. Recipient of multiple awards for outstanding performance and professionalism. Career supported by a **Bachelor of Science in Health Science**, specialized training as **Billing Official, Government Purchase Card Holder, Certifying Official, Acquisition Ethics and Management of Internal Controls Program Manager**. Areas of expertise include:

- Healthcare Administration
- Policy Implementation
- Public Speaking
- Training & Development
- Communication/Organization
- Inventory Control
- ORF Budget Execution
- Data Analysis
- Microsoft Office Suite

PROFESSIONAL EXPERIENCE

Protocol Specialist **2018-Present**
Office of the Surgeon General and U.S. Army Medical Command, Fort Sam Houston, Texas

Advises the Executive Services Director and Protocol Chief regarding protocol matters in support of the Surgeon General and Commanding General of the U.S. Army Medical Command (MEDCOM), Deputy Commanding General (Operations) and Deputy Chief of Staff on matters pertaining to Protocol to assure proper operation for functions involving military and civilian visitors from the White House, Congress, Department of Defense (DoD), Department of the Army (DA), government, foreign dignitaries, contractors and private industry.

- Planned and executed flag setup, seating, meal arrangements and entertainment for over 12 high level events including visits by Civilian Aides to the Secretary of the Army (CASA's) and General Officers consisting of more than 1,100 DoD, DA, Congressional members and foreign personnel in direct support of the Surgeon General.
- Developed and created multiple itineraries, agenda's, event programs and biographies for 16 MEDCOM leader development programs, Congressional Visits, Changes of Command, foreign dignitary visits and promotion/retirement ceremonies.
- Provided protocol knowledge, etiquette rules and support in executing flag setup, seating arrangements and event registration at the 2018 Fort Sam Houston 243rd Army Birthday Ball with over 700 guests.

Assistant Deputy Director **2014 – 2017**
Office of the Surgeon General and U.S. Army Medical Command, Fort Sam Houston, Texas

Supervisor and Senior Advisor to the Army Surgeon General and General Officers/Senior Executive Service personnel on protocol, Executive Medicine, Official Representation Funds (ORF) and executive level daily operations.

- Supervised and responsible for the welfare and training of twelve Department of the Army civilians and one field grade officer
- Executed accountability, obligation and disbursement of the Medical Commands \$280K official representation funds encompassing all regions worldwide.
- Improved ORF and gift inventory processes for efficiency; maintained 100% accountability of \$8K worth of gift items for distinguished visitor presentations.

**Deputy Director
Fort Belvoir Community Hospital, Fort Belvoir, Virginia**

2013-2014

Provided senior administrative expertise to the Director of Education, Research and Training and Department Directors on command doctrine, leader development, organization and material issues and operational readiness.

- Cultivated a Hospital Education Directorate consisting of four departments with 50 Army, Navy, DA Civilians and Contractors providing health education and services to over 3,600 employees.
- Spearheaded enforcement of Joint Training Record compliance coordinating use of comprehensive tracking tools and training over 98 department training officers.
- Implemented a "Leadership Academy" reinforcing a "Culture of Excellence" & developing conflict resolution/counseling skills to over 400 military and civilian staff.
- Improved the healthcare training program increasing efficiency and sustainability of 191 personnel within 10 months leveraging healthcare resources in the National Capital Region and Department of Defense.

**Senior Personnel and Operations Manager
421st Multifunctional Medical Battalion, Baumholder, Germany**

2012-2013

Senior level staff manager for a Medical Battalion in Europe. Served as senior enlisted advisor to the commander on all organization matters; responsible for unit leader development programs, standards and policies.

- Fostered command climate, morale, good order, and discipline; responsible for the health, welfare, training, and safety of 87 Soldiers and their Families.
- Supervised the maintenance and accountability of property valued in excess of \$2.5M; supported an active Family Readiness Group.
- Planned, coordinated and supervised movement of unit personnel, equipment and vehicles during unit relocation 150 miles away; incorporated safety loss reports and safety briefs during daily operations & training.
- Oversaw design, construction and implementation of the first medical simulation training platform within the unit. U.S. units across Germany including multinational forces sought out use of this training to develop and hone their medical skills.

**Personnel and Operations Manager
557th Area Support Medical Company, Wiesbaden, Germany**

2010-2012

Personnel manager for an Area Medical Company in United States Army Europe with the mission of providing Level IV Army Health System support in support of Full Spectrum Operations in a Joint and Combined Environment

- Encouraged command climate, morale, good order, and discipline; responsible for the health, welfare, training, and safety of 82 Soldiers and their Families.
- Managed the operational readiness of more than 60 LINs and CTA items of government property valued in excess of \$7M. Oversaw the company supply team's effort to turn in more than 190 excess property items
- Conducted movement and field operations of the company responsible for subordinates treating 73 patients and conducting 30 real world labs, x-rays, and dental exams.

REFERENCE LIST

1. Nancy Popejoy
U.S. Army Office of the Surgeon General
Executive Services Director
Nancy.j.popejoy.civ@mail.mil
(703) 839-2756
2. Dr. Gloria Hajat
Department of Defense Education Activity (Europe)
RAF Lakenheath Middle School Principal
Gloria.m.hajat.civ@mail.mil
(+44) 7884-581467
3. Greg Canty
Defense Health Agency
Executive Services Director
gregory.l.canty.civ@mail.mil
(703) 681-6478
4. Lieutenant General (Ret) Patricia Horoho
Former Army Surgeon General
armysg43@gmail.com
(703) 231-8418
5. Command Sergeant Major (Ret) Donna Brock
Executive Coach at LWM III Consulting
Former U.S. Army Medical Command, Command Sergeant Major
donna.brock51@gmail.com
(254) 289-9650



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: *Amarilyys Silva*
Residential Address: *25035 Cambridge Well*
San Antonio, Tx 78261

Physical Address of Employer: *3060 Stanley Road*
FORT SAM Houston, Texas 78234

Board of Trustees Location Applying For: *Fort Sam Houston Independent School district*

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

Amarilyys Silva

Signature of Applicant

30 July 2019

Date

Amarilyys Silva

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.

MS. Amarilys Silva
25035 Cambridge Well
San Antonio, TX 78261 United States
Mobile: 210-478-7230 - Ext:
Email: silva872@hotmail.com

Availability:

Job Type: Permanent

Work Schedule: Full-Time

Desired locations:

United States - TX - San Antonio United Kingdom - Lakenheath

Work Experience:

Military & Family Readiness Center

3060 Stanley Road

Fort Sam Houston, TX 78234 United States

03/2016 - Present

Hours per week: 40

Series: 0101 **Pay Plan:** GS **Grade:** 09

Work Life Specialist (This is a federal job)

Duties, Accomplishments and Related Skills:

SERVE AS WORK LIFE SPECIALIST in the Employment Readiness Program that assist our Military and Family Members, Retirees, and Department of Defense (DoD) civilians with their career plan and job search.

EXTENSIVE KNOWLEDGE OF AIRMAN & FAMILY READINESS CENTER mission, functions, goals, objectives, and sources of funding pertinent to A&FRC programs/organizations.

PROVIDE EMPLOYMENT CAREER/COUNSELING to Military and Family Members and all ID cardholder either in face to face interviews/assessments or by conducting workshops. These methods allow to apply knowledge, resources, tools and techniques of securing employment opportunities in the Federal system or in the private sector.

PROVIDE knowledge of laws and regulations concerning Special Hiring Authorities, Executive Orders and Priority Placement Programs to clients of all military branch services. Provide 2 monthly Federal Resume Classes to civilians, veterans, transitioning Service Members and Spouses.

CONDUCT 10-15 resume reviews per week in person or by email, federal and private sector. Email 8-12 employment announcements to over 300 Employment clients on a daily basis.

TRAIN AND EDUCATE clients, employees, Transitioning Service Members by providing weekly workshop, special projects and initiatives/JOB FAIRS. Informs Military Commands and units of the availability of employment and financial resources within the military family life community and private organizations.

COUNSEL, ADVICE and EDUCATE employment clients on the best career plan for their future and provides the resources, tools and training to get them to accomplish goals.

UTILIZE Air Force Family Integrated Results and Statistical Tracking (AFFIRST) Data Base to create and update client cases.

DESIGN, DIRECT, AND IMPLEMENT the installation work/life services programs. Consult with on and off site community leadership officials on WORKLIFE and related issues. Establish goals, objectives, and procedures in accordance with applicable state, DoD and other federal guidance, regulations, and laws.

CONDUCT AND IMPLEMENT MARKETING AND PUBLIC RELATIONS CAMPAIGNS TO ENSURE TARGET POPULATION ARE INFORMED OF SERVICES AND RESOURCES. Prepare and deliver presentations on Military & Family Readiness Center programs and services. Maintain relationships with professional associations, base agencies to develop local networks and maintain resource and promotional materials accurately and update. Ensure resource centers maintain sufficient supply of materials that support WORKLIFE issues.

RESPONSIBLE FOR LINKING a variety of military and community support services with those Service Members, Civilians and Family Members who have greatest need of and are least likely to seek out and utilize such services.

DELIVER concepts, principles, and theories relating to behavioral science fields as well as community services to serviced populations.

ASSIST COMMANDERS, MILITARY PERSONNEL, RETIREES, DOD CIVILIANS EMPLOYEES, AND THEIR FAMILIES in providing extensive knowledge of social services.

DEVELOP GOALS AND OBJECTIVES that integrate organization and core life programs. Influence key organizational staff and organized groups within/outside the installation. DESIGN AND ESTABLISH marketing and public relation strategies to ensure target populations are informed of services and activities.

APPLY KNOWLEDGE and EXPERIENCE of a wide range of concepts, principles, and

theories relating to various social and/or behavioral science fields to include safety and security regulations, practices, and procedures.

SERVES AS GOVERNMENT PURCHASE CARD HOLDER for the 802 Force Support Squadron Military & Family Readiness Center with responsibility for applying guidance, analyze data to prepare budget estimates, develop alternatives, coordinating and approving purchases to ensure that program requirements are met.

DETAIL AS PROPERTY BOOK OFFICER AND MAINTAIN PROPERTY BOOK. CONDUCT AND MONITOR INVENTORIES for the 802 Force Support Squadron Military & Family Readiness Center and identify discrepancies and perform reconciliations of critical assets applying DoD regulations, policies and procedures.

ACCOMPLISHMENTS:

2019 – Outstanding Performance Evaluation led to 40 hours of Time Off Award and a Monetary Award

Supervisor: Rodney Gaither (210-221-9826)

Okay to contact this Supervisor: Yes

379th EFSS Airman & Family Readiness Center
379th EFSS, Unit 61209, Al Udeid, Air Force Base
Al Udeid, DOHA, Qatar

07/2018 - 11/2018

Hours per week: 72

Series: 0101 **Pay Plan:** GS **Grade:** 09

This a time-limited appointment or temporary promotion

Transition Assistance Program Manager (This is a federal job)

Duties, Accomplishments and Related Skills:

(This is a Civilian Expeditionary Deployment tour)

SERVED AS ACTING DIRECTOR AND LEADERSHIP for Air Force Central Command's sole Airman and Family Readiness Center, LEADING a team of three personnel in which over one hundred courses, outreach events, and consults were offered to ensure the readiness of over 20 thousand joint and coalition Service Members in support of Operation's INHERENT RESOLVE and FREEDOM'S SENTINEL.

IMPLEMENTED the installation WORK/LIFE services programs. CONSULTED with on and off site community leadership officials on WORKLIFE and related issues. ESTABLISHED goals, objectives, and procedures in accordance with Department of Defense (DoD) and other federal guidance, regulations, and laws maintaining effective working relationships using tact and diplomacy.

SERVED AS TRANSITION ASSISTANCE PROGRAM MANAGER providing Service Members with the Knowledge, Skills, and Abilities to empower them to make informed career decisions, be competitive in a global workforce, and become successful contributors to their community as they transition from military to civilian workforce. EDUCATED them with easily accessible resources and information to make their transitions more successful.

COORDINATED AND DIRECTED Southwest Asia's only five-day Transition Assistance Program Seminar, teaming with the Veterans Administration and Department of Labor to prepare over 75 joint warriors for life after military service.

SERVED AS FULL ACCESS ADMINISTRATOR for Air Force Family Integrated Results and Statistical Tracking (AFFIRST) Data Base with supervisory responsibilities to create, update, add, and delete staff's client cases.

Military & Family Readiness Center
3060 Stanley Road
Fort Sam Houston, TX 78234 United States

12/2015 - 03/2016

Hours per week: 40

Series: 0301 Pay Plan: GS Grade: 07

Family Readiness Coordinator (This is a federal job)

Duties, Accomplishments and Related Skills:

SERVED AS THE MOBILIZATION AND DEPLOYMENT SPECIALIST under the 802D Force Support Squadron Mobilization and Deployment Program manager at a Joint Base environment. Coordinates the provision of Military & Family Readiness Center requirements and provides direct WORKLIFE support as needed.

PROVIDED DIRECT PRE DEPLOYMENT AND POST DEPLOYMENT BRIEFINGS on a weekly basis to units and individual mobilizing service members. Provided Master Resiliency Training to tenant and geographically separated units. CONDUCTS COMPREHENSIVE community needs assessment on a semi-annual basis to identify family support program requirements of the community.

INTRODUCED UNIT AND DETACHMENT COMMANDERS OF ALL COMPONENTS in the establishment and training of Family Readiness Groups. Assist the Family Readiness Group Leaders and Family Readiness Support Assistants develop information and referral of WORKLIFE services and activities provided to military community on and off the installation.

PERFORMED the Army Readiness portion of Soldier Readiness Processing (SRP) for Service Members deploying and reviews family care plans for completeness and

accuracy.

IMPLEMENTED, MAINTAINED AND PROVIDED installation WORKLIFE services that meet community needs. Conducts and implements marketing and public relations campaigns to ensure target populations are informed of services and resources.

CONSULTED AND BRIEFED COMMANDERS, INSTALLATION LEADERSHIP, AND THE COMMUNITY AT LARGE to keep them abreast of service members and family issues. Maintains close liaison with local, state, and federal agencies and reserve component family support program coordinators.

DEVELOPED, COORDINATED AND IMPLEMENTED program outreach and awareness initiatives responsible for identification of target population. Monitor, analyze and document WORKLIFE services effectiveness. Utilize general standards and overall planning responsibilities to analyze and find solutions to diverse and complex problems involving military and civilian agencies.

Supervisor: Rodney Gaither (210-221-9826)

Okay to contact this Supervisor: Yes

Military & Family Readiness Center

3060 Stanley Road

Fort Sam Houston, TX 78234 United States

02/2015 - 12/2015

Hours per week: 40

Series: 0301 **Pay Plan:** GS **Grade:** 07

Armed Forces Action Plan (AFAP) Program Coordinator (This is a federal job)

Duties, Accomplishments and Related Skills:

SERVED AS THE ARMED FORCES ACTION PLAN (AFAP) MANAGER AT A LARGE ARMY INSTALLATION IN A JOINT BASE ENVIRONMENT. Responsible for developing, coordinating, administering, and implementing the AFAP program for all family and military service components, and mission partners. Plans and conducts the AFAP Conference for over 300 attendees.

RESPONSIBLE FOR DEVELOPING, COORDINATING, ADMINISTERING, AND IMPLEMENTING PROGRAMS DESIGNED TO ASSIST AND CONTRIBUTE TO THE WELL-BEING OF THE TOTAL MILITARY FAMILY IN A JOINT BASE ENVIRONMENT.

EFFECTIVELY LEAD AND CHAIR COMMITTEES, WORKING GROUPS, AND TEAMS. Ability to gather, assemble, and analyze facts, conduct analysis, devise recommended solutions, and package the entire process in briefings or reports suitable for top management use and decision making.

PLANED, IMPLEMENTED, ADMINISTERED, AND COUNSELED on Family Support Center's career, transition, relocation, family, and other WORKLIFE services and activities provided to military members, retirees, civilians, and their families. Assesses individual and family needs and provide continuing WORKLIFE services to eligible population.

CONDUCTED AND IMPLEMENTED MARKETING AND PUBLIC RELATIONS CAMPAIGNS to ensure target populations are informed of WORKLIFE services and activities. Incumbent coordinates and manages program implementation providing service members and families in a joint base community the opportunity to raise WORKLIFE issues and/or concerns regarding quality of life for leadership information and action.

IMPLEMENTED PROGRAM GUIDELINES to preserve high visibility afforded by command involvement facilitating significant contributions to readiness and the emphasis on ensuring opportunities for improved quality of life and community commitment.

CREATED AND PUBLISHED GUIDANCE, OPERATION ORDERS, INSTRUCTIONS, TRAINING PLANS, AND CONDUCTS TRAINING CLASSES. Developed, researched, and analyzed suggested AFAP concerns that involve a wide and varied range of WORKLIFE issues impacting military, family, and civilian quality of life, such as housing, financial support, employment and civilian support, mobilization, deployment, wounded warrior, relocation, medical and dental care, family support, and more.

PROVIDED EXPERT CONSULTATION SERVICES TO THE INSTALLATION COMMANDER AND STAFF. Provided overall support to promote cross-organizational collaboration in addressing individual, family, and community concerns. Promotes prevention and resiliency. Establish a core team and manage volunteers to support program operations.

PLANED AND FACILITATED the process of classrooms modifications and COORDINATED ongoing support of these rooms and TRAINED staff in the use of classroom technologies.

Supervisor: Rodney Gaither (210-221-9826)

Okay to contact this Supervisor: Yes

Naval Junior Reserve Officers Training Corps (NJROTC)

990 Voyager Drive

Lackland AFB, TX 78236 United States

12/2013 - 02/2015

Hours per week: 40

Series: 0303 Pay Plan: GS Grade: 06

Administrative Assistant (This is a federal job)

Duties, Accomplishments and Related Skills:

PROVIDED ADMINISTRATIVE SUPPORT AND WORKLIFE SERVICES to military members and families. Organized instructors' schedules to help provide educational services to the military community. Continually communicated with instructors via email and phone to meet time sensitive WORKLIFE services requests.

ESTABLISHED, UPDATED, AND MAINTAINED office records and school's instructors' files in accordance with Navy Junior Reserve Officers Training Corps (NJROTC) regulations and procedures. Provided logistical support for approximately 60 NJROTC units.

PREPARED documents for electronic orders for uniforms, curricular, and organizational items using the JROTC unit management system (JUMS). PROCESSED electronic claims for financial reimbursement to secondary educational institutions and forward claim via the Wide Area Work Flow (WAWF). Tracked special and routine authorizations issued by the NJROTC Program Office.

ASSISTED IN THE COORDINATION AND EXECUTION of area events and provided logistical support including, but not limited to, area competitions, instructor's training, and other events as directed by the area manager. Used various functions of multiple office automation software to produce a wide range of documents. Prepared a wide variety of recurring and nonrecurring correspondence, reports, and other documents.

REVIEWED AND EVALUATED accomplishments and prepared reports concerning community needs and development of new WORKLIFE support services of the overall program.

PLANS AND FACILITATES the process of classrooms modifications and COORDINATES ongoing support of these rooms and TRAINED staff in the use of classroom technologies. Tracked office supplies and request supplies via Naval Service Training Command's Citizenship Development office.

Supervisor: Mike Hale (210-671-7646)

Okay to contact this Supervisor: Yes

65th Medical Brigade

APO, Yongsan-Dong 4-Ga, Yongsan-Gu

Seoul, Yongsan, Chungcheongbuk-do [Ch'ungch'ongbuk-do] South Korea

08/2012 - 07/2013

Hours per week: 40

Series: 0303 Pay Plan: GS Grade: 06

Family Readiness Support Assistant (FRSA) (This is a federal job)

Duties, Accomplishments and Related Skills:

PROVIDED ADMINISTRATIVE AND LOGICAL SUPPORT to commanders and volunteer Family Readiness Groups (FRG) Leaders allowing them to focus on the mission accomplishment. EXHIBITED INITIATIVE AND COMPREHENSIVE KNOWLEDGE in the application and implementation of all referral information concerning Army Family policy and WORKLIFE services and resources.

EFFECTIVELY MAINTAINED AND COORDINATED the continuity and stability of Family Readiness Group (FRG). Organized and successfully coordinated FRG activities within the units and update the Commanders on the WORKLIFE program services. Prepared General Service (GS) work performance evaluations, awards, and reports for the service chief and Non-Commissioned Officer In-Charge (NCOIC) in accordance with established Office of Personnel Management (OPM) requirements.

CREATED AND MAINTAINED A CONTINUITY BOOK with tasks, point of contacts, daily routines, meeting and procedures, FRG policies, volunteer job descriptions, FRG after action reports, and community information.

ACCOMPLISHMENTS: SELECTED AMONGST THE BRIGADE (BDE) AS THE TOTAL ARMY SPONSORSHIP PROGRAM (TASP) MANAGER responsible for 17 Division Readiness Units (DRUS) TASP managers. MAINTAINED A 100% TASP REPORT for all assigned 65th Medical BDE sponsors. SERVED AS AMBASSADOR for the 8A Commander and Community Assessment Symposium to prioritize WORKLIFE issues of concern.

CREATED A FORUM FOR SENIOR OFFICERS, AND THE COMMANDING GENERAL TO COMMUNICATE AND EVALUATE WORKLIFE COMMUNITY PROGRAMS/SERVICES. Assisted the 65th Medical BDE with the first wide Organizational Day, through coordination, fundraising, and weekly In Progress Review (IPR) in order to promote unit esprit de corps and Family Readiness wellness generating an enjoyable and safely unit event.

ORCHESTRATED OUTREACH SERVICES to Service Members and their families by promoting efficient and effective communication between the Command and Family Readiness Groups, thus preserving stability and resiliency on the home front.

SUCCESSFULLY RECRUITED Family Readiness Group Leaders; conducted sponsorship training for spouses and FRG Leaders significantly increasing the unit's readiness through information flow and training.

ATTENDED THE MASTER RESILIENCE TRAINING ACHIEVING a significant knowledge on the tools to aid our Service Members, Leaders, and Family Members in their ability to grow and thrive in the face of challenges and bounce back from adversity. Conducted monthly Resiliency trainings for Service Members and Family Members.
Supervisor: COL Ginnette Ruth (785-571-4522)
Okay to contact this Supervisor: Yes

39th Finance Battalion, Charlie Detachment

61169 Ray Barracks
Friedberg, Hessen , Hessen Germany

05/2003 - 03/2004

Hours per week: 40

Series: 0303 **Pay Plan:** GS **Grade:** 05

Military Pay Technician, Debt Management Clerk (This is a federal job)

Duties, Accomplishments and Related Skills:

RECEIVED collection request from various outside agencies, as well as the various sections from the battalion for processing. Received management notices, notice of indebt and discrepancy letters. Customer Service and Central Processing Center (CPC) Sections.

SCREENED visitors and telephone calls to the Supervisor. Start, stop, and changes allotments, Change of Leaving Allowance (COLA), Travel Vouchers, Statement of Charges, Basic Housing Allowance (BHA), and Overseas Housing Allowance (OHA).

Supervisor: Tracy Woods (324-3470)

Okay to contact this Supervisor: Yes

Education:

Central Michigan University Leavenworth, KS United States

Master's Degree 05/2012

Major: General Management Administration

Inter American University of Puerto Rico San German, PR United States

Bachelor's Degree 05/2001

Major: Bachelor in Arts **Minor:** Executive Secretary with Word Processing

Job Related Training:

05/19 Government Purchase Card (GPC) Holder Training

09/17 USAF Emerging Leader Course

10/16 Four Lenses Personality Assessment Instructor Training

10/16 Airman & Family Readiness Center (A&FRC) Basic Course

06/16 Personal Financial Readiness (PFR) Course

02/16 Civilian Acculturation Leadership Training (CALT)

02/16 Deployment Cycle Resiliency Training (DCRT)

12/15 Making the Transition from Staff to Supervisor

12/15 Leadership, Team-Building and Coaching Skills

08/14 Customer Service Excellence

03/13 Family Readiness Leader Course (FRG)

11/12 Master Resilience Training (MRT)

03/11 Raising Children with Resilience

06/09 Army Community Service (ACS)/Army Family Team Building (AFTB) Master Trainer Course, Instructing, Briefing, and Facilitating Training

Language Skills:

Language	Spoken	Written	Read
Spanish	Advanced	Advanced	Advanced

Additional Information:

07/18 Security Clearance

06/13 Commander's Award for Civilian Service in Yongsan, Korea

05/13 Certificate of Achievement in Yongsan, Korea

04/13 Commander's Certificate of Appreciation for Sponsorship in Yongsan, Korea

06/08 Commander's Award for Public Service in Japan

03/05 Eagle Award for Excellence in Arizona

11/02 Program of Excellence Award in Germany

Comprehensive and practical knowledge of social services delivery systems and concepts, principles, and theories relating to one or more of the social or behavioral science fields as well as of community services, locations, and availability to serviced populations.

Ability to communicate effectively both orally and in writing, clearly, concisely, and accurately.

Ability to plan, organized, and direct functions and staff of a medium to large sized organization.

Ability to establish effective professional working relationships with coworkers and customers, contributing to a cooperative working environment and successful accomplishment of the mission using tact and diplomacy.

Knowledge of intake evaluation that include financial issues, medical problems, marital difficulties, educational or behavioral problems to include those problems exhibited by children, job functioning, and relocation adjustments, knowledge of the social and behavioral sciences.

Excellent customer service, team player, work with minimum supervision, manages stress well, very skilled in decision making, advocating, delegating, managing, teaching, resolving conflicts, facilitating, persuading, coaching, counseling, motivating, supervising, strong work ethics, ability to quickly absorb, process and retain information, ability to determine the nature of the problems; identify social and psychological factors.

VOLUNTEER EXPERIENCE

08/2004 to Present -

Master Resilience Training (MRT), 4 hours per month - Provided participants with an understanding of strategies to effectively enhance their well-being by building mental toughness and the ability to understand their own emotions and behaviors.

Army Family Team Building (AFTB), 4 hours per month; Facilitator Training Course (FTC), 4 hours per month; Instructor Training Course (ITC), 4 hours per month; Briefer Training Course (BTC), 4 hours per month - PROVIDE participants with an understanding of Military culture, and the skills and resources they need to become self-reliant, self-sufficient and resilient members of the military community

Army Family Action Plan (AFAP), 40 hours per week during Conference - Ensured that the unique needs of the Military community are addressed, provided advice, instruction, guidance, and assistance during the conference, attended training and planning conference, assisted with the evaluation and prioritization of the issues, and provided information and feedback to the chain of command, served as Facilitator during the conference

Army Community Service (ACS), 24 hours per week - PROVIDE administrative support to the AFAP, AFTB, Mobilization and Deployment and Family Services Programs

08/2011 to 05/2013 -

CWOC Secretary, 8 hours per month - MAINTAINED a binder with a calendar, to do list, current member's roster, sign-in sheets, agendas, minutes, and after-action reports, update the contact roster with telephone numbers and reports changes to the President; maintained accurate minutes of meeting and distributed information and correspondence to all members

Parish Council President, 5 hours per month- Responsible for all the Parish planning and events execution

Girl Scouts Volunteer, 2 hours per week - ASSIST the Troop leaders with meeting and planning for future events, responsible for the receiving, distribution, and collection of the money for the Girl Scouts cookies, assisted during camps and other outdoor activities

08/2008 to 11/2009 -

Catholic Women of the Chapel (CWOC) President, 5 hours per month - Responsible for all the CWOC planning and events execution, conduct CWOC meetings

Language Proficiency Assessment Committee Staff (LPAC), 2 hours per week - Served as a translator between Family Members and committee members, reviewed and evaluated different cases, ASSISTED with decision making

08/2007 to 05/2008 -

Girl Scouts Overseas Committee Chair, 8 hours per week - SERVED as the spokesperson for the entire Girl Scouts Committee and troop leaders, planned and executed future events and meetings, responsible for the entire cookie sale, provided guidance and support to all the troop leaders and volunteers

Latin-American Club Treasurer and Secretary, 10 hours per month - Set up a bank account at local bank, maintained organization's fund records and ledger update, received and count all funds submitted from fundraisings, PREPARED deposit forms, disburses checks in accordance with the club's guidance, reviewed monthly bank account statements, prepared monthly reports and presented to members at meetings, maintained accurate minutes of meeting and distribute information and correspondence to all members

10/2004 to 05/2006 -

Army Family Action Plan (AFAP) Facilitator and Recorder, 32 hours per month

06/2002 to 06/2003 - 1/37 Armor Division Family Readiness Group Leader, 8 hours per week - Serve as Family Readiness and Deployment Specialist for the Installation. Introduce Commanders and First Sergeants with Operation Resources for Educating about Deployment and Resilience training. Provide direct pre-deployment and post-deployment assistance to military service members and their families. Prepare reports and correspondence, chair councils, conduct briefings, training, and individual and group SRP; support the Commander's FRG goals, provided overall leadership of the FRG, recruited volunteers and delegate responsibilities, identified needs of unit families, served as a member of the unit level steering committee, act as unit FRG spokesperson for communicating family member's concerns and ideas to the Commander, gather and disseminates information on community information and activities

**Proposed Amendments to 19 TAC Chapter 61, School Districts,
Subchapter A, Board of Trustees Relationship
(First Reading and Filing Authorization)**

November 15, 2019

**COMMITTEE ON SCHOOL INITIATIVES: 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 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.

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 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: 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 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: 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: The proposal would have no new 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 December 20, 2019 and ends January 24, 2020. 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. 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 December 20, 2019.

MOTION TO BE CONSIDERED: 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.

Staff Members Responsible:

Jeff Cottrill, Deputy Commissioner, Governance and Accountability

Drew Howard, Senior Director, Lone Star Governance

Jason Hewitt, Senior Director, Special Investigations, Monitors, and Conservators

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 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 regarding 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 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 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 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 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.~~

~~(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 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) ~~(4)~~ In addition to the continuing education requirements in paragraphs (1) through (4) ~~and (2)~~ of this subsection, each board member shall 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 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 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 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 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 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 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.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. 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) ~~(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 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.

Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

November 15, 2019

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose revisions to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions 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. Additional revisions would streamline the credentials review and certificate issuance process for all members of the military community (military service members, military spouses, and military veterans).

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.052(b-1), (c), and (d-1); and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004; 55.0041, as added by SB 1200, 86th Texas Legislature, 2019; 55.005; 55.006; 55.007; 55.008; and 55.009.

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 to 19 TAC Chapter 234 would be December 22, 2019.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 234 consolidates all military-related provisions into one chapter and streamlines future military-related rulemaking opportunities. The Texas Legislature has added statutory provisions regarding teaching credentials for the military community (military service members, military spouses, and military veterans) during the last three legislative sessions:

- The 84th Texas Legislature, 2015 waived the certification fees paid by military service members, military spouses, and military veterans; established alternative methods for military groups to meet requirements for licensure; granted the commissioner authority to review applicant credentials and waive requirements for licensure; and incorporated the use of verified military service to satisfy apprenticeship requirements for licensure.
- The 85th Texas Legislature, Regular Session, 2017 provided military spouses with a three-year temporary certificate to teach in Texas.
- SB 1200, 86th Texas Legislature, 2019, allows military spouses to teach in Texas a maximum of three years with a license in good standing in another state. SB 1200 requires adoption of rules by the SBEC by December 1, 2019.

In addition to the requirements in SB 1200, which provides for increased flexibility for military spouses to teach in Texas, the SBEC would change certification processes to reduce the amount of time it takes to complete a review of credentials and issue a Texas certificate for military service members, military spouses, and military veterans licensed to teach in other states. Following is a description of the proposed revisions.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to current §234.5(e) would move that provision to new §234.7(d), regarding renewal requirements for military service members, military spouses, and military veterans.

Proposed new §234.5(e) would establish the process for military spouses to notify TEA of their intent to teach in Texas with a license issued by another state department of education for a maximum of three years. The credentials review process already in place requires individuals certified in other states to complete the online application and request the credentials review, the Texas temporary certificate, and/or the Texas standard certificate. Individuals applying for the credentials review, a required first step for all individuals certified outside of Texas, must also submit copies of all standard certificates issued by departments of education to teach in other states and official transcripts that show degree(s) conferred and date(s). Continued use of this established process would support the timely and successful implementation of this legislation.

The proposed amendment to §234.5(h) would reference the commissioner's rules concerning examination requirements in 19 TAC §152.1001 as an option for clarity and ease of reference that could be utilized by members of the military community that qualify for an exemption from required Texas tests.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

Proposed new 19 TAC §234.6 would implement provisions specific to military spouses in SB 1200, 86th Texas Legislature, 2019, and would meet the legislative mandate for SBEC to adopt rules by December 1, 2019. The proposed new rule would allow military spouses licensed in other states, and in good standing, to teach in Texas with credentials issued by another state department of education. SB 1200 specifies that prior to employment, military spouses must notify the licensing agency of their intent to teach in Texas with credentials from another state and must wait for confirmation from the licensing agency that their credentials have been cleared for employment in Texas. The proposed new rule would provide for military spouses to have three options to teach in the state of Texas after successful credentials review by TEA:

- Utilization of their current licensure from another state;
- Issuance of the Texas temporary three-year certificate already prescribed in §234.5(d) of this section; or
- Issuance of a Texas standard certificate following successful completion of a criminal background check.

Proposed new §234.6 would establish provisions for alternative licensing of all members of the military community referenced in the TOC, §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses. TOC, §55.004 provides for the issuance of a license to an applicant who is a military service member, military veteran, and military spouse. The proposed new rule would allow for the issuance of the Texas standard certificate upon completion of a successful review of credentials and the required criminal background check. Current provisions in the TOC, §55.004 allow

for the SBEC to grant this opportunity to military service members and military veterans, in addition to military spouses.

§234.7. Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to current §234.5(e) would move the provision to new §234.7(d), regarding renewal requirements for military service members, military spouses, and military veterans, to align all rule text specific to renewal and continuing education requirements in the same section.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would create a new regulation that allows military service members, military spouses, and military veterans to obtain and renew a Texas educator certificate following a credentials review and would limit the existing regulation that requires military service members, military spouses, and military veterans to meet the examination requirements for certificate issuance by exempting those individuals whom are already certified to teach in another state. 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 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 public benefit anticipated as a result of the proposed revisions would be continued support to members of the military community, with special provisions to allow military spouses of active duty members a maximum of three years to utilize a credential issued in another state and in good standing to maintain employment in Texas. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Marilyn Cook, Director, Educator Certification

Attachment: Text of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

Text of Proposed Revisions to 19 TAC

Chapter 234. Military Service Members, Military Spouses, and Military Veterans

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed as soon as practicable.
- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify, in writing or by email, a military spouse of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state. [The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.]
- (f) A military service member or a military veteran shall be entitled to credit verified military service, training, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (g) A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.
- (h) A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (i) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) Military service members and military veterans are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) Military spouses are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

- (a) To complete a review of credentials leading to issuance of licensure in Texas, military service members, military veterans, or military spouses must submit an application for review of credentials, copies of standard certificates issued in the other state(s), and official transcripts showing degree(s) conferred and date(s).
- (b) Upon completion of the review, the Texas Education Agency (TEA) will notify each military service member, military veteran, or military spouse, as specified in paragraphs (1)-(3) of this subsection, to provide results of the licensure review and information on next steps in the licensure process as follows.
 - (1) Military service members will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states.
 - (2) Military spouses will receive written results of the credentials review and have the following three options to teach in Texas with:
 - (A) the license issued by another state department of education, confirmed by TEA to be in good standing;
 - (B) the Texas temporary three-year certificate already available under provisions in §234.5(d) of this title (relating to Certification of Military Service Members, Military Spouses, and Military Veterans); and
 - (C) the Texas standard certificate eligible for issuance immediately following a successful review of credentials by TEA and completion of a criminal background check.
 - (3) Military veterans will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states.

§234.7. Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans.

- (a) Military service members, military spouses, and military veterans who hold a standard certificate(s) are responsible for certificate renewal and continuing professional education requirements pursuant to Chapter 232 of this title (relating to General Certification Provisions), except where specified in this chapter.
- (b) A military service member shall be exempted from any fee or penalty for failing to timely renew his or her Texas educator certificate if the delay occurred because the educator was serving as a military service member.
- (c) A military service member is entitled to two years of additional time to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.
- (d) The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.

Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs

November 15, 2019

**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 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs. The proposed amendments would implement the statutory requirements of Senate Bill (SB) 1839 and House Bills (HBs) 2039 and 3349, 85th Texas Legislature, Regular Session, 2017. The proposed amendments would add clarification for select definitions, would add language for admission requirements for the Early Childhood-Grade 3 (EC-3) and Trade and Industrial Workforce Training: Grades 6–12 certificates, and would 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). The proposed amendments would also implement changes based on stakeholder input and Texas Education Agency (TEA) staff recommendations.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 227, Subchapter A, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1), (4), and (6); 21.044(a), (g)(2), and (g)(3); 21.0441; 21.0489(c), as added by SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017; 21.049(a); 21.050(a); 22.083; and 22.0835; and Texas Occupations Code (TOC), §§53.151-53.153, as added by HB 1508, 85th Texas Legislature, Regular Session, 2017.

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 to 19 TAC Chapter 227, Subchapter A, would be December 22, 2019.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters provide for rules that establish requirements for admission to an EPP and preliminary evaluation of certification eligibility.

The following is a description of the proposed amendments to 19 TAC Chapter 227, Subchapter A.

§227.1. General Provisions.

The proposed amendment in §227.1(b) would change the word "should" to "shall" to clarify the responsibility of the program to inform all applicants that they must undergo a criminal history background check prior to employment as an educator and prior to clinical teaching. This change would ensure that all applicants are aware of these requirements before moving into a role with students. This

change would also ensure that applicants are aware of their eligibility to serve in a role with students early in their teacher preparation process.

Technical edits would be made to define acronyms.

§227.5. Definitions.

The proposed amendment to §227.5(5) would delete the phrase, "also known as a certification field," from the definition of *certification category* and would add language to reference Title 19 Chapter 233, which is where the certificate categories (English Language Arts and Reading; Social Studies, Special Education, and Health) can be found.

The proposed amendment in §227.5(6) would add the phrase, "may contain one or more certification categories," and delete the phrase, "also known as a certification field," to clarify that a class of certificates may contain one or more categories within a certification area. This change would better distinguish between a class and a category since a category is a subgroup of a class.

The proposed amendment in §227.5(8) and §227.5(9) would update the definition for *content certification examination* and would create a new definition for *content pedagogy examinations* to distinguish that a standardized test or assessment required by statute or the SBEC that governs an individual's certification as an educator is different than the required standardized test or assessment required for EPP admission purposes.

These definitions would clarify that EPPs will use content certification examinations for admitting candidates into EPPs and content pedagogy examinations will be used for certificate issuance. These definitions would support the overall policy shift from using an examination that tests both pedagogy and subject matter knowledge for the PACT to using a subject-matter-only examination. This shift would allow the PACT to better mirror the coursework requirement for which it is a substitute and would make the PACT a more effective admission requirement because candidates should not be expected to understand pedagogy before they have begun their studies at an EPP. It is reasonable to assess only subject-matter knowledge for EPP admission purposes because it is the role of the EPP to teach the candidate pedagogy through coursework and training.

The section would be renumbered accordingly for formatting purposes.

§227.10. Admission Criteria.

The proposed amendment in §227.10(a)(3)(B)(ii) and §227.10(a)(4)(C) would set admission criteria for applicants to pass an appropriate content certification examination. To meet admission eligibility requirements in an EPP, statute requires a candidate to have a 2.5 GPA and either 12 or 15 hours of subject-specific content area coursework in the area they are seeking certification, or to pass a content certification exam, known as the PACT option, to demonstrate content knowledge prior to preparation in that area. Currently, the exams used to satisfy the second option for admission purposes are the exams candidates take after receiving training in their EPP. The exams do not only cover content knowledge but also assess pedagogy (the "how to teach"), which is not appropriate since the candidates have not had the training or preparation in that area. The proposed rule text would replace these exams with subject-matter only exams to better reflect the statutory requirement of subject-specific coursework in the content area for certification and would remove the current requirement of testing a candidate's knowledge of pedagogy for PACT purposes. The designated content-only examinations would be set out in new Figure 19 TAC §227.10(a)(4)(C), which lists the appropriate subject-matter content certification examination for each certificate area.

Since published as proposed, the implementation date of January 1, 2020 has been adjusted to January 27, 2020 to ensure that all assessments used for PACT purposes will be ready.

At the April 26, 2019 SBEC meeting, the Board requested additional information on the impact of the PACT implementation date. The following describes the impact of the implementation date on candidates, EPPs, data collection, and program accountability.

Impact of the Implementation on Candidates

The proposed PACT change would impact candidates in alternative certification or post-baccalaureate programs by not requiring them to take a content pedagogy exam prior to admission into an educator preparation program. Every time a candidate takes one of these tests for admission purposes, it counts against the five-time limit and a test fee is assessed for each retake. A candidate would only take an additional exam if the EPP requires it or if a candidate did not meet minimum requirements for GPA or semester credit hours in the subject-specific content area for the certification sought. This change would only adjust the timing and support for candidates and would not change the requirement that a candidate passes the content pedagogy assessment before becoming the teacher of record.

The proposed amendment would not impact candidates already admitted to EPPs. TEA staff also believes that there will be a positive impact on both candidates and districts as potential teachers will now be given support on their content pedagogy examinations. This should not impact district staffing because it does not add an additional requirement before a candidate can enter the classroom as the teacher of record.

Impact of the Implementation Date on EPPs

For preparation purposes, TEA staff believes that the proposed PACT would not require EPPs to provide additional curriculum. As prescribed in SBEC rule, the curricula that EPPs are expected to provide for each specific certification category include: the relevant Texas Essential Knowledge and Skills (TEKS), including the English Language Proficiency Standards (ELPS) and the skills and competencies in the Texas teacher standards in 19 TAC Chapter 149, Commissioner's Rules Concerning Educator Standards, that include the standards of Instructional Planning and Delivery and Content Knowledge and Expertise.

EPPs submit aligned curriculum when requesting to offer a certification category. All EPPs that are approved to offer certification categories have already created and submitted their curricula for staff approval.

Staff does anticipate that some EPPs may need to increase the amount of time between EPP admission and recommending candidates for intern certifications to allow for content pedagogy alignment with coursework and training.

Impact of the Implementation Date on Data Collection

TEA staff does not believe there would be an impact on the internal processes for data collection with this change. TEA staff already collects and calculates pass rates for certification examinations.

Impact of the Implementation Date on Program Accountability

The only impact to EPPs would be for SBEC accountability purposes. As required in statute and under SBEC rule, EPPs are currently held accountable for the candidates' pass rates on certification examinations. The examinations are categorized as either PPR (pedagogy and professional

responsibilities) or non-PPR (content/content-pedagogy exams). EPPs are only held accountable for examinations after a candidate has been admitted as opposed to if they choose to require their candidates to take the PACT. The table below indicates where there might be a change to program accountability by type of program and assessment.

Program Accountability Changes by Program Type and Assessment		
Program Type	Non-PPR	PPR
Traditional	None	None
Post-Baccalaureate	Yes, if they currently use PACT for admission	None
ACP	Yes, if they currently use PACT for admission	None

Traditional programs currently do not have the option of requiring the PACT for admission purposes and therefore, would not be impacted by the rule change. The proposed PACT change would only impact post-baccalaureate and alternative certification programs (ACP) that currently utilize the PACT route. In those cases, the programs will be held accountable for the content pedagogy test that they previously required for admission purposes. Programs currently utilizing PACT provide candidates support for the PPR test and also for the content pedagogy test when candidates change fields.

The proposed amendments would implement policy changes regarding the PACT, which is currently an examination testing both content and pedagogy that a candidate takes prior to admission into either an ACP or post-baccalaureate certification program. Negative consequences of the current PACT route pathway include:

- A candidate testing through the PACT route would not have obtained the required training to successfully complete questions that contain content pedagogy (the method and practice of teaching). For example, during the 2017–2018 reporting year, candidates in traditional routes passed the English Language Arts, EC–6 test at an 84% pass rate; candidates in alternative routes passed at an 86% pass rate; and candidates through the PACT route passed at a 67% pass rate. Candidate support provided by EPPs increases the likelihood of success on certification assessments. An increase in the number of candidates that are successful on certification assessments can lead to an increase in the number of qualified teachers.
- Every test attempt through the PACT route counts toward a candidate's five-time test attempt limit since it is also the exam that a candidate takes at the end of his or her educator preparation to determine whether he or she is eligible for certification by the SBEC.
- Traditional preparation programs do not currently have the option to use PACT, which means they are accountable for candidate scores on *both* the content pedagogy test and the PPR test, whereas some alternative and post-baccalaureate preparation programs are accountable **only** for the PPR test since the content pedagogy test was taken before candidates were admitted into the program.

To address these concerns, this proposed amendment to §227.10 would provide all programs, including traditional preparation programs, with the opportunity to use the PACT, now that it is a subject-matter-only examination, because traditional programs are also accepting students who are being prepared in their chosen content subject outside of the EPP. The requirements in TEC, §21.0441, provide the basis for the PACT examination as a substitute for a candidate completing hours of college coursework in the subject in which the candidate is seeking initial certification. Converting the PACT into a subject-matter-only examination would better mirror the statutorily required coursework for which it is intended as a substitute and would better reflect the skills a candidate should possess prior to entry into an EPP.

Only initial certifications that are subject-matter specific would have the option for PACT. For example, special education is a specialized pedagogical skill set that applies to all subject areas, so it does not lend itself to having a subject-matter only test. Additionally, due to the broad but basic content knowledge required in elementary education, the proposed amendment would use a basic skills assessment as the PACT assessment for those seeking elementary certifications. For the purposes of language assessments that draw a low number of test takers (e.g., Portuguese, Hindi, etc.), TEA staff proposes retaining the use of the current content pedagogy assessments as there was not a cost-effective alternative available.

Proposed new Figure §227.10(a)(4)(C) would provide the list of PACT assessments for their related certification area. The list would include assessments aligned to the TEKS in the related certification areas. The content certification (subject-matter only) examination would be open to all interested candidates, therefore, §227.10(a)(4)(D) would no longer be needed because the scores would carry over from one program to another. If a candidate wants to change content, they would take a different content exam for purposes of admission into the new EPP. The current testing vendor would provide the proposed assessments, which align with the TEKS. Standard setting committees were conducted in Spring of 2019 to determine the acceptable passing standard for admission purposes.

Proposed new §227.10(e) would create new admission requirements for the Trade and Industrial Workforce Training: Grades 6–12 certification to implement the statutory requirements prescribed in HB 3349, 85th Texas Legislature, Regular Session, 2017. This language would ensure a pathway is available for industry members to transition into an EPP.

Proposed new §227.10(g) would add requirements for currently certified educators to enroll in an Early Childhood: Prekindergarten–Grade 3 preparation program to implement the statutory requirements prescribed in SB 1839 and HB 2039, 85th Texas Legislature, Regular Session, 2017. This amendment would ensure that candidates currently certified to teach a grade level between early childhood and Grade 3 are required to enroll in an EPP if they would like to pursue the Early Childhood: Prekindergarten–Grade 3 certification. At the July 26, 2019 SBEC meeting, the Board adopted a change to add a reference to §228.35(i)(2) to clarify that the Early Childhood–Grade 3 certification is offered for initial and additional certification.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA estimates a cost of \$128,909 for each of the next five fiscal years (FYs) from FYs 2020–2024 for the development and ongoing administrative costs needed to maintain assessments. However, the TEA will receive an \$11 remittance for each PACT taken for an estimated total of \$128,909 for FYs 2020–2024 to offset the costs. Based on the 2017–2018 testing data, the TEA estimated 11,719 test attempts under the PACT route. In most cases, because an EPP has a choice in their admission requirements, estimated costs to state government in this analysis do not include EPPs.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic

impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required. The TEA staff does not anticipate an adverse effect for EPPs as a result of this proposal, including EPPs that qualify as small businesses or microbusinesses. The TEA staff expects that these proposed rule changes may allow more candidates to qualify for admission into EPPs as a result of the new admission test requiring only subject-matter knowledge. If EPPs have been relying on the PACT for admission purposes, the increased revenue brought by more candidates may be offset to some extent by increased instructional costs. Even for these EPPs, the increase in instructional costs is not expected to be so significant as to negate the increase in revenue from the additional qualified candidates. The educator standards on which the EPPs' curriculum is based have not changed with these proposed amendments. Moreover, EPPs can implement their own admission screening requirements for those candidates who meet admission requirements for grade point average and the required hours of coursework.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does impose a cost on regulated persons (teacher candidates), another state agency, a special district, or a local government, and, therefore, is subject to TGC, §2001.0045. However, the proposal is exempt from TGC, §2001.0045, as provided under that statute, because the proposal is necessary to reduce the burden or responsibilities imposed on regulated persons. In addition, the proposal is necessary to ensure that certified Texas educators are competent to educate Texas students and, therefore, necessary to protect the safety and welfare of the residents of this state.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would require an increase in fees paid to the agency for each PACT taken (\$11 per assessment), but those fees would be offset by the increased costs to the agency of developing and administering the new PACT. A new regulation in proposed §227.1(b) would require an EPP to inform all applicants that they must undergo a criminal history background check prior to employment as an educator and prior to clinical teaching. A new regulation in proposed new §227.10(a)(3)(B)(ii) and §227.10(a)(4)(C) would set admission criteria for applicants to pass an appropriate content certification examination, which would replace the certification examinations currently used for the PACT that tests a candidate's knowledge of both content and pedagogy. A new regulation in proposed new §227.10(e) would create new admission requirements for Trade and Industrial Workforce Training: Grade 6–12 certification program, and §227.10(g) would add requirements for currently certified educators to enroll in an Early Childhood: Prekindergarten–Grade 3 preparation program for candidates who want to pursue the Early Childhood: Prekindergarten–Grade 3 certification.

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 a 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: No changes have been made to this section since published as proposed. The public and student benefit anticipated as a result of the proposal would broaden the pool of potential educators in Texas by allowing EPPs to admit educator candidates who are

competent in the subject they wish to teach but are not already well-versed in pedagogy. It would also offer continued and clear guidance on processes and procedures for testing and certificate issuance.

The TEA staff has determined that there is a cost to individuals required to comply with the proposal. For admission to an EPP, candidates who have neither a 2.5 undergraduate grade point average nor the required number of hours of college coursework in the specific content area in which the candidate is seeking certification would have to take a new, additional content certification examination prior to admission. Previously, these candidates could simply take the examination required for final certification as an educator prior to admission. Under the proposed rules, these candidates take three examinations in the course of the educator preparation process: (1) a content certification examination before admission to an EPP and after completion of the EPP for certification as an educator, (2) the content pedagogy examination, and (3) the PPR EC–12 examination. The total estimated cost to persons to take the new PACT examination in addition to tests they currently have to take would be \$1,242,214 for each of the next five FYs from FY 2020–2024. The cost is based on 11,719 possible examinees estimated to take the tests (using 2017–2018 data) at the price of \$106 per test. The \$106 total testing fee will be required from each candidate applying to take the content certification examination. The fee is needed to cover the administrative and maintenance cost.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality

Tam Jones, Director, Educator Preparation

Attachment: Text of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, including Figure 19 TAC §227.10(a)(4)(C)

Text of Proposed Amendments to 19 TAC

Chapter 227. Provisions for Educator Preparation Candidates

Subchapter A. Admission to Educator Preparation Programs

§227.1. General Provisions.

- (a) It is the responsibility of the education profession as a whole to attract applicants and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs (EPPs) shall ~~should~~ inform all applicants that:
 - (1) pursuant to the Texas Education Code (TEC), §22.083, candidates must undergo a criminal history background check prior to employment as an educator; and
 - (2) pursuant to the TEC, §22.0835, candidates must undergo a criminal history background check prior to clinical teaching.
- (c) ~~EPPs [Educator preparation programs]~~ shall inform all applicants, in writing, of the following:
 - (1) the admission requirements as specified in this chapter;
 - (2) the requirements for program completion as specified in Chapter 228 of this title (relating to Requirements for Educator Preparation Programs ~~[Requirements]~~); and
 - (3) in accordance with TEC, §21.044(e)(3):
 - (A) the effect of supply and demand forces on the educator workforce in this state; and
 - (B) the performance over time of the EPP for the past five years.
- (d) EPPs shall notify, in writing by mail, personal delivery, facsimile, email, or an electronic notification, each applicant to and enrollee in the EPP of the following regardless of whether the applicant or enrollee has been convicted of an offense:
 - (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of a certificate on completion of the EPP;
 - (2) the current State Board for Educator Certification (SBEC) rules prescribed in §249.16 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); and
 - (3) the right to request a criminal history evaluation letter as provided in Chapter 227, Subchapter B, of this title (relating to Preliminary Evaluation of Certification Eligibility).
- (e) If the SBEC determines that an EPP has failed to provide the notice required by subsection (d) of this section to an individual entitled to receive the notice and that the individual's application for a certificate for which the EPP prepares the individual was denied because the individual has been convicted of an offense prior to the EPP providing notice, the SBEC shall order the EPP to:
 - (1) refund the amount of any tuition paid by the individual to the EPP; and
 - (2) pay to the individual an amount equal to the total of the following, as applicable:
 - (A) the amount of any application fees paid by the individual to the SBEC; and
 - (B) the amount of any examination fees paid by the individual to the SBEC and/or to a provider of examinations required for certification. An EPP is not liable for examination fees if the examination was not required to be passed to meet the admission requirements of the EPP and/or the EPP did not provide test approval for the examination.

- (f) If the governor of Texas declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency [~~TEA~~] staff may extend deadlines in this chapter for up to 90 days as necessary to accommodate persons in the affected disaster areas.

§227.5. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (2) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education.
- (3) Applicant--An individual seeking admission to an educator preparation program for any class of certificate.
- (4) Candidate--An individual who has been formally or contingently admitted to an educator preparation program; also referred to as an enrollee or participant.
- (5) Certification category--A certificate type within a certification class as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates) [§].
- (6) Certification class --A certificate, as described in §230.33 of this title (relating to Classes of Certificates [~~Certification~~]), that has defined characteristics; may contain one or more certification categories [also known as certification field].
- (7) Clinical teaching--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program [~~or certification as an educator~~].
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) [9] Contingency admission--Conditional admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.
- (11) [10] Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more classes of certificates.
- (12) [11] Formal admission--Admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (13) [12] Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (14) [13] Post-baccalaureate program--An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and are seeking an additional degree.

(15) ~~[14]~~ Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education.

(16) ~~[15]~~ Undergraduate degree--A bachelor's degree earned from and conferred by an accredited institution of higher education.

§227.10. Admission Criteria.

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.
- (1) For an undergraduate university program, an applicant shall be enrolled in an accredited institution of higher education (IHE).
 - (2) For an alternative certification program or post-baccalaureate program, an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE.
 - (3) For an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.5 before admission.
 - (A) The GPA shall be calculated from an official transcript as follows:
 - (i) 2.5 on all coursework previously attempted by the person at an accredited IHE:
 - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
 - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
 - (ii) 2.5 in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:
 - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
 - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (alternative certification program formal admission or post-baccalaureate program formal admission).
 - (B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an ~~Ann~~ exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception if:

- (i) documentation and certification from the program director that an applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and
 - (ii) in accordance with the TEC [Texas Education Code] , §21.0441(a)(2)(B) [~~§21.0441(b)~~] , an applicant must pass an appropriate content certification examination as specified in paragraph (4)(C) [~~and (D)~~] of this subsection for each subject in which the applicant seeks certification prior to admission. In accordance with the TEC, §21.0441(b), applicants [Applicants] who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.
- (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE is exempt from the minimum GPA requirement.
- (D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.5 GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.
- (4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:
- (A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or
 - (B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or
 - (C) a passing score on the appropriate [~~a comparable~~] content certification examination as specified in the figure provided in this subparagraph [~~administered by a vendor on the TEA approved vendor list published by the commissioner of education on the TEA website~~] for the calendar year during which the applicant seeks admission . [~~or~~] The applicant will not be required to successfully complete a passing score on the appropriate content certification examination until January 27, 2020 [January 1, 2020] .
- Figure: 19 TAC §227.10(a)(4)(C)
- ~~[(D) — for an applicant who has not previously been admitted into an EPP, a passing score on a content certification examination administered by a TEA approved vendor. An applicant who has previously been admitted into an EPP may request permission to register for a content certification examination if an applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.]~~
- (5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Principal Certificate); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.

- (6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).
- (7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).
 - (A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.
 - (B) An applicant to a university undergraduate program that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.
- (8) An applicant must submit an application and participate in either an interview or other screening instrument to determine if the EP P applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.
- (9) An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.
- (b) An EPP may adopt requirements in addition to and not in conflict with those required in this section.
- (c) An EPP may not admit an applicant who:
 - (1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or
 - (2) has been employed for three years in a public school under a permit or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.
- (d) An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met the following requirements:
 - (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
 - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
 - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
 - (4) within the period described by paragraph (2) of this subsection, has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (f) [e] An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.

(g) An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.35(i)(2) of this title (relating to Preparation Program Coursework and/or Training), that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:

- (1) Bilingual Generalist: Early Childhood-Grade 4;
- (2) Bilingual Generalist: Early Childhood-Grade 6;
- (3) Core Subjects: Early Childhood-Grade 6;
- (4) Early Childhood Education;
- (5) Elementary--General;
- (6) Elementary--General (Grades 1-6);
- (7) Elementary--General (Grades 1-8);
- (8) Elementary Early Childhood Education (Prekindergarten-Grade 6);
- (9) Elementary Self-Contained (Grades 1-8);
- (10) English as a Second Language Generalist: Early Childhood-Grade 4;
- (11) English as a Second Language Generalist: Early Childhood-Grade 6;
- (12) Generalist: Early Childhood-Grade 4;
- (13) Generalist: Early Childhood-Grade 6;
- (14) Kindergarten;
- (15) Prekindergarten-Grade 5--General;
- (16) Prekindergarten-Grade 6--General; or
- (17) Teacher of Young Children--General.

Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

November 15, 2019

**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 229, Accountability System for Educator Preparation Programs. The proposed amendments would provide for commendations for high-performing educator preparation programs (EPPs); would adopt the accountability manual into rule; would adjust the performance standard for the accountability indicator for the pedagogy and professional responsibility (PPR) examinations; would clarify performance standards; would clarify the determination of EPP, certification class, or category accreditation status; would allow for the SBEC to require EPP action plans; and would allow for a contested case hearing of a certification class or category. Technical changes would also remove outdated provisions, clarify processes, and update language to align with other chapters.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 229 is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

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 to 19 TAC Chapter 229 would be December 22, 2019.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: EPPs are entrusted to prepare educators for success in the classroom. Chapter 229 establishes the performance standards and procedures for educator preparation program accountability.

TEC, §21.0443, requires EPPs to adequately prepare candidates for certification. Similarly, TEC, §21.031, requires the SBEC to ensure candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state. TEC, §21.045, also requires the SBEC to establish standards to govern the continuing accountability of all EPPs. The SBEC executes those provisions of the TEC and fulfills its mission statement with the rules in 19 TAC Chapter 229, which establish the process for issuing annual accreditation ratings for all EPPs to ensure the highest level of educator preparation.

At the October 2018 SBEC meeting, Texas Education Agency (TEA) staff informed the SBEC that staff would be working to explore opportunities for adjustments to the comprehensive accountability system to increase consistency and transparency. At the December 2018 SBEC meeting, TEA staff presented several topics and received direction from the SBEC to inform potential rule changes to Chapter 229. At

the April 2019 SBEC meeting, TEA staff presented draft rule text on proposed amendments to 19 TAC Chapter 229.

The proposed amendments to 19 TAC Chapter 229 are described below. In addition to the detailed descriptions below, the proposed amendments would also remove outdated provisions related to the 2016-2017 and 2017-2018 academic years; would include technical edits to remove the redundancy of "gender, race, or ethnicity" by streamlining the definition of *demographic group*; would provide technical clean-up edits for clarification; and would provide re-lettering/numbering to conform with the *Texas Register* style and formatting requirements.

§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.

Proposed new Figure: 19 TAC §229.1(c) would adopt the 2018-2019 Accountability System for Educator Preparation (ASEP) manual into rule to prescribe the relevant criteria, formulas, calculations, and performance standards relevant to §229.1(d) and §229.4(a).

Current §229.1(c) would be relettered to §229.1(d). The proposed amendment to relettered §229.1(d) would strike the word "areas" and provide four categories in which an EPP may receive commendations for success from the SBEC. The proposed amendment would allow the SBEC to recognize EPPs that go above and beyond in preparing candidates for educator preparation.

At the December 2018 SBEC meeting, the SBEC directed staff to provide the following categories to identify high-performing EPPs to receive commendations for success:

1. The proposed amendment to §229.1(d)(1) would establish the category of **Rigorous and Robust Preparation**. The proposed amendment would allow the SBEC to recognize EPPs that perform above and beyond on the ASEP annual performance standards.
2. The proposed amendment to §229.1(d)(2) would establish the category of **Preparing the Educators Texas Needs**. The proposed amendment would allow the SBEC to recognize EPPs that actively recruit educators in shortage areas of color, and for rural schools.
3. The proposed amendment to §229.1(d)(3) would establish the category of **Preparing Educators for Long-Term Success**. The proposed amendment would allow the SBEC to recognize EPPs that demonstrate educators' retention in the profession and teacher growth into other professional roles.
4. The proposed amendment to §229.1(d)(4) would establish the category of **Innovative Educator Preparation**. The proposed amendment would allow the SBEC to recognize EPPs that go above and beyond seeking new pathways in preparing candidates for educator preparation.

§229.2. Definitions.

The proposed amendment to §229.2(5) would provide a technical edit to replace the word "less" with "fewer" to provide clarification of it being a countable number. The proposed amendment would also clarify that the experience referenced in the definition of *beginning teacher* is as a classroom teacher.

The proposed amendment to §229.2(6) would provide a technical edit to replace the phrase "an enrollee or" with the word "a" to align with current definitions of candidates participating in an EPP. "Enrollee" is not used for reporting purposes.

The proposed amendment to §229.2(7) would delete the phrase, "also referred to as certification field," from the definition of *certification category* and would add language to reference 19 TAC Chapter 233,

which is where the certification categories (i.e., English Language Arts and Reading; Social Studies, Special Education, and Health) can be found in rule.

The proposed amendment to §229.2(8) would add the phrase "may contain one or more certification categories as described in Chapter 233 of this title" and would delete the phrase "also referred to as certification field" to clarify that a class of certificate may contain one or more categories within a certification area. This amendment would better distinguish between a class and a category since a category is a subgroup of a class, as well as align with other SBEC rules where this definition exists.

The proposed amendment to §229.2(10) would provide a technical edit to strike the phrase "also referred to as finisher" to align with current definitions of candidates who have completed an EPP. The term "finisher" is not used for reporting purposes.

The proposed amendment to §229.2(11) would update the cross reference to §229.4(c) to properly cite small group exceptions.

The proposed amendment to §229.2(13) would clarify that the demographic groups as to race and ethnicity are African American, Hispanic, White, and Other and would strike the reference to the aggregate reporting categories established by the Higher Education Act. The proposed amendment would reflect current practice of disaggregated categories used for accountability and reporting purposes. The proposed amendment would also strike the requirement that the EPP assign each candidate to a demographic group, as that information is already reported when each candidate is formally admitted into a program.

The proposed amendment to §229.2(14) would provide a grammatical technical edit to strike the phrase "that must be" to clarify that to be considered an EPP, the entity must be approved by the SBEC.

The proposed amendment to §229.2(15) would provide a grammatical technical edit to strike the word "elements" to clarify that data to be reported by EPPs do not have to be defined as "elements" to be relevant data for reporting purposes.

The proposed amendment to §229.2(18) would provide a grammatical technical edit to replace the word "the" with the phrase "an individual in his or her" to clarify that a first-year teacher is an individual in the first year of employment.

The proposed amendment to §229.2(25) would provide a grammatical technical edit to replace the word "the" with the phrase "an individual in his or her" to clarify that a new teacher is an individual in the first year of employment as a classroom teacher under a standard certificate.

§229.3. Required Submissions of Information, Surveys, and Other Data.

The proposed amendment to §229.3(a) would provide a grammatical technical edit to replace acronym "TEC" with the phrase "Texas Education Code (TEC)" to provide clarity and consistency.

The proposed amendment to §229.3(f)(1) would amend the Figure: 19 TAC §229.3(f)(1) to provide clarification of current practice and calculations of EPP-reported data to TEA and combine Sections A, B, and C into one continuous section with the accountability system data consecutively numbered. The following provides more detail on the proposed amendments to the figure.

- The proposed amendment in the current Section A of the figure would strike "Frequency, and duration, and quality of field supervisor guidance" and replace it with "Record of all candidate

observations, including candidates in a certification class other than classroom teacher" to accurately reflect the data required to support TEC, §21.045, regarding field supervision. Currently, EPPs document and track field supervision for all candidates but only report individual observation records to TEA for classroom teacher candidates. During the recent cycle of continuing approval of EPPs, a number of programs lacked documentation of field observations required when preparing candidates in certification classes other than classroom teacher (Superintendent, Principal, Librarian, Counselor, Educational Diagnostician, Reading Specialist, and Master Teacher). The SBEC requires, in 19 TAC Chapter 228, that all candidates receive ongoing support by their EPP through field supervision. The proposed amendment would allow data collection to monitor this issue. The proposed amendment would also clarify that individual records of each field observation that occurred in the academic year would be required, not the average of the candidates. TEA will conduct necessary calculations based on the submission of records.

- The proposed amendment in the current Section B of the figure would clarify that EPPs would report the record of candidates related to data submission and not the numbers of candidates. TEA will compute the numbers based on the submission of records.
- The proposed amendment in current Section C of the figure would clarify that EPPs would report actual numbers and scores, not the averages of those actual numbers. TEA will compute the averages based on the submission of records.

The proposed amendment to §229.3(f)(1) would include further edits to the Figure: 19 TAC §229.3(f)(1) to remove all references not directly related to data submissions required of EPPs. Subsection (f)(1) prescribes that EPPs must provide data as specified in the figure. The proposed amendment would provide clarity by only providing the data that is applicable for EPPs to submit to TEA.

§229.4. Determination of Accreditation Status.

The proposed amendment in §229.4(a) would replace "with respect to gender, race, and ethnicity (according to the aggregate reporting categories for ethnicity established by the Higher Education Act)" with the phrase "by demographic group" to provide consistency and alignment with the definition in §229.2(13) regarding the definition of *demographic group*. The proposed amendment would also specify that the formula and calculations used to determine the performance standards for the accountability performance indicators would be provided in the new Figure: 19 TAC §229.1(c). This proposed amendment would adopt the 2018-2019 ASEP manual into rule to provide transparency to the field and policymakers in how the performance standards were calculated. The proposed amendment would also clarify that data will be used only if the indicators were included in the accountability system for that academic year. As more indicators become effective, this would provide transparency on when the indicators will be used for accountability purposes.

The proposed amendment to §229.4(a)(1) would strike outdated provisions related to the 2017-2018 academic year.

The proposed new §229.4(a)(1)(B) would clarify that, beginning in the 2020-2021 academic year, the pass rate for certification examinations would be based on all examinations approved by the EPP and not those taken before admission to the EPP nor those specific examinations taken for pilot purposes. Current rule provides that the pass rate be based solely on examinations required to obtain initial certification, rather than all examinations approved by the EPP. This allows candidates to change certification area after admission, and therefore, there is no distinct pathway from which a candidate is admitted, prepared, trained, and recommended for testing and certification. The current structure provides for an accountability gap in that, at any time during preparation, candidates can switch as many times as desired, and EPPs are only responsible for the area of internship and certification. In some instances, candidates keep taking tests until they pass one, which becomes the only test for which programs are accountable.

The current provision in §229.4(a)(1) regarding the performance standard being based on individuals admitted after December 26, 2016 would be carried over to proposed new §229.4(a)(1)(B) to provide consistency for EPPs.

At the December 2018 SBEC meeting, the SBEC directed TEA staff to propose rule text to align the ASEP indicator relating to examination pass rates with the preparation model in 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, and with Chapter 228, Requirements for Educator Preparation Programs. The proposed amendment would close the current gap to ensure an aligned content pathway of admission, preparation, and assessment for individuals seeking educator certification and would create more transparency and consistency in the accountability system.

The proposed amendment to §229.4(a)(1)(C) would provide for a transition period in the calculation of the pedagogy and professional responsibilities (PPR) examination pass rate for the 2018-2019 and 2019-2020 academic years (AYs) to be as prescribed in §229.4(a)(1)(A), and for the 2020-2021 AY to be as prescribed in proposed new §229.4(a)(1)(B). The proposed amendment would also strike outdated provisions related to the 2017-2018 academic year and establish the performance standard for the PPR pass rate at 85% beginning with the 2018-2019 AY without annual increase; thus the proposed striking of §229.4(a)(1)(C)(i) and (ii). This sustained performance standard would allow for consistency and stability over time.

The proposed amendment in §229.4(a)(1)(D) would provide for a transition period in the calculation of the non-PPR examination pass rate for the 2018-2019 and 2019-2020 AYs to be as prescribed in §229.4(a)(1)(A) and for the 2020-2021 AY to be as prescribed in proposed new §229.4(a)(1)(B). The proposed amendment would also strike outdated provisions related to the 2017-2018 academic year and establish the performance standard for the non-PPR pass rate at 75% beginning with the 2018-2019 AY without annual increase; thus the proposed striking of §229.4(a)(1)(D)(i)-(iv). This sustained performance standard would allow for consistency and stability over time.

The proposed amendment in §229.4(a)(2) would establish the 2018-2019 academic year as a report-only year for the principal survey indicator and not be used to determine accreditation status. Therefore, EPPs will not be held accountable for the principal survey indicator for the 2018-2019 academic year. The revised principal survey was piloted during the 2017-2018 academic year. The proposed amendment would also strike outdated provisions related to the 2017-2018 academic year.

The proposed amendment in §229.4(a)(4)(A) and (B) would strike outdated provisions related to the 2017–2018 academic year.

The proposed amendment in §229.4(a)(5) would establish the performance standard for the new teacher satisfaction survey at 70%. The proposed amendment would also establish the 2018-2019 academic year as a report-only year and not be used to determine accreditation status. Therefore, EPPs will not be held accountable for the new teacher satisfaction survey indicator for the 2018-2019 academic year. The new teacher satisfaction survey was piloted during the 2017-2018 academic year. The proposed performance standard of 70% would align with the principal survey performance standard of 70% adopted by the SBEC in December 2018. The proposed amendment would also strike outdated provisions related to the 2017–2018 academic year.

Proposed new §229.4(b) would clarify that EPPs be assigned an accreditation status based on the indicators in §229.4(a) and in compliance with SBEC rules and the TEC. This would provide transparency to the field and policymakers in how the accreditation statuses are assigned.

Current §229.4(b)-(f) would be renumbered to §229.4(b)(1)-(5) and would be amended to provide clarity that the assignment statuses in §229.4(b)(1)-(5) are aligned with proposed new §229.4(b), regarding accreditation status assignment, to accurately reflect the proper assignment of those statuses.

Current §229.4(d)(1)(A)-(C) would be renumbered to §229.4(b)(3)(A)(i)-(iii) for technical formatting purposes.

The proposed amendment to renumbered §229.4(b)(3)(A)(ii) would strike "any" and "any of the" regarding indicators in §229.4(a) to clarify that an EPP shall be assigned a status of Accredited-Warned when failing to meet the standard for any two demographic groups on an indicator in any one year. This clarification would not change how the accreditation statuses have been issued under this provision but would clarify that the demographic groups must be in the same indicator to count for accountability purposes. The proposed amendment to renumbered §229.4(b)(3)(A)(ii) and (iii) would also strike "gender, race, or ethnicity" to provide consistency and alignment with the definition of *demographic group* in §229.2(13).

Section 229.4(d)(2) would be renumbered to §229.4(b)(3)(B) for formatting purposes and would allow the SBEC to assign a status of Accredited-Warned to an EPP for violation of an SBEC order for continual approval. This would encourage EPPs to comply with SBEC orders and allow the SBEC to lower an EPP's status from Accredited to Accredited-Warned if a violation occurs. The proposed amendment would also provide a grammatical technical edit to replace the phrase "Texas Education Code (TEC)" with the acronym "TEC" with to provide clarity and consistency.

Section 229.4(e)(1)(A)-(C) would be renumbered to §229.4(b)(4)(A)(i)-(iii) for technical formatting purposes.

The proposed amendment in §229.4(b)(4)(A)(ii) would strike "any" and "any of the" regarding indicators in §229.4(a) to clarify that an EPP shall be assigned a status of Accredited-Probation in any three demographic groups on an indicator in any one year. This clarification would not change how the accreditation statuses have been issued under this provision but would clarify that the demographic groups must be in the same indicator to count for accountability purposes. The proposed amendment in §229.4(b)(4)(A)(ii) and (iii) would also strike "gender, race, or ethnicity" to provide consistency and alignment with the definition of *demographic group* in §229.2(13).

Section 229.4(e)(2) would be renumbered to §229.4(b)(4)(B) for formatting purposes and would allow the SBEC to assign a status of Accredited-Probation to an EPP for violation of an SBEC order for continual approval. This would encourage EPPs to comply with SBEC orders and allow the SBEC to lower an EPP's status from Accredited or Accredited-Warned to Accredited-Probation if a violation occurs.

Section 229.4(f)(1)-(5) would be renumbered to §229.4(b)(5)(A)-(F) for technical formatting purposes.

New §229.4(b)(5)(C) would allow the SBEC to assign a status of Not Accredited-Revoked if an EPP fails to pay the SBEC-required ASEP technology fee by the deadline set by TEA as prescribed in §229.9(7). This would encourage EPPs to not default on the payment and would provide equity to all EPPs in support of timely payment of the ASEP technology fee.

Section 229.4(g)(1)-(5) would be relettered to §229.4(c) for technical formatting purposes.

The proposed amendment in relettered §229.4(c)(1)-(5) would strike the phrase "gender, race, or ethnicity" and would replace it with the phrase "demographic group" to provide consistency and alignment with the definition of *demographic group* in §229.2(13).

The proposed amendment in relettered §229.4(c)(3) and (4) would clarify the aggregation procedure for small groups. For groups with 10 or fewer individuals, the group performance would be combined with the next most recent prior year's group performance for which there was at least one individual to ensure that at least 11 individuals or three years of data would be calculated for accountability purposes. For example, if a program has a small group for the 2016-2017 AY of three individuals, does not have any individuals in the 2017–2018 AY, but has one individual in the 2018-2019 AY, then has three individuals in the 2019-2020 AY, the program would be held accountable for the seven individuals for the 2019-2020 AY.

2016-2017	2017-2018	2018-2019	2019-2020	2019-2020 ASEP
3	0	1	3	7

The proposed amendment in relettered §229.4(c)(5) would provide that EPPs that do not have any candidate data for all indicators in an academic year will maintain the accreditation status assigned by the SBEC in the previous year. This would provide for an accreditation status in the event a program does not have candidate data.

§229.5. Accreditation Sanctions and Procedures.

The proposed amendment in new §229.5(b)(4) would provide the SBEC the opportunity to require an EPP to develop an action plan to address program deficiencies. Previously all EPPs that failed any performance standard were required to develop an action plan that TEA was required to approve. At the December 2018 SBEC meeting, the SBEC removed this provision and directed TEA staff to maintain the flexibility of the requirement. The proposed amendment would allow the SBEC the discretion of requiring an EPP to develop an action plan to address program deficiencies and prescribe the steps the program will take to improve the performance of its candidates.

The proposed amendment in §229.5(c) would strike "all" to clarify that every candidate does not have to pass the performance standard to meet the standard for that indicator. The proposed amendment would clarify that the provisions regarding the sanctioning of an EPP's certification class or category are for candidates pursuing certification in a particular category or class not simply admitted in the program. The proposed amendment would also clarify that this provision only applies to the non-PPR examination indicator because that is the only accountability indicator reported by certification class and category.

The proposed amendment in §229.5(e) would strike the phrase "gender, race, and ethnic" and replace it with the term "demographic group" to provide consistency and alignment with the definition of *demographic group* in §229.2(13). The proposed amendment would also strike the provision relating to all indicators in §229.4 to clarify that this provision only applies to the non-PPR examination indicator because that is the only accountability indicator reported by certification class and category. The proposed amendment would update the cross reference to §229.4(g) with §229.4(c) to properly cite small group exceptions.

§229.8. Contested Cases for Accreditation Revocation.

The proposed amendment to §229.8(a) would clarify that the provisions in this section related to contested cases do apply to withdrawing approval to offer a specific certification class or category to comply with the statutory requirement in TEC, §21.0451(b), that provides that any action authorized or required to be taken against an EPP may also be taken with regard to a certification class or category authorized to be offered by an EPP. The proposed change would provide that prior to revocation of approval to offer a specific class or category, an EPP would be provided an opportunity for a contested case hearing.

§229.9. Fees for Educator Preparation Program Approval and Accountability.

The proposed amendment to §229.9(7) would remove outdated provisions in §229.9(7)(A)-(C) related to 2017 and the 2017-2018 academic year and would clarify the required SBEC-adopted ASEP technology fee of \$35 per admitted candidate.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.002.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking.

During the first five years the proposed rulemaking would be in effect, the proposed changes in Figure: 19 TAC §229.3(f)(1) would expand the regulation that requires EPPs to report the frequency, duration, and quality of candidate observations and increase the number of individuals subject to its applicability. Currently, EPPs document and track field supervision for all candidates but only report individual observation records to TEA for classroom teachers. The SBEC requires, in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, that all candidates receive ongoing support by their EPP through field supervision, so the proposed change will expand the reporting requirement to include all candidates.

The proposed amendment to §229.1(c) would limit the regulation that allows commendations from the SBEC to EPPs by setting criteria, calculations, and performance standards necessary for a program to achieve commendation. The proposed amendment in relettered §229.4(a)(1)(D) would limit the regulation that determines the non-PPR examination pass rate by establishing the pass rate at 75% beginning with

the 2018-2019 academic year without the annual increase that is currently set in rule, decreasing the number of individuals subject to its applicability.

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 repeal an existing regulation; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not increase the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposed amendments would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have a new data and reporting impact proposed in §229.3(f)(1). New reporting requirements in 19 TAC §229.3(f)(1) include observation data for certification classes other than classroom teacher class (Superintendent, Principal, Librarian, Counselor, Educational Diagnostician, Reading Specialist, and Master Teacher). Currently, EPPs report the observation frequency and duration for classroom teachers only. The programs already have to document and track the observations for these classes. The reporting would be the same, uploaded into the Educator Certification Online System (ECOS) system. Section 228.35(h) requires EPPs to document and track the required observation data. TEC, §21.045, allows the SBEC to require EPPs to submit data to ensure access and equity.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Mark Olofson, Director, Educator Data and Program Accountability

Attachment: Text of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, including Figure: 19 TAC §229.1(c) and Figure: 19 TAC §229.3(f)(1)

Text of Proposed Amendments to 19 TAC

Chapter 229. Accountability System for Educator Preparation Programs

§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.

- (a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.
- (b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.
- (c) The relevant criteria, formulas, calculations, and performance standards relevant to subsection (d) of this section and §229.4(a) of this title (relating to Determination of Accreditation Status) are prescribed in the figure provided in this subsection.

Figure: 19 TAC §229.1(c)

- (d) ~~(e)~~ An accredited EPP may receive commendations for success in the following four categories ~~[areas]~~ identified by the SBEC and prescribed in the figure in subsection (c) of this section: ~~[]~~
 - (1) Rigorous and Robust Preparation;
 - (2) Preparing the Educators Texas Needs;
 - (3) Preparing Educators for Long-Term Success; and
 - (4) Innovative Educator Preparation.

§229.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.
- (2) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) ACT®--The college entrance examination from ACT®.
- (4) Administrator--For purposes of the surveys and information required by this chapter, an educator whose certification would entitle him or her to be assigned as a principal or assistant principal in Texas, whether or not he or she is currently working in such an assignment.
- (5) Beginning teacher--For purposes of the Texas Education Code, §21.045(a)(3), and its implementation in this chapter, a classroom teacher with fewer ~~[less]~~ than three years of experience as a classroom teacher .
- (6) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as a [an enrollee or] participant.
- (7) Certification category--A certificate type within a certification class ~~[]~~ , as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates) ~~[also referred to as certification field]~~ .
- (8) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates ~~[Certification]~~), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title ~~[also referred to as certification field]~~ .

- (9) Clinical teaching--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (10) Completer--A person who has met all the requirements of an approved educator preparation program. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer [~~; also referred to as finisher~~].
- (11) Consecutively measured years--Consecutive years for which a group's performance is measured, excluding years in which the small group exception applies, in accordance with §229.4(c) [~~§229.4(e)~~] of this title (relating to Determination of Accreditation Status).
- (12) Cooperating teacher--An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's clinical teaching assignment.
- (13) Demographic group--Male and female, as to gender; and [~~the aggregate reporting categories established by the Higher Education Act.~~] African American, Hispanic, White, and Other, as to race and ethnicity. [~~Each educator preparation program will assign a candidate to one gender demographic group and at least one Higher Education Act established race or ethnicity group.~~]
- (14) Educator preparation program--An entity [~~that must be~~] approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes or categories.
- (15) Educator preparation program data--Data [~~elements~~] reported to meet requirements under the Texas Education Code, §21.045(b) and §21.0452.
- (16) Examination--An examination or other test required by statute or any other State Board for Educator Certification rule codified in the Texas Administrative Code, Title 19, Part 7, that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (17) Field supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who is hired by an educator preparation program to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (18) First-year teacher--For purposes of the Texas Education Code, §21.045(a) (2), and its implementation in this chapter, an individual in his or her [~~the~~] first year of employment as a classroom teacher.
- (19) GPA--Grade point average.
- (20) GRE®--Graduate Record Examinations®.
- (21) Higher Education Act--Federal legislation consisting of the Higher Education Act of 1965 (20 United States Code, §1070 et seq.) and its subsequent amendments, which requires reports of educator preparation program performance data.
- (22) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (23) Internship--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (24) Mentor--An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's internship assignment.
- (25) New teacher--For purposes of the Texas Education Code, §21.045(a)(5), and its implementation in this chapter, an individual in his or her [~~the~~] first year of employment as a classroom teacher under a standard certificate.
- (26) Practicum--An assignment, as described in §228.35 of this title (relating to Preparation Program Coursework and/or Training).
- (27) SAT®--The college entrance examination from the College Board.

- (28) Site supervisor--An individual, as described in §228.2 of this title (relating to Definitions), who guides, assists, and supports a candidate during a candidate's practicum assignment.
- (29) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.

§229.3. Required Submissions of Information, Surveys, and Other Data.

- (a) Educator preparation programs (EPPs), EPP candidates, first-year teachers, new teachers, beginning teachers, field supervisors, administrators, mentors, site supervisors, and cooperating teachers shall provide to the Texas Education Agency (TEA) staff all data and information required by this chapter, as set forth in subsections (e) and (f) of this section.
- (b) Any individual holding a Texas-issued educator certificate who fails to provide information required by this chapter and the Texas Education Code (TEC) ~~[TEC]~~, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be subject to sanction of his or her certificate, including the placement of restrictions, inscribed or non-inscribed reprimand, suspension, or revocation.
- (c) Any Texas public school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions upon its accreditation status be imposed for failure to comply with this section and the TEC, §21.0452.
- (d) Any open-enrollment charter school that fails to provide information required by this chapter and the TEC, §21.045 and §21.0452, as set forth in subsection (e) of this section, may be referred to the commissioner of education with a recommendation that sanctions be imposed for failure to comply with this section and the TEC, §21.0452.
- (e) All required EPP data for an academic year shall be submitted to the TEA staff annually by September 15 following the end of that academic year. All surveys and information required to be submitted pursuant to this chapter by principals shall be submitted by June 15 of any academic year in which an administrator has had experience with a first-year teacher who was a participant in an EPP. All surveys and information required to be submitted pursuant to this chapter by new teachers shall be submitted by June 15 of the first full academic year after the teacher completed the requirements of an EPP. All surveys and information required to be submitted pursuant to this chapter by EPP candidates shall be submitted by August 31 of the academic year in which the candidate completed the requirements of an EPP.
- (f) The following apply to data submissions required by this chapter.
 - (1) EPPs shall provide data for all candidates as specified in the figure provided in this paragraph.
Figure: 19 TAC §229.3(f)(1) ~~[Figure: 19 TAC §229.3(f)(1)]~~
 - (2) Candidates in an EPP shall complete a survey, in a form approved by the State Board for Educator Certification (SBEC), evaluating the preparation he or she received in the EPP. Completion and submission to the TEA of the survey is a requirement for completion of an EPP.
 - (3) Administrators in Texas public schools and open-enrollment charter schools shall complete individual teacher performance surveys, in a form to be approved by the SBEC, for each beginning teacher.
 - (4) Administrators in Texas public schools and open-enrollment charter schools shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success based on experience with first-year teachers who were participants in an EPP.
 - (5) New teachers in a Texas public school, including an open-enrollment charter school, shall complete surveys, in a form to be approved by the SBEC, evaluating the effectiveness of preparation for classroom success.

§229.4. Determination of Accreditation Status.

- (a) Accountability performance indicators. The State Board for Educator Certification (SBEC) shall determine the accreditation status of an educator preparation program (EPP) at least annually, based on the following accountability performance indicators, disaggregated by demographic group [with respect to gender, race, and ethnicity (according to the aggregate reporting categories for ethnicity established by the Higher Education Act),] and other requirements of this chapter and determined with the formulas and calculations included in the figure provided in §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). Data will be used only if the following indicators were included in the accountability system for that academic year:
- (1) the EPP candidates' performance on examinations of pedagogy and professional responsibilities (PPR) and non-PPR standard certification examinations [beginning with the 2017-2018 academic year]. The EPP candidates' performance on PPR and non-PPR examinations shall provide separate accountability performance indicators for EPPs.
- (A) For both PPR and non-PPR examinations, the performance standard shall be calculated based on the percentage of individuals admitted after December 26, 2016, who passed an examination within the first two attempts. For purposes of determining the pass rate, an individual shall not be excluded because the individual has not been recommended for a standard certificate. The pass rate is based solely on the examinations approved by the EPP and required to obtain initial certification in the class or category for which the individual serves his or her internship, clinical teaching, or practicum. Examinations not required for certification in that class or category, whether taken before or after admission to an EPP, are not included in the rate. The formula for calculation of pass rate is the number of individuals who have passed an examination on their first or second attempt, including any attempts after the candidate completed the EPP, divided by the number of individuals who passed an examination on their first attempt plus those who passed or failed on their second attempt.
- (B) for the 2020-2021 academic year and following, the performance standard shall be the percent of individuals admitted after December 26, 2016, who passed an examination within the first two attempts, including those attempted after the individual has completed the EPP or when the EPP has not recommended the individual for a standard certificate. The pass rate is based solely on the examinations approved by the EPP. Examinations taken before admission to the EPP or specific examinations taken for pilot purposes are not included in the pass rate.
- (C) [(B)] For examinations of PPR, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. [and the] The performance standard shall be a pass rate of 85%. [±]
- [(i) — a pass rate of 85% for the 2017-2018 academic year; and]
- [(ii) — a pass rate of 90% for the 2018-2019 academic year and beyond.]
- (D) [(C)] For non-PPR examinations, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. [and the] The performance standard shall be a pass rate of 75%. [±]
- [(i) — a pass rate of 75% for the 2017-2018 academic year;]
- [(ii) — a pass rate of 80% for the 2018-2019 academic year;]
- [(iii) — a pass rate of 85% for the 2019-2020 academic year; and]
- [(iv) — a pass rate of 90% for the 2020-2021 academic year and beyond;]
- (2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be the percentage of first-year teachers

from each EPP who are appraised as "sufficiently prepared" or "well prepared." The performance standard ~~[beginning with the 2017-2018 academic year]~~ shall be 70% . The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status ;

- (3) to the extent practicable, as valid data become available and performance standards are developed, the improvement in student achievement of students taught by beginning teachers;
 - (4) the results of data collections establishing EPP compliance with SBEC requirements specified in §228.35(g) of this title (relating to Preparation Program Coursework and/or Training), regarding the frequency, duration, and quality of field supervision to candidates completing clinical teaching or an internship. The frequency and duration of field supervision shall provide one accountability performance indicator, and the quality of field supervision shall provide a separate accountability performance indicator.
 - (A) The performance standard as to the frequency, duration, and required documentation of field supervision shall be that the EPP meets the requirements of documentation of §228.35(g) of this title for 95% of the EPP's candidates ~~[beginning with the 2017-2018 academic year]~~ .
 - (B) The performance standard for quality shall be the percentage of candidates who rate the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support. The performance standard shall be 90% ~~[for the 2017-2018 academic year and beyond]~~ ; and
 - (5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of new teachers administered at the end of the first year of teaching under a standard certificate. The performance standard shall be the percentage of teachers who respond that they were sufficiently prepared or well prepared by their EPP. The performance standard shall be 70%. The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status [set after a pilot study is completed during the 2017-2018 academic year] .
- (b) Accreditation status assignment. All approved EPPs shall be assigned an accreditation status based on the accountability performance standards described in subsection (a) of this section and in compliance with SBEC rules and/or TEC, Chapter 21.
- (1) ~~(b)~~ Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
 - (2) ~~(c)~~ Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
 - (3) ~~(d)~~ Accredited-Warned status.
 - (A) ~~(1)~~ An EPP shall be assigned Accredited-Warned status if the EPP:
 - (i) ~~(A)~~ fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section in any one year;
 - (ii) ~~(B)~~ fails to meet the performance standards in ~~[any]~~ two ~~[gender, race, or ethnicity]~~ demographic groups on ~~an [any of the]~~ indicator ~~[indicators]~~ set forth in subsection (a) of this section in any one year; or
 - (iii) ~~(C)~~ fails to meet the performance standards for a ~~[gender, race, or ethnicity]~~ demographic group on any of the indicators set forth in subsection (a) of this section for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(B) ~~(2)~~ An EPP may be assigned Accredited-Warning status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC ~~[Texas Education Code (TEC)]~~, Chapter 21.

(4) ~~(e)~~ Accredited-Probation status.

(A) ~~(1)~~ An EPP shall be assigned Accredited-Probation status if the EPP:

- (i) ~~(A)~~ fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section for two consecutively measured years;
- (ii) ~~(B)~~ fails to meet the performance standards in ~~[any]~~ three ~~[gender, race, or ethnicity]~~ demographic groups on ~~an~~ ~~[any of the]~~ indicator ~~[indicators]~~ set forth in subsection (a) of this section in any one year; or
- (iii) ~~(C)~~ fails to meet the performance standards for a ~~[gender, race, or ethnicity]~~ demographic group on any of the indicators set forth in subsection (a) of this section for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(B) ~~(2)~~ An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.

(5) ~~(f)~~ Not Accredited-Revoked status.

(A) ~~(1)~~ An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured years.

(B) ~~(2)~~ An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.

(C) ~~(3)~~ An EPP may be assigned Not Accredited-Revoked status if the EPP fails to pay the required Accountability System for Educator Preparation Programs (ASEP) technology fee by the deadline set by TEA as prescribed in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).

(D) ~~(4)~~ An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.

(E) ~~(5)~~ A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).

(F) ~~(6)~~ Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification ~~[]~~ but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.

(c) ~~(g)~~ Small group exception.

- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated by demographic group [gender, race, or ethnicity], shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 10. The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.
- (2) For an EPP candidate group, aggregated or disaggregated by demographic group [gender, race, or ethnicity], where the group contains 10 or fewer individuals, the group's performance shall not be

counted for purposes of accreditation status determination for that academic year based on only that year's group performance.

- (3) If the current year's EPP candidate group, aggregated or disaggregated by demographic group [~~gender, race, or ethnicity~~], contained between one and 10 individuals, that group performance shall be combined with the next most recent prior year's group performance for which there was at least one individual, and if the two-year cumulated group contains more than 10 individuals, then the two-year cumulated group performance must be measured against the standards in the current year.
- (4) If the two-year cumulated EPP candidate group, aggregated or disaggregated by demographic group [~~gender, race, or ethnicity~~], contains between one and 10 individuals, then the two-year cumulated group performance shall be combined with the next most recent group performance for which there was at least one individual [~~from the year preceding the prior year~~]. The three-year cumulated group performance must be measured against the standards in the current year, regardless of how small the cumulated number of group members may be.
- (5) In any reporting year in which the EPP candidate group, aggregated or disaggregated by demographic group [~~gender, race, or ethnicity~~], does not meet the necessary number of individuals needed to measure against performance standards for that year, for all indicators, the accreditation status will continue from the prior year. [?] Any [~~any~~] sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. The SBEC may modify the sanction as the SBEC deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

§229.5. Accreditation Sanctions and Procedures.

- (a) The State Board for Educator Certification (SBEC) may assign an educator preparation program (EPP) Accredited-Warned or Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules and/or Texas Education Code, Chapter 21.
- (b) If an EPP has been assigned Accredited-Warned or Accredited-Probation status, or if the SBEC determines that additional action is a necessary condition for the continuing approval of an EPP to recommend candidates for educator certification, the SBEC may take any one or more of the following actions, which shall be reviewed by the SBEC at least annually:
 - (1) require the EPP to obtain technical assistance approved by the Texas Education Agency (TEA) or SBEC;
 - (2) require the EPP to obtain professional services approved by the TEA or SBEC; [~~and/or~~]
 - (3) appoint a monitor to participate in the activities of the EPP and report the activities to the TEA or SBEC; [~~and/or~~] [?]
 - (4) require the EPP to develop an action plan addressing the deficiencies and describing the steps the program will take to improve the performance of its candidates. TEA staff may prescribe the information that must be included in the action plan. The action plan must be sent to TEA staff no later than 45 calendar days following notification to the EPP that SBEC has ordered the action plan.
- (c) Notwithstanding the accreditation status of an EPP, if the performance of [~~all~~] candidates [~~pursuing certification~~] in [~~admitted to~~] an individual certification class or category offered by an EPP fails [~~fail~~] to meet the performance standard on the non-PPR examinations as described in §229.4(a)(1)(D) [~~any of the standards in §229.4(a)~~] of this title (relating to Determination of Accreditation Status) for three consecutive years, the approval to offer that certification class or category shall be revoked. Any candidates already admitted for preparation in that class or category may continue in the EPP and be recommended for certification after program completion, but no new candidates shall be admitted for preparation in that class or category unless and until the SBEC reinstates approval for the EPP to offer that certification class or category.

- (d) For purposes of determining compliance with subsection (c) of this section, candidate performance in individual certification classes or categories in only the 2016-2017 academic year and subsequent academic years will be considered.
- (e) Performance indicators by demographic group [~~gender, race, and ethnic groups~~] shall not be counted for purposes of subsection (c) of this section [~~relating to~~] to performance standards for individual certification classes or categories. If the aggregated number of individuals counted for a certification class or category is 10 [~~ten~~] or fewer, [~~and~~] the performance on the standard [~~certification class or category fails to meet any of the standards in §229.4(a) of this title, the certification class or category shall not count that year, but~~] shall be cumulated and counted in the same manner as provided in §229.4(c) [~~§229.4(g)~~] of this title.
- (f) An EPP shall be notified in writing regarding any action proposed to be taken pursuant to this section, or proposed assignment of an accreditation status of Accredited-Warning, Accredited-Probation, or Not Accredited-Revoked. The notice shall state the basis on which the proposed action is to be taken or the proposed assignment of the accreditation status is to be made.
- (g) All costs associated with providing or requiring technical assistance, professional services, or the appointment of a monitor pursuant to this section shall be paid by the EPP to which the services are provided or required, or its sponsor.

§229.8. Contested Cases for Accreditation Revocation.

- (a) This section applies only to a final recommendation issued under §229.5 of this title (relating to Accreditation Sanctions and Procedures) or §229.6 of this title (relating to Continuing Approval) that proposes revocation of approval and closure of an educator preparation program (EPP), or withdraws approval to offer a specific certification class or category, and does not apply to a final recommendation proposing the assignment of Accredited-Warning or Accredited-Probation status or ordering any other sanction, including, without limitation, [~~withdrawing approval to offer a specific certification class or category~~] public reprimand, imposing conditions upon continuing approval, requiring technical assistance, requiring professional services, or appointing a monitor.
- (b) If an EPP declines to sign a final recommendation, or if the EPP fails to respond timely to a notice of a proposed recommendation, Texas Education Agency (TEA) staff may proceed with the filing of a contested case with the State Office of Administrative Hearings (SOAH) in accordance with the contested case procedures set out in §§249.19-249.40 of this title, and Texas Government Code, Chapter 2001.
- (c) Upon the finality of a decision from the State Board for Educator Certification (SBEC) under the Administrative Procedure Act ordering the EPP closed under this subsection in keeping with §249.39 of this title (relating to Final Decisions and Orders), the approval of an EPP to provide educator preparation is:
 - (1) automatically revoked, void, and of no further force or effect on the effective date of the SBEC final order; and
 - (2) automatically modified to remove authorization for an individual certification class or category on the effective date of the SBEC final order.
- (d) This section satisfies the hearing requirements of the Texas Education Code, §21.0451(a)(2)(D) and (a)(3).

§229.9. Fees for Educator Preparation Program Approval and Accountability.

An educator preparation program requesting approval and continuation of accreditation status shall pay the applicable fee from the following list.

- (1) New educator preparation program application and approval (nonrefundable)--\$9,000.
- (2) Five-year continuing approval review visit pursuant to §228.10(b) of this title (relating to Approval Process)--\$4,500.
- (3) Discretionary continuing approval review visit pursuant to §228.10(b) of this title--\$4,500.
- (4) Addition of new certification category or addition of clinical teaching--\$500.

- (5) Addition of each new class of certificate--\$1,000.
- (6) Applications for out-of-state and out-of-country school sites for field-based experiences, clinical teaching, internships, and practicums--\$500.
- (7) Accountability System for Educator Preparation Programs technology fee -- [~~±~~] \$35 per admitted candidate.
 - ~~[(A) on or after March 15, 2017, and before September 1, 2017 \$55 per admitted candidate; and]~~
 - ~~[(B) for the 2017-2018 academic year \$55 per admitted candidate; and]~~
 - ~~[(C) for the 2018-2019 academic year and beyond \$35 per admitted candidate.]~~

**Review of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E,
Master Teacher Certificate**

November 15, 2019

**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 the repeal of 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate. The proposed repeal of 19 TAC Chapter 239, Subchapter E, would implement the requirements of House Bill 3 (HB) 3, 86th Texas Legislature, 2019. HB 3 requires 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.

STATUTORY AUTHORITY: The statutory authority for the repeal of 19 TAC Chapter 239, Subchapter E, is HB 3, 86th Texas Legislature, 2019, Article 4, Repealer, Section 4.001(a)(2)-(5) and Texas Education Code (TEC), §21.064, as amended by HB 3, 86th Texas Legislature, 2019.

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 of 19 TAC Chapter 239, Subchapter E, would be December 22, 2019.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate, establish the minimum requirements for admission, preparation, standards, certificate issuance, and renewal of master teacher certificates in reading, mathematics, technology, and science.

HB 3 repealed TEC, §§21.0481-21.0484, the statutory authority for the master teacher certificates. The proposed repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate is attached. Texas Education Agency (TEA) staff have proactively reached out to those potentially affected by the repeal of those certificates:

- Educator Preparation Programs that offer preparation for the master teacher certification to notify them and provide guidance to the programs on what they need to do to close-out these certificate classes and to assist candidates who are currently in the pipeline for the master teacher certificates.
- Current certificate holders to notify them and provide guidance that the current master teacher certificates will be designated as "legacy" and will allow holders to be eligible for placement into appropriate teaching assignments.

SBOE Review of Proposed SBEC Rules

Under the TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state and local governments and that there are no additional costs to persons or entities required to comply with the proposal, outside of the costs caused directly by HB 3.

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 under Texas Government Code (TGC), §2001.022, is required.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposed rulemaking would eliminate a government program, would decrease the number of individuals subject its applicability, and would repeal an existing regulation by repealing the master teacher certification.

The proposed rulemaking would not create 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 the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be timely implementation of legislative mandates in HB 3 and clarity for educators and applicants regarding which certificates are available. There are no anticipated costs to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Marilyn Cook, Director, Educator Certification

Attachment: Text of Proposed Repeal of 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 239. Student Services Certificates

[Subchapter E. Master Teacher Certificate]

§239.100. General Provisions for Master Teacher Certificates.

- ~~[(a) — An educator preparation program must obtain approval from the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process) before it may offer a program to prepare candidates to be certified master teachers.]~~
- ~~[(b) — SBEC approved standards shall be the basis for an educator preparation program that prepares candidates to be certified as master teachers. An educator preparation program operating a program shall periodically measure a candidate's progress and needed improvement using benchmarks and structured assessments based on the appropriate master teacher certificate standards.]~~
- ~~[(c) — A field based practicum required by this subchapter shall be structured to provide a candidate relevant experiences in a variety of educational settings with diverse student populations. The practicum experience shall require a candidate to demonstrate proficiency in each of the applicable standards.]~~
- ~~[(d) — To take a course through an SBEC approved educator preparation program, a candidate must meet the following requirements:]~~
 - ~~[(1) — hold a baccalaureate degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and]~~
 - ~~[(2) — satisfy other requirements established by the educator preparation program to appropriately determine the candidate's qualifications for the master teacher certificate sought.]~~

§239.101. Master Reading Teacher Certification.

- ~~[(a) — To ensure that there are teachers with special training to work with other teachers and with students in order to improve student reading performance, the State Board for Educator Certification (SBEC) established the Master Reading Teacher Certificate.]~~
- ~~[(b) — The holder of the Master Reading Teacher Certificate may serve as a reading teacher mentor to other teachers and teach reading to students in Prekindergarten Grade 12.]~~
- ~~[(c) — To be eligible for the Master Reading Teacher Certificate, an individual must:]~~
 - ~~[(1) — hold the Reading Specialist Certificate issued under Subchapter D of this chapter (relating to Reading Specialist Certificate) and successfully complete a course of instruction as prescribed under paragraph (2)(B) of this subsection through an SBEC approved educator preparation program and satisfy any other requirement generally applicable to a certificate issued under this title; or]~~
 - ~~[(2) — hold a valid teaching certificate issued under this title and:]~~
 - ~~[(A) — have at least three creditable years teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2);]~~
 - ~~[(B) — satisfactorily complete a knowledge based and skills based course of instruction through an SBEC approved educator preparation program on the science of teaching children to read that includes training in:]~~
 - ~~[(i) — effective reading instruction techniques, including effective techniques for students whose primary language is a language other than English;]~~

~~[(ii) — identification of dyslexia and related reading disorders and effective reading instruction techniques for students with those disorders; and]~~

~~[(iii) — effective professional peer mentoring techniques;]~~

~~[(C) — satisfactorily complete a field-based practicum prescribed by an SBEC approved educator preparation program;]~~

~~[(D) — perform satisfactorily on the master reading teacher certification examination prescribed by the SBEC; and]~~

~~[(E) — satisfy any other requirement generally applicable to a certificate issued under this title.]~~

§239.102. Master Mathematics Teacher Certification.

~~[(a) — To ensure that there are teachers with special training to work with other teachers and with students in order to improve student mathematics performance, the State Board for Educator Certification (SBEC) established:]~~

~~[(1) — the Master Mathematics Teacher Certificate to teach mathematics in Early Childhood Grade 4;]~~

~~[(2) — the Master Mathematics Teacher Certificate to teach mathematics in Grades 4-8; and]~~

~~[(3) — the Master Mathematics Teacher Certificate to teach mathematics in Grades 8-12.]~~

~~[(b) — The SBEC shall issue the appropriate Master Mathematics Teacher Certificate to an eligible individual.]~~

~~[(c) — To be eligible for the Master Mathematics Teacher Certificate, an individual must:]~~

~~[(1) — hold a valid teaching certificate issued under this title;]~~

~~[(2) — have at least three creditable years teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2);]~~

~~[(3) — satisfactorily complete a knowledge-based course of instruction through an SBEC approved educator preparation program on the science of teaching children mathematics that includes training in mathematics instruction and professional peer mentoring techniques that, through scientific testing, have been proven effective;]~~

~~[(4) — satisfactorily complete a field-based practicum prescribed by an SBEC approved educator preparation program;]~~

~~[(5) — perform satisfactorily on the appropriate master mathematics teacher certification examination prescribed by the SBEC; and]~~

~~[(6) — satisfy any other requirement generally applicable to certificates issued under this title.]~~

~~[(d) — The course of instruction prescribed under subsection (c)(3) of this section shall be developed by the Texas Education Agency staff in consultation with mathematics and science faculty members at institutions of higher education.]~~

§239.103. Master Technology Teacher Certification.

~~[(a) — To ensure that there are teachers with special training to work with other teachers and with students in order to increase the use of technology in each classroom, the State Board for Educator Certification (SBEC) established the Master Technology Teacher Certificate.]~~

~~[(b) — The holder of the Master Technology Teacher Certificate may serve as a technology training mentor for the amount of time and in the manner established by the school district and by rule adopted by the commissioner of education. The holder of the Master Technology Teacher Certificate is not certified to teach technology courses in the required secondary curriculum as specified in §74.3 of this title (relating to Description of a Required Secondary Curriculum), unless the individual holds a certificate appropriate for assignment to teach those courses as specified in Chapter 231 of this title (relating to Assignment of Public~~

~~School Personnel), Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), or elsewhere in this title.]~~

~~[(c) — To be eligible for the Master Technology Teacher Certificate, an individual must:]~~

~~[(1) — hold the Technology Applications Certificate or the Technology Education Certificate issued under this title and:]~~

~~[(A) — satisfactorily complete the course of instruction as prescribed under paragraph (2)(B) of this subsection through an SBEC approved educator preparation program:]~~

~~[(B) — satisfactorily perform on the examination prescribed under paragraph (2)(D) of this subsection:]~~

~~[(C) — satisfactorily complete a field-based practicum prescribed by an SBEC approved educator preparation program; and]~~

~~[(D) — satisfy any other requirement generally applicable to certificates issued under this title; or]~~

~~[(2) — hold a valid teaching certificate issued under this title and:]~~

~~[(A) — have at least three creditable years teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2);]~~

~~[(B) — satisfactorily complete a knowledge-based and skills-based course of instruction on interdisciplinary technology applications and the science of teaching technology through an SBEC approved educator preparation program that includes training in:]~~

~~[(i) — effective technology instruction techniques, including applications designed to meet the educational needs of students with disabilities;]~~

~~[(ii) — classroom teaching methodology that engages student learning through the integration of technology;]~~

~~[(iii) — digital learning competencies, including Internet research, graphics, animation, website mastering, and video technologies;]~~

~~[(iv) — curriculum models designed to prepare teachers to facilitate an active student learning environment; and]~~

~~[(v) — effective professional peer mentoring techniques;]~~

~~[(C) — satisfactorily complete a field-based practicum prescribed by an SBEC approved educator preparation program:]~~

~~[(D) — satisfactorily perform on an examination administered at the conclusion of the course of instruction prescribed under subparagraph (B) of this paragraph; and]~~

~~[(E) — satisfy any other requirement generally applicable to certificates issued under this title.]~~

~~[(d) — The SBEC may provide technology applications training courses under subsection (c)(2)(B) of this section and a field-based practicum under subsection (c)(2)(C) of this section in cooperation with:]~~

~~[(1) — regional education service centers; and]~~

~~[(2) — other public or private entities, including any state council on technology.]~~

~~[(e) — The course of instruction prescribed under subsection (c)(2)(B) of this section shall be developed by the Texas Education Agency staff in consultation with technology faculty members at institutions of higher education.]~~

§239.104. Master Science Teacher Certification.

- ~~[(a) — To ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance, the State Board for Educator Certification (SBEC) established:]~~
- ~~[(1) — the Master Science Teacher Certificate to teach science in Early Childhood-Grade 4:]~~
- ~~[(2) — the Master Science Teacher Certificate to teach science in Grades 4-8; and]~~
- ~~[(3) — the Master Science Teacher Certificate to teach science in Grades 8-12.]~~
- ~~[(b) — To be eligible for the Master Science Teacher Certificate, an individual must:]~~
- ~~[(1) — hold a valid teaching certificate issued under this title:]~~
- ~~[(2) — have at least three creditable years teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2);]~~
- ~~[(3) — satisfactorily complete a knowledge-based course of instruction through an SBEC-approved educator preparation program on the science of teaching children science that includes training in science instruction and professional peer mentoring techniques that, through scientific testing, have been proven effective:]~~
- ~~[(4) — satisfactorily complete a field-based practicum prescribed by an SBEC-approved educator preparation program:]~~
- ~~[(5) — perform satisfactorily on the appropriate master science teacher certification examination prescribed by the SBEC; and]~~
- ~~[(6) — satisfy any other requirement generally applicable to certificates issued under this title.]~~
- ~~[(c) — The course of instruction prescribed under subsection (b)(3) of this section shall be developed by the Texas Education Agency staff in consultation with science faculty members at institutions of higher education.]~~

This page has been intentionally left blank.

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
September 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	\$ 1,193,163,434	4.42%	\$ 1,697,860,405	4.92%
	Domestic Large Cap	1,993,790,499	7.39%	4,648,229,191	13.46%
	Total Domestic Equity	3,186,953,933	11.81%	6,346,089,596	18.38%
	International Equity - Blackrock	3,936,615,600	14.59%	4,913,729,433	14.23%
	Navarro Emerging Market Equity	770,737,541	2.86%	907,828,015	2.63%
Total Public Market Equity	Total Emerging Market Equity	770,737,541	2.86%	907,828,015	2.63%
		7,894,307,074	29.26%	12,167,647,044	35.24%
Fixed Income	Domestic Fixed Income	4,308,469,584	15.96%	4,433,495,446	12.84%
	Investec Emerging Market Debt	1,193,323,615	4.42%	1,223,512,397	3.54%
	Ashmore Emerging Market Debt	1,198,579,160	4.44%	1,211,070,195	3.51%
	Total Emerging Market Debt	2,391,902,775	8.86%	2,434,582,592	7.05%
Total Fixed Income		6,700,372,359	24.82%	6,868,078,038	19.89%
Absolute Return	Raven 1	800,000,000	2.96%	1,081,212,694	3.13%
	Raven 4	600,000,000	2.22%	1,019,596,871	2.95%
	Raven 6	353,884,155	1.31%	464,299,656	1.34%
	Raven 7	412,711,614	1.53%	574,566,445	1.66%
	Raven 8	418,586,838	1.55%	480,115,395	1.39%
Total Absolute Return		2,585,182,607	9.57%	3,619,791,061	10.47%
Private Equity	Columbia NB Crossroads Fund L.P.	258,460,159	0.96%	324,774,826	0.94%
	Columbia NB Crossroads Fund II L.P.	371,366,587	1.38%	607,989,179	1.76%
	Columbia NB Crossroads Fund II Tranche C	747,721,523	2.77%	945,268,211	2.74%
	TPSF NB PE Program	788,903,491	2.92%	1,045,986,959	3.03%
	Private Equity Direct	670,088,325	2.48%	746,857,170	2.16%
Total Private Equity	Columbia CS Fund, L.P.	267,013,105	0.99%	371,920,445	1.08%
		3,103,553,190	11.50%	4,042,796,790	11.71%
Real Estate	Direct Real Estate Investments	2,413,466,544	8.94%	2,956,987,823	8.56%
	Total Real Estate	2,413,466,544	8.94%	2,956,987,823	8.56%
Risk Parity	AQR Capital Management	846,664,411	3.14%	1,311,624,314	3.80%
	Bridgewater	764,790,629	2.83%	1,246,385,563	3.61%
	Total Risk Parity Strategies	1,611,455,040	5.97%	2,558,009,877	7.41%
Real Return	Real Return - TIPS	1,084,812,770	4.02%	1,114,197,726	3.23%
	Real Return Commodities - Terlingua 1	587,500,000	2.18%	389,919,136	1.13%
	Real Return Commodities - Terlingua 2	575,000,000	2.13%	372,743,194	1.08%
	Real Return Commodities - Terlingua 3	223,190,817	0.83%	226,983,027	0.66%
Total Real Return		2,470,503,586	9.16%	2,103,843,083	6.10%
Total Unallocated Cash		209,018,304	0.78%	209,018,305	0.62%
Fund Total		26,987,858,704	100.00%	34,526,172,021	100.00%

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 6,369,744,220 18.45%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 4,831,442,679 13.99%

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.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCE 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.

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 of the state appointed by the governor 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) Each appointment made by the governor 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.

Acts 1977, 65th Leg., p. 2377, ch. 871, art. I, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. [608](#)), Sec. 2, eff. September 1, 2019.

NRC, §32.013. TERMS OF APPOINTED MEMBERS.

The appointed members of the board serve for terms of two years.

Acts 1977, 65th Leg., p. 2377, ch. 871, art. I, Sec. 1, eff. Sept. 1, 1977.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. [608](#)), Sec. 3, eff. September 1, 2019.

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, §51.402. USE OF DESIGNATED FUNDS.

- (a) Except as provided by Subsection (c), the board may use funds designated under Section [51.401](#) for any of the following purposes:
- (1) to add to a tract of public school land to form a tract of sufficient size to be manageable;
 - (2) to add contiguous land to public school land;
 - (3) to acquire, as public school land, interests in real property for biological, commercial, geological, cultural, or recreational purposes;
 - (4) to acquire mineral and royalty interests for the use and benefit of the permanent school fund;
 - (5) to protect, maintain, or enhance the value of public school land;
 - (6) to acquire interests in real estate;
 - (7) to pay reasonable fees for professional services related to a permanent school fund investment; or
 - (8) to acquire, sell, lease, trade, improve, maintain, protect, or use land, mineral and royalty interests, or real estate investments, an investment or interest in public infrastructure, or other interests, at such prices and under such terms and conditions the board determines to be in the best interest of the permanent school fund.
- (b) Before using funds under Subsection (a), the board must determine, using the prudent investor standard, that the use of the funds for the intended purpose is authorized by Subsection (a) and in the best interest of the permanent school fund. A determination by the board on the use of funds under this section is conclusive unless the determination was made as a result of fraud or obvious error.
- (b-1) The board may confer with one or more employees of the board or with a third party regarding an investment or potential investment in real estate, including the acquisition or potential acquisition of interests in real estate, to the extent permitted to the board of trustees of the Texas growth fund under Section [551.075](#), Government Code.

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 3

- (c) Notwithstanding Subsection (a), on January 1 of each even-numbered year, the market value of the investments under Subsections (a)(6) and (8) may not exceed an amount that is equal to 15 percent of the market value of the permanent school fund on that date.

Text of subsection as amended by Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. [608](#)), Sec. 8

- (c) On January 1 of each even-numbered year, the market value of the investments made under Subsections (a)(6) and (8) may not exceed an amount that is equal to 15 percent of the market value of the assets held by the board and the State Board of Education as part of the permanent school fund.

Added by Acts 1985, 69th Leg., ch. 624, Sec. 40. Amended by Acts 2001, 77th Leg., ch. 900, Secs. 2, 3, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 280, Sec. 30, eff. June 18, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1098 (H.B. [2217](#)), Sec. 8, eff. June 18, 2005.

Acts 2007, 80th Leg., R.S., Ch. 1368 (H.B. [3699](#)), Sec. 5, eff. June 15, 2007.

Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. [608](#)), Sec. 8, 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, §7.111. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

- (a) The board shall provide for the administration of high school equivalency examinations.
- (a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:
 - (1) over 17 years of age;
 - (2) 16 years of age or older and:
 - (A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;
 - (B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or
 - (C) is enrolled in the Texas Military Department's Seaborne Challenge Corps; or
 - (3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.
- (b) The board by rule shall establish and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores. The board may not require a waiting period between the date a person withdraws from school and the date the person takes the examination unless the period relates to the time between administrations of the examination.
- (c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must provide a procedure for verifying the identity of the person taking the examination.

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.

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. §11.185. 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.

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, §11.186. 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.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.351. 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.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §12.106. STATE FUNDING.

- (a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter ~~48~~ [~~42~~] equal to the amount of funding per student in weighted average daily attendance, ~~excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253.~~ excluding the adjustment under Section 48.052, the funding under Sections 48.101, 48.110, 48.111, and 48.112, and enrichment funding under Section 48.202(a) [42.302(a)], to which the charter holder would be entitled for the school under Chapter 48 [42] if the school were a school district without a tier one local share for purposes of Section 48.266 [42.253].
- (a-1) In determining funding for an open-enrollment charter school under Subsection (a), the amount of the allotment under Section 48.102 is based solely on the basic allotment to which the charter holder is entitled and does not include any amount based on the allotment under Section 48.101 [:
- (1) ~~adjustments under Sections 42.102, 42.104, and 42.105 are based on the average adjustment for the state; and~~
- (2) ~~the adjustment under Section 42.103 is based on the average adjustment for the state that would have been provided under that section as it existed on January 1, 2018.~~
- (a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school an allotment per student in average daily attendance in an amount equal to the difference between:
- (1) the product of:
- (A) the quotient of:
- (i) the total amount of funding provided to eligible school districts under Section 48.101(b) or (c); and
- (ii) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c);
- and

(B) the sum of one and the quotient of:

(i) the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c);

and

(ii) the total number of students in average daily attendance in school districts statewide; and (2) \$125.

~~(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 42.302 based on the state average tax effort.~~

(a-3) In addition to the funding provided by Subsections [Subsection] (a) and (a-2), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 48.202 [42.302] based on the state average tax effort.

(a-4) In addition to the funding provided by Subsections (a), (a-2), and (a-3), a charter holder is entitled to receive funding for the open-enrollment charter school under Sections 48.110 and 48.112 and Subchapter D, Chapter 48, if the charter holder would be entitled to the funding if the school were a school district.

~~(b) An open-enrollment charter school is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding.~~

(c) The commissioner may adopt rules to provide and account for state funding of open-enrollment charter schools under this section. A rule adopted under this section may be similar to a provision of this code that is not similar to Section 12.104(b) if the commissioner determines that the rule is related to financing of open-enrollment charter schools and is necessary or prudent to provide or account for state funds.

(d) Subject to Subsection (e), in addition to other amounts provided by this section, a charter holder is entitled to receive, for the open-enrollment charter school, funding per student in average daily

attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section [46.032](#)(a) multiplied by the lesser of:

- (1) the state average interest and sinking fund tax rate imposed by school districts for the current year; or
 - (2) a rate that would result in a total amount to which charter schools are entitled under this subsection for the current year equal to \$60 million.
- (e) A charter holder is entitled to receive funding under Subsection (d) only if the most recent overall performance rating assigned to the open-enrollment charter school under Subchapter C, Chapter [39](#), reflects at least acceptable performance. This subsection does not apply to a charter holder that operates a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital.
- (f) Funds received by a charter holder under Subsection (d) may only be used:
- (1) to lease an instructional facility;
 - (2) to pay property taxes imposed on an instructional facility;
 - (3) to pay debt service on bonds issued to finance an instructional facility; or
 - (4) for any other purpose related to the purchase, lease, sale, acquisition, or maintenance of an instructional facility.
- (g) In this section, "instructional facility" has the meaning assigned by Section [46.001](#).
- (h) Except as provided by Subsection (i), all remaining funds of a charter holder for an open-enrollment charter school that ceases to operate must be returned to the agency and deposited in the charter school liquidation fund.
- (i) The agency may approve a transfer of a charter holder's remaining funds to another charter holder if the charter holder receiving the funds has not received notice of the expiration or revocation of the charter holder's charter for an open-enrollment charter school or notice of a reconstitution of the governing body of the charter holder under Section 12.1141 or 12.115.
- (j) The commissioner may adopt rules specifying:
- (1) the time during which a former charter holder must return remaining funds under Subsection
- (h); and

(2) the qualifications required for a charter holder to receive a transfer of remaining funds under Subsection (i).

TEXAS EDUCATION CODE
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.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.031. PURPOSE.

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.041. 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.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.043. ACCESS TO PEIMS DATA.

- (a) The agency shall provide the board with access to data obtained under the Public Education Information Management System (PEIMS).
- (b) The agency shall provide educator preparation programs with data based on information reported through the Public Education Information Management System (PEIMS) that enables an educator preparation program to:
 - (1) assess the impact of the program; and
 - (2) revise the program as needed to improve the design and effectiveness of the program.
- (c) The agency in coordination with the board shall solicit input from educator preparation programs to determine the data to be provided to educator preparation programs.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.044. EDUCATOR PREPARATION.

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
 - 1) be provided through:
 - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351; or
 - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program [161.325, Health and Safety Code]; and
 - (2) include effective strategies [~~for teaching and intervening with students with mental or emotional disorders~~], including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
 - (1) be aligned with the International Society for Technology in Education's standards for teachers;
 - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
 - (3) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section [28.027](#), at a secondary school, a person must:

- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
- (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and
 - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
 - (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.
- (g) Each educator preparation program must provide information regarding:
 - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills;
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and
 - (6) appropriate relationships, boundaries, and communications between educators and students.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS.

- (a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:
- (1) results of the certification examinations prescribed under Section 21.048(a);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable;
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:
- (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);
 - (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
 - (3) the following information, disaggregated by race, sex, and ethnicity:
 - (A) the number of candidates who apply;
 - (B) the number of candidates admitted;
 - (C) the number of candidates retained;
 - (D) the number of candidates completing the program;

- (E) the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of completing the program;
 - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
 - (G) the number of candidates retained in the profession; and
 - (H) any other information required by federal law;
- (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a).
 - (d) To assist an educator preparation program in improving the design and effectiveness of the program in preparing educators for the classroom, the agency shall provide to each program data that is compiled and analyzed by the agency based on information reported through the Public Education Information Management System (PEIMS) relating to the program.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.046. QUALIFICATIONS FOR CERTIFICATION AS SUPERINTENDENT OR PRINCIPAL.

- (a) The qualifications for superintendent must permit a candidate for certification to substitute management training or experience for part of the educational experience.
- (b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:
 - (1) instructional leadership;
 - (2) administration, supervision, and communication skills;
 - (3) curriculum and instruction management;
 - (4) performance evaluation;
 - (5) organization; and
 - (6) fiscal management.
- (c) Because an effective principal is essential to school improvement, the board shall ensure that:
 - (1) each candidate for certification as a principal is of the highest caliber; and
 - (2) multi-level screening processes, validated comprehensive assessment programs, and flexible internships with successful mentors exist to determine whether a candidate for certification as a principal possesses the essential knowledge, skills, and leadership capabilities necessary for success.
- (d) In creating the qualifications for certification as a principal, the board shall consider the knowledge, skills, and proficiencies for principals as developed by relevant national organizations and the State Board of Education.
- (e) For purposes of satisfying eligibility requirements for certification as a principal, a teacher who is certified under Section [21.0487](#):
 - (1) is considered to hold a classroom teaching certificate; and
 - (2) may apply as creditable years of teaching experience as a classroom teacher any period during which the teacher was employed by a school district as a Junior Reserve Officer Training Corps instructor before or after the teacher was certified under Section [21.0487](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.049. ALTERNATIVE CERTIFICATION.

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.050. ACADEMIC DEGREE REQUIRED FOR TEACHING CERTIFICATE; FIELD-BASED EXPERIENCE OR INTERNSHIP.

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, ~~[other than education]~~, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) ~~[The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate.]~~ The board shall provide for a minimum number of semester credit hours of field-based experience or internship to be included in the credit hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.052. CERTIFICATION OF EDUCATORS FROM OUTSIDE THE STATE.

- (a) The board may issue a certificate to an educator who applies for a certificate and:
- (1) holds:
 - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
 - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
 - (2) holds an appropriate certificate or other credential issued by another state or country; and
 - (3) performs satisfactorily on:
 - (A) the examination prescribed under Section [21.048](#); or
 - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state to obtain a certificate in this state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (b-1) The board shall propose rules to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States, including rules for providing the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the

examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.

- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) must perform satisfactorily on the examination prescribed under Section [21.048](#) not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a).
- (g) Repealed by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 12(2), eff. June 12, 2017.
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
 - (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
 - (2) information necessary to complete a national criminal history record information review; and
 - (3) an application fee as required by the board.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.064. LEGACY MASTER TEACHER CERTIFICATIONS.

- (a) The board shall recognize a master teacher certificate issued under former Section 21.0481, 21.0482, 21.0483, or 21.0484 until the certificate expires. The board shall note a designation of "legacy" on the certificate.
- (b) A master teacher certificate described by Subsection (a) is not eligible for funding under the teacher incentive allotment under Section [48.112](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0441. ADMISSION REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS .

- (a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:
 - (1) except as provided by Subsection (b), satisfies the following minimum grade point average requirements:
 - (A) an overall grade point average of at least 2.50 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or
 - (B) a grade point average of at least 2.50 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and
 - (2) if the person is seeking initial certification:
 - (A) has successfully completed at least:
 - (i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or
 - (ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or
 - (B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.
- (b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:

- (1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B);
 - (2) each person admitted as described by this subsection performs, before admission, at a satisfactory level on an appropriate subject matter examination for each subject in which the person seeks certification; and
 - (3) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.
- (c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:
- (1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or
 - (2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.
- (d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL.

- (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:
 - (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.
- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS.

- (a) The board shall propose rules necessary for the sanction of educator preparation programs that do not meet accountability standards or comply with state law or rules and shall at least annually review the accreditation status of each educator preparation program. The rules:
- (1) shall provide for the assignment of the following accreditation statuses:
 - (A) not rated;
 - (B) accredited;
 - (C) accredited-warned;
 - (D) accredited-probation; and
 - (E) not accredited-revoked;
 - (2) may provide for the agency to take any necessary action, including one or more of the following actions:
 - (A) requiring the program to obtain technical assistance approved by the agency or board;
 - (B) requiring the program to obtain professional services under contract with another person;
 - (C) appointing a monitor to participate in and report to the board on the activities of the program; and
 - (D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the board or agency has provided the opportunity for a contested case hearing;
 - (3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency has provided the opportunity for a contested case hearing; and
 - (4) shall provide the board procedure for changing the accreditation status of a program that:

- (A) does not meet the accreditation standards established under Section [21.045\(a\)](#); or
 - (B) violates a board or agency regulation.
- (b) Any action authorized or required to be taken against an educator preparation program under Subsection (a) may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.
- (c) A revocation must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.
- (d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the educator preparation program.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0452. CONSUMER INFORMATION REGARDING EDUCATOR PREPARATION PROGRAMS.

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (b) The board shall make available at least the following information regarding each educator preparation program:
 - (1) the information specified in Sections [21.045\(a\)](#) and (b);
 - (2) In addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;
 - (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) students of limited English proficiency, as defined by Section [29.052](#);
 - (5) the activities offered by the program that are designed to prepare teachers to:
 - (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
 - (6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;
 - (7) the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing the

- number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs;
- (8) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;
 - (9) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and
 - (10) the results of teacher satisfaction surveys developed under Section [21.045](#) and given to program participants at the end of the first year of teaching.
- (c) For purposes of Subsection (b)(9), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
 - (d) For purposes of Subsections (b)(9) and (10), the board shall develop surveys for distribution to program participants and school principals.
 - (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.
 - (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
 - (g) The board may require any person to provide information to the board for purposes of this section.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0489. EARLY CHILDHOOD CERTIFICATION.

- (a) To ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three, the board shall establish an early childhood certificate.
- (b) A person is not required to hold a certificate established under this section to be employed by a school district to provide instruction in prekindergarten through grade three.
- (c) To be eligible for a certificate established under this section, a person must:
 - (1) either:
 - (A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
 - (i) teaching methods for:
 - (a) using small group instructional formats that focus on building social, emotional, and academic skills;
 - (b) navigating multiple content areas; and
 - (c) managing a classroom environment in which small groups of students are working on different tasks; and
 - (ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
 - (B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);
 - (2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and
 - (3) satisfy any other requirements prescribed by the board.
- (d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in educator preparation programs for an early childhood through grade six certificate.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
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](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.083. ACCESS TO CRIMINAL HISTORY RECORDS OF EMPLOYEES BY LOCAL AND REGIONAL EDUCATION AUTHORITIES.

- (a) A school district, open-enrollment charter school, or shared services arrangement shall obtain criminal history record information that relates to a person who is not subject to a national criminal history record information review under this subchapter and who is an employee of:
 - (1) the district or school; or
 - (2) a shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.
- (a-1) A school district, open-enrollment charter school, or shared services arrangement may obtain the criminal history record information from:
 - (1) the department;
 - (2) a law enforcement or criminal justice agency; or
 - (3) a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.).
- (a-2) A shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person who is not subject to Subsection (a) and whom the shared services arrangement intends to employ in any capacity.
- (b) A private school or regional education service center may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:
 - (1) a person whom the school or service center intends to employ in any capacity; or
 - (2) an employee of or applicant for employment by a person that contracts with the school or service center to provide services, if:
 - (A) the employee or applicant has or will have continuing duties related to the contracted services; and
 - (B) the employee or applicant has or will have direct contact with students.
- (c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1372, Sec. 27, eff. June 15, 2007.
- (d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1372, Sec. 27, eff. June 15, 2007.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

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
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.0835. ACCESS TO CRIMINAL HISTORY RECORDS OF STUDENT TEACHERS AND VOLUNTEERS BY LOCAL AND REGIONAL EDUCATION AUTHORITIES.

- (a) A school district, open-enrollment charter school, or shared services arrangement shall obtain from the department and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to:
 - (1) a person participating in an internship consisting of student teaching to receive a teaching certificate; or
 - (2) a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district, school, or shared services arrangement.
- (b) A private school or regional education service center may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person who volunteers or has indicated, in writing, an intention to serve as a volunteer with the school or service center.
- (c) A person to whom Subsection (a) or (b) applies must provide to the school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government.
- (d) A person to whom Subsection (a) applies may not perform any student teaching or volunteer duties until all requirements under Subsections (a) and (c) have been satisfied.
- (e) Subsections (a) and (c) do not apply to a person who volunteers or is applying to volunteer with a school district, open-enrollment charter school, or shared services arrangement if the person:
 - (1) is the parent, guardian, or grandparent of a child who is enrolled in the district or school for which the person volunteers or is applying to volunteer;
 - (2) will be accompanied by a school district employee while on a school campus; or
 - (3) is volunteering for a single event on the school campus.
- (f) A school district, open-enrollment charter school, or shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom Subsection (e) applies.
- (g) A school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may require a student teacher, volunteer, or volunteer applicant to pay any costs related to obtaining criminal history record information under this section.

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 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
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE FUNDING, ADOPTION, AND PURCHASE

TEC, §31.024. ADOPTION BY STATE BOARD OF EDUCATION.

- (a) By majority vote, the State Board of Education shall:
- (1) place each submitted instructional material on the list adopted under Section [31.023](#);
or
 - (2) reject instructional material submitted for placement on that list.
- (b) Not later than December 1 of the year preceding the school year for which the instructional materials for a particular subject and grade level will be purchased under the cycle adopted by the board under Section [31.022](#), the board shall provide the list of adopted instructional materials to each school district.

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
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.081. INSTRUCTIONAL MATERIALS WEB PORTAL.

- (a) The commissioner shall develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section [31.101](#).
- (b) The web portal must include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:
 - (1) on the instructional materials list, including the list adopted under Section [31.0231](#); or
 - (2) submitted by a publisher for inclusion in the web portal.
- (c) The commissioner by rule shall establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal.
- (d) The commissioner shall use a competitive process to contract for the development of the web portal.
- (e) The commissioner shall use money in the state instructional materials and technology fund to pay any expenses associated with the web portal.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

TEC, §31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER.

- (a) The commissioner shall contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section [31.081](#). The analysis must:
 - (1) evaluate the quality of the material; and
 - (2) determine the extent to which the material covers the essential knowledge and skills identified under Section [28.002](#) for the subject and grade level for which the material is intended to be used, including an identification of:
 - (A) each of the essential knowledge and skills for the subject and grade level or levels covered by the material; and
 - (B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the material.
- (b) The commissioner shall include in the web portal developed under Section [31.081](#) the results of each analysis conducted under Subsection (a).

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, §31.0211. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT.

- (a) A school district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. An allotment under this section shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Section [31.0212](#).
- (b) A juvenile justice alternative education program under Section [37.011](#) is entitled to an allotment from the state instructional materials and technology fund in an amount determined by the commissioner. The program shall use the allotment to purchase items listed in Subsection (c) for students enrolled in the program. The commissioner's determination under this subsection is final and may not be appealed.
- (c) Subject to Subsection (d), funds allotted under this section may be used to:
 - (1) purchase:
 - (A) materials on the list adopted by the commissioner, as provided by Section [31.0231](#);
 - (B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section [31.024](#);
 - (C) consumable instructional materials, including workbooks;
 - (D) instructional materials for use in bilingual education classes, as provided by Section [31.029](#);
 - (E) instructional materials for use in college preparatory courses under Section [28.014](#), as provided by Section [31.031](#);
 - (F) supplemental instructional materials, as provided by Section [31.035](#);
 - (G) state-developed open education resource instructional materials, as provided by Subchapter B-1;
 - (H) instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
 - (I) technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section [31.0231](#) or any instructional materials purchased with an allotment under this section; and
 - (J) inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials; and
 - (2) pay:
 - (A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; and
 - (B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.
- (d) Each biennium a school district shall use the district's allotment under this section to purchase, in the following order:
 - (1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section [28.002](#); and
 - (2) any other instructional materials or technological equipment as determined by the district.
- (e) Not later than May 31 of each school year, a school district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment under Subsection (a) on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination under this subsection is final.
- (f) The commissioner may adopt rules as necessary to implement this section.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE G. SAFE SCHOOLS
CHAPTER 38. HEALTH AND SAFETY
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS.

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.
- c) Subject to Subsection (c-1), the State Board of Education shall adopt any rules and standards necessary to administer this section.
- (c-1) The agency by rule shall develop procedures designed to allow the agency to:
 - (1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
 - (2) identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section; and
 - (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.
- (d) In this section:
 - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

- (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 3, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 1044 (H.B. [1886](#)), Sec. 5, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 450 (S.B. [2075](#)), Sec. 3, eff. June 4, 2019

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE H. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
SUBCHAPTER B. ASSESSMENT OF ACADEMIC SKILLS

TEC, §39.033. VOLUNTARY ASSESSMENT OF PRIVATE SCHOOL STUDENTS.

- (a) Under an agreement with the agency, a private school may administer an assessment instrument adopted under this subchapter to students at the school.
- (b) An agreement under this section must require the private school to:
 - (1) as determined appropriate by the commissioner, provide to the commissioner the information described by Sections [39.053\(c\)](#) and [39.301\(c\)](#); and
 - (2) maintain confidentiality in compliance with Section [39.030](#).
- (c) A private school must reimburse the agency for the cost of administering an assessment instrument under this section. The State Board of Education shall determine the cost under this section. The per-student cost may not exceed the cost of administering the same assessment to a student enrolled in a public school district.
- (d) In this section, "private school" means a school that:
 - (1) offers a general education to elementary or secondary students; and
 - (2) is not operated by a governmental entity.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 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 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, §43.004. 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.

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.

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 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.051. DEFINITIONS.

In this subchapter:

- (1) "Board" means the State Board of Education.
- (1-a) "Charter district" means an open-enrollment charter school designated as a charter district under Section [12.135](#).
- (2) "Paying agent" means the financial institution that is designated by a school district or charter district as its agent for the payment of the principal of and interest on guaranteed bonds.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.052. GUARANTEE.

- (a) On approval by the commissioner, bonds issued under Subchapter A by a school district or Chapter [53](#) for a charter district, including refunding and refinanced bonds, are guaranteed by the corpus and income of the permanent school fund.
- (b) Notwithstanding any amendment of this subchapter or other law, the guarantee under this subchapter of school district or charter district bonds remains in effect until the date those bonds mature or are defeased in accordance with state law.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.053. LIMITATION; VALUE ESTIMATES.

- (a) Except as provided by Subsection (d), the commissioner may not approve bonds for guarantee under this subchapter if the approval would result in the total amount of outstanding guaranteed bonds under this subchapter exceeding an amount equal to 2-1/2 times the cost value of the permanent school fund, as estimated by the board and certified by the state auditor.
- (b) Each year, the state auditor shall analyze the status of guaranteed bonds under this subchapter as compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of bonds guaranteed under this subchapter is within the limit prescribed by this section.
- (c) The commissioner shall prepare and the board shall adopt an annual report on the status of the guaranteed bond program under this subchapter.
- (d) The board by rule may increase the limit prescribed by Subsection (a) to an amount not to exceed five times the cost value of the permanent school fund, provided that the increased limit is consistent with federal law and regulations and does not prevent the bonds to be guaranteed from receiving the highest available credit rating, as determined by the board. The board shall at least annually consider whether to change any limit in accordance with this subsection. This subsection may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0531. ADDITIONAL LIMITATION: RESERVATION OF PERCENTAGE OF PERMANENT SCHOOL FUND VALUE.

- (a) In addition to the limitation on the approval of bonds for guarantee under Section [45.053](#), the board by rule may establish a percentage of the cost value of the permanent school fund to be reserved from use in guaranteeing bonds under this subchapter.
- (b) If the board has reserved a portion of the permanent school fund under Subsection (a), each year, the state auditor shall analyze the status of the reserved portion compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the portion of the permanent school fund reserved from use in guaranteeing bonds under this subchapter satisfies the reserve percentage established.
- (c) If the board has reserved a portion of the permanent school fund under Subsection (a), the board shall at least annually consider whether to change the reserve percentage established to ensure that the reserve percentage allows compliance with federal law and regulations and serves to enable bonds guaranteed under this subchapter to receive the highest available credit rating, as determined by the board.
- (d) This section may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS.

- (a) In addition to the general limitation under Section [45.053](#), the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the charter capacity of the guaranteed bond program.
- (a-1) The commissioner may not approve charter district refunding or refinanced bonds for guarantee under this subchapter in a total amount that exceeds one-half of the charter capacity.
- (b) For purposes of this section, the charter capacity of the guaranteed bond program is the percentage of the total capacity of the guaranteed bond program established by the board under Sections [45.053](#)(d) and [45.0531](#) that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. Each time the board increases the limit under Section [45.053](#)(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).
- (b-1) The charter capacity provided by Subsection (b) applies beginning with the state fiscal year that begins September 1, 2021. Subject to Subsections (b-2) and (b-3), the board shall establish a charter capacity for the preceding state fiscal years by increasing the total limitation on the amount of charter district bonds that could be guaranteed under the law in effect on January 1, 2017, by the following amount:
 - (1) for the state fiscal year that begins September 1, 2017, 20 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (2) for the state fiscal year that begins September 1, 2018, 40 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (3) for the state fiscal year that begins September 1, 2019, 60 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017; and
 - (4) for the state fiscal year that begins September 1, 2020, 80 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017.
- (b-2) For any year, the board may increase the charter capacity by less than the amount provided by Subsection (b-1) or may decline to increase the charter capacity by any amount if:
 - (1) the board determines that increasing the charter capacity by the amount provided by Subsection (b-1) would likely result in a negative impact on the bond ratings

provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter; or

- (2) one or more charter districts default on payment of maturing or matured principal or interest on a guaranteed bond, resulting in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter.
- (b-3) If the board makes a determination described by Subsection (b-2) for any year and modifies the schedule provided by Subsection (b-1) for that year, the board may also make appropriate adjustments to the schedule for subsequent years to reflect the modification, provided that the charter capacity for any year may not exceed the limit provided for that year by the schedule.
- (b-4) Subsections (b-1), (b-2), and (b-3) and this subsection expire September 1, 2022.
- (c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.
- (d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.
- (e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0533. COMMUNICATION WITH NATIONALLY RECOGNIZED INVESTMENT RATING FIRM.

Information obtained from a nationally recognized investment rating firm relating to Section [45.053](#), [45.0531](#), or [45.0532](#) that concerns a hypothetical or actual scenario relating to the credit rating of the permanent school fund or the bond guarantee program of the permanent school fund, and any communications from, or information generated by, the agency, the board, the commissioner, or their employees relating to that information, is confidential and not subject to disclosure under Chapter [552](#), Government Code .

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.054. ELIGIBILITY OF SCHOOL DISTRICT BONDS.

To be eligible for approval by the commissioner, school district bonds must be issued under Subchapter A of this chapter or under Subchapter A, Chapter [1207](#), Government Code, to make a deposit under Subchapter B or C of that chapter, by an accredited school district.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0541. ELIGIBILITY OF CHARTER DISTRICT BONDS.

To be eligible for approval by the commissioner, charter district bonds must:

- (1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and
- (2) be issued under Chapter [53](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.055. APPLICATION FOR GUARANTEE.

- (a) A school district or charter district seeking guarantee of eligible bonds under this subchapter shall apply to the commissioner using a form adopted by the commissioner for the purpose. The commissioner may adopt a single form on which a school district seeking guarantee or credit enhancement of eligible bonds may apply simultaneously first for guarantee under this subchapter and then, if that guarantee is rejected, for credit enhancement under Subchapter I.
- (b) An application under Subsection (a) must include:
 - (1) the name of the school district or charter district and the principal amount of the bonds to be issued;
 - (2) the name and address of the district's paying agent for those bonds; and
 - (3) the maturity schedule, estimated interest rate, and date of the bonds.
- (c) An application under Subsection (a) must be accompanied by a fee set by rule of the board in an amount designed to cover the costs of administering the programs to provide the guarantee or credit enhancement of eligible bonds.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.056. INVESTIGATION.

- (a) Following receipt of an application for the guarantee of bonds, the commissioner shall conduct an investigation of the applicant school district or charter district in regard to:
 - (1) the status of the district's accreditation; and
 - (2) the total amount of outstanding guaranteed bonds.
- (a-1) For purposes of this subsection, "bond security documents" include the resolution, trust agreement, indenture, ordinance, loan agreement, deed of trust, bond, note, and any additional document executed in connection with the issuance of a charter district bond for which a guarantee is requested under this subchapter. The commissioner's investigation of an application submitted by a charter district may include evaluation of whether the charter district bond security documents provide a security interest in real property pledged as collateral for the bond and the repayment obligation under the proposed guarantee. The commissioner may decline to approve the application if the commissioner determines that sufficient security is not provided.
- (b) If following the investigation the commissioner is satisfied that the school district's bonds should be guaranteed under this subchapter or provided credit enhancement under Subchapter I, as applicable, or the charter district's bonds should be guaranteed under this subchapter, the commissioner shall endorse the bonds.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

**TEC, §45.0561. COMMISSIONER CONSIDERATION OF ADDITIONAL FACTORS FOR
CHARTER DISTRICT BONDS.**

- (a) In addition to considering all other applicable requirements under this subchapter, in determining whether to approve charter district bonds for guarantee the commissioner may consider any additional reasonable factor that the commissioner determines necessary to protect the guarantee program or minimize risk to the permanent school fund, including:
- (1) whether the charter district had an average daily attendance of more than 75 percent of its student capacity for each of the preceding three school years, or for each school year of operation if the charter district has not been in operation for the preceding three school years;
 - (2) the performance of the charter district under Sections [39.053](#) and [39.054](#); and
 - (3) any other indicator of performance that could affect the charter district's financial performance.
- (b) This section expires September 1, 2019.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.057. GUARANTEE ENDORSEMENT.

- (a) The commissioner shall endorse bonds approved for guarantee with:
 - (1) the commissioner's signature or a facsimile of the commissioner's signature; and
 - (2) a statement relating the constitutional and statutory authority for the guarantee.
- (b) The guarantee is not effective unless the attorney general approves the bonds under Section [45.005](#) or [53.40](#), as applicable.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0571. CHARTER DISTRICT BOND GUARANTEE RESERVE FUND.

- (a) The charter district bond guarantee reserve fund is a special fund in the state treasury outside the general revenue fund. The following amounts shall be deposited in the fund:
 - (1) money due from a charter district as provided by Subsection (b); and
 - (2) interest earned on balances in the fund.
- (a-1) Notwithstanding Chapter [404](#), Government Code, the charter district bond guarantee reserve fund is managed by the board in the same manner that the permanent school fund is managed by the board. The board may invest money in the charter district bond guarantee reserve fund in accordance with the investment standard described by Section [404.024\(j\)](#), Government Code, and the board's investment is not subject to any other limitation or requirement provided by Section [404.024](#), Government Code.
- (a-2) The board shall adjust the investment portfolio of charter district bond guarantee reserve fund money periodically to ensure that the balance of the fund is sufficient to meet the cash flow requirements of the fund.
- (b) Subject to Subsection (c), a charter district that has a bond guaranteed as provided by this subchapter must remit to the commissioner, for deposit in the charter district bond guarantee reserve fund, an amount equal to 20 percent of the savings to the charter district that is a result of the lower interest rate on the bond due to the guarantee by the permanent school fund. The amount due under this section shall be paid on receipt by the charter district of the bond proceeds. The commissioner shall adopt rules to determine the amount due under this section.
- (c) Subsection (b) does not apply if, at the time the charter district receives the proceeds of the bond guaranteed as provided by this subchapter, the balance of the charter district bond guarantee reserve fund is at least equal to three percent of the total amount of outstanding guaranteed bonds issued by charter districts.
- (d) Each year, the commissioner shall:
 - (1) review the condition of the bond guarantee program and the amount that must be deposited in the charter district bond guarantee reserve fund from charter districts; and
 - (2) determine if charter districts should be required to submit a greater percentage of the savings resulting from the guarantee.
- (e) The commissioner shall make recommendations to the legislature based on the review under Subsection (d).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.058. NOTICE OF DEFAULT.

Immediately following a determination that a school district or charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth day before maturity date, the school district or charter district shall notify the commissioner.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.059. PAYMENT OF SCHOOL DISTRICT BOND ON DEFAULT.

- (a) Immediately following receipt of notice under Section [45.058](#) that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
- (b) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the permanent school fund.
- (c) Following full reimbursement to the permanent school fund with interest, the comptroller shall further cancel the bond or coupon and forward it to the school district for which payment was made.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0591. PAYMENT OF CHARTER DISTRICT BOND ON DEFAULT.

- (a) Immediately following receipt of notice under Section [45.058](#) that a charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the charter district bond guarantee reserve fund created under Section [45.0571](#) to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.
- (b) If money in the charter district bond guarantee reserve fund is insufficient to pay the amount due on a bond under Subsection (a), the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.
- (c) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.
- (d) Following full reimbursement to the charter district bond guarantee reserve fund and the permanent school fund, if applicable, with interest, the comptroller shall further cancel the bond or coupon and forward it to the charter district for which payment was made.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.060. BONDS NOT ACCELERATED ON DEFAULT.

If a school district or charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's or charter district's default.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.061. REIMBURSEMENT OF FUNDS.

- (a) If the commissioner orders payment from the permanent school fund or the charter district bond guarantee reserve fund on behalf of a school district or charter district, the commissioner shall direct the comptroller to withhold the amount paid, plus interest, from the first state money payable to the school district or charter district. Except as provided by Subsection (a-1), the amount withheld shall be deposited to the credit of the permanent school fund.
- (a-1) After the permanent school fund has been reimbursed for all money paid from the fund as the result of a default of a charter district bond guaranteed under this subchapter, any remaining amounts withheld under Subsection (a) shall be deposited to the credit of the charter district bond guarantee reserve fund.
- (b) In accordance with the rules of the board, the commissioner may authorize reimbursement to the permanent school fund or charter district bond guarantee reserve fund with interest in a manner other than that provided by this section.
- (c) The commissioner may order a school district to set an ad valorem tax rate capable of producing an amount of revenue sufficient to enable the district to:
 - (1) provide reimbursement under this section; and
 - (2) pay the principal of and interest on district bonds as the principal and interest become due.
- (d) If a school district fails to comply with the commissioner's order under Subsection (c), the commissioner may impose any sanction on the district authorized to be imposed on a district under Subchapter G, Chapter [39](#), including appointment of a board of managers or annexation to another district, regardless of the district's accreditation status or the duration of a particular accreditation status.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.062. REPEATED DEFAULTS.

- (a) If a total of two or more payments are made under this subchapter or Subchapter I on the bonds of a school district and the commissioner determines that the school district is acting in bad faith under the guarantee program under this subchapter or the credit enhancement program under Subchapter I, the commissioner may request the attorney general to institute appropriate legal action to compel the school district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

- (a-1) If a total of two or more payments are made under this subchapter on charter district bonds and the commissioner determines that the charter district is acting in bad faith under the guarantee program under this subchapter, the commissioner may request the attorney general to institute appropriate legal action to compel the charter district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

- (b) Jurisdiction of proceedings under this section is in district court in Travis County.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.063. RULES.

The board may adopt rules necessary for the administration of the bond guarantee program.

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 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 E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

TOC, §53.151. DEFINITIONS.

Notwithstanding Section [53.001](#), in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section [58.001](#).

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

TOC, §53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS.

- (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:
- (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
 - (2) the current guidelines issued under Section [53.025](#) by any licensing authority that may issue an occupational license to an individual who completes the educational program;
 - (3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
 - (4) the right to request a criminal history evaluation letter under Section [53.102](#).
- (b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

TOC, §53.153. REFUND AND ORDERED PAYMENTS.

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section [53.152](#) to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

- (1) refund the amount of any tuition paid by the individual to the entity; and
- (2) pay to the individual an amount equal to the total of the following, as applicable:
 - (A) the amount of any application fees paid by the individual to the licensing authority; and
 - (B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.001. DEFINITIONS.

In this chapter:

- (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
- (2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.
- (4) "Military service member" means a person who is on active duty.
- (5) "Military spouse" means a person who is married to a military service member.
- (6) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.
- (7) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE.

A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.003. EXTENSION OF LICENSE RENEWAL DEADLINES FOR MILITARY SERVICE MEMBERS.

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member's license.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

**TOC, §55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS,
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:
 - (1) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or
 - (2) within the five years preceding the application date held the license in this state.
- (b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.
- (c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

**TOC, §55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS,
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license:
 - (1) process the application; and
 - (2) issue the license to an applicant who qualifies for the license under Section [55.004](#).
- (b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.

- (a) As soon as practicable after a state agency issues a license under Section [55.005](#), the state agency shall determine the requirements for the license holder to renew the license.
- (b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.
- (c) A license issued under Section [55.005](#) has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

**TOC, §55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH
MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
 - (1) holds a restricted license issued by another jurisdiction; or
 - (2) has an unacceptable criminal history according to the law applicable to the state agency.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.008. APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE.

- (a) Notwithstanding any other law, if an apprenticeship is required for a license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.
- (b) The state agency shall adopt rules necessary to implement this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.009. LICENSE APPLICATION AND EXAMINATION FEES.

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is:

- (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or
- (2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

TOC, §55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE.

- (a) Notwithstanding any other law, a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.
- (b) Before engaging in the practice of the business or occupation, the military spouse must:
 - (1) notify the applicable state agency of the spouse's intent to practice in this state;
 - (2) submit to the agency proof of the spouse's residency in this state and a copy of the spouse's military identification card; and
 - (3) receive from the agency confirmation that:
 - (A) the agency has verified the spouse's license in the other jurisdiction; and
 - (B) the spouse is authorized to engage in the business or occupation in accordance with this section.
- (c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.
- (d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).
- (e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:
 - (1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and
 - (2) verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).
- (f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

This page has been intentionally left blank.

MINUTES

STATE BOARD OF EDUCATION

SEPTEMBER 2019

Minutes

State Board of Education

September 13, 2019

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

DONNA BAHORICH, Houston
Chair of the State Board of Education
District 6

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

BARBARA CARGILL, Conroe
District 8

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

KEN MERCER, San Antonio
District 5

KEVEN ELLIS, Lufkin
District 9

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
September 13, 2019

The State Board of Education met at 9:05 a.m. on Friday, September 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: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; 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

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, June 14, 2019

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the June 14, 2019 meeting of the State Board of Education, as printed.*

The State Board of Education considered items in the following order: Item number 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 14, 15, 17

1. Resolutions and Presentations

2019 Heroes for Children Awards

The State Board of Education, by unanimous consent, adopted a resolution honoring Maria Estevane, Anita Garcia, Julia Saenz, Juan Sorto, Sheryl Westwick, Julie Hinaman, Brenda George, Linda Sparks, Ashley Gibbs, Kathi Walrath, Roger Grizzard, Katie Walsh, Loretta Burns, Edith Natividad, and Roddy “Bud” Allred as the 2019 Heroes for Children award recipients.

(ATTACHMENT 1, page 11)

Commissioner’s Comments and Presentation

Commissioner of Education Mike Morath presented the State Board of Education (SBOE) with updates on the 2019 Reading Academies. He outlined upcoming rulemaking related to House Bill 3 that will be presented at future board meetings. Commissioner Morath also provided an update on the Accountability System and the most recent ratings, which included an overview of performance for 2018 and 2019.

Resolution Honoring Outgoing State Board of Education Chair

The State Board of Education, by unanimous consent, adopted a resolution honoring outgoing State Board of Education chair, Donna Bahorich.

(ATTACHMENT 2, page 13)

Public Testimony

The State Board of Education received no public testimony.

2. Approval of Consent Agenda

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda.

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

(Mr. Cortez and Dr. Robinson were absent for the vote.)

- (1) Procedures for Selecting Nominees for Appointment to the School Land Board**
(Board agenda page I-28)
(Committee of the Full Board)

The State Board of Education adopted the procedures for selecting nominees for appointment to the School Land Board, as recommended by the Committee of the Full Board.

- (2) Planning for the Annual Meeting Between the State Board of Education and the School Land Board**
(Board agenda page I-29)
(Committee of the Full Board)

The State Board of Education proposed that the first annual meeting prescribed in Sec. 32.0161, Texas Natural Resources Code, be held in conjunction with the April 2020 State Board of Education meeting and all subsequent meetings be held in conjunction with the State Board of Education’s September meeting; delegated responsibility of conducting the annual meeting with the School Land Board to the Committee on School Finance/Permanent School Fund and the SBOE Chair, with the understanding that any such meeting will be conducted so as to facilitate attendance by any member of the board and that the staff initiate any necessary rulemaking to effect this delegation of duty; and designated the chair of the State Board of Education and the chair of the Committee on School Finance/Permanent School Fund as the board’s representative to collaborate with the Commissioner of the General Land Office or his designee to determine times, locations, agenda and any other matters

necessary to have a successful meeting and to report to the full board at next meeting, scheduled in November, as recommended by the Committee of the Full Board.

(3) Ratification of Texas Lesson Study Resources

(Board agenda page II-1)
(Committee on Instruction)

The State Board of Education removed this item from the consent agenda.

(4) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June and July 2019

(Board agenda page III-7)
(Committee on School Finance/Permanent School Fund)

The State Board of Education ratified the purchases and sales for the months of May, June, and July 2019, in the amount of \$1,687,046,391 and \$1,622,061,401 respectively, as recommended by the Committee on School Finance/Permanent School Fund.

(5) Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

(Board agenda page III-9)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved a distribution to the Available School Fund of approximately \$1.102 billion for fiscal year 2020, as recommended by the Committee on School Finance/Permanent School Fund.

(6) Proposed Amendments to the Investment Procedures Manual

(Board agenda page III-10)
(Committee on School Finance/Permanent School Fund)

The State Board of Education approved the amendments to the Investment Procedures Manual, as recommended by the Committee on School Finance/Permanent School Fund.

(7) Review of the Permanent School Fund Liquid Account

(Board agenda page III-60)
(Committee on School Finance/Permanent School Fund)

The State Board of Education directed the Texas Education Agency to invest and manage, over the near-term, the Permanent School Fund Liquid Account against a blended benchmark consisting of the three-month U.S. Treasury bill and the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as allocated at the end of the prior month, as recommended by the Committee on School Finance/Permanent School Fund.

- (8) **Per Capita Apportionment Rate for the 2019-2020 School Year**
(Board agenda page III-63)
(Committee on School Finance/Permanent School Fund)

The State Board of Education adopted the preliminary per capita rate of \$259.207 for the 2019-2020 school year, as recommended by the Committee on School Finance/Permanent School Fund.

- (9) **Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees**
(Board agenda page IV-2)
(Committee on School Initiatives)

The State Board of Education approved the appointment of Mr. James Taylor to serve a two-year term of office, from September 13, 2019 to September 13, 2021, on the Boys Ranch Independent School District Board of Trustees, as recommended by the Committee on School Initiatives.

COMMITTEE OF THE FULL BOARD

3. **Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation**
(Board agenda page I-3)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education adopt Recommendation 1 of the Texas Resource Review Ad Hoc Committee, as recommended by the Committee of the Full Board.*

(Mr. Allen and Mr. Cortez were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education adopt Recommendation 2 of the Texas Resource Review Ad Hoc Committee, as recommended by the Committee of the Full Board.*

(Mr. Allen and Mr. Cortez were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education adopt Recommendation 3 of the Texas Resource Review Ad Hoc Committee, as recommended by the Committee of the Full Board.*

(Mr. Allen and Mr. Cortez were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education adopt Recommendation 4 of the Texas Resource Review Ad Hoc Committee, as recommended by the Committee of the Full Board.*

(Mr. Allen and Mr. Cortez were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education amend its operating rules in Section 4.4 so that a State Board of Education member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the Board endorsing said nomination, as recommended by the Committee of the Full Board.*

(Mr. Cortez was absent for the vote.)

4. **Approval of Proclamation 2021 Questions and Answers**
(Board agenda page I-5)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education approve Proclamation 2021 Questions and Answers.*

(Mr. Cortez was absent for the vote.)

5. **Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials**
(First Reading and Filing Authorization)
(Board agenda page I-6)

MOTION AND VOTE: *It was moved by Mr. Rowley 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 revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, as amended and recommended by the Committee of the Full Board.*

(Mr. Cortez was absent for the vote.)

6. **Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-30)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve the TEKS and Instructional Materials Review and Adoption Schedule and Projected Adoption Cycle–September 2019, as recommended by the Committee of the Full Board.*

(Mr. Cortez was absent for the vote.)

COMMITTEE ON INSTRUCTION

7. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**
(Second Reading and Final Adoption)
(Board agenda page II-2)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried 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, §74.28, Students with Dyslexia and Related Disorders, as amended, and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, 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.

(Mr. Cortez and Dr. Ellis were absent for the vote)

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses**
(Second Reading and Final Adoption)
(Board agenda page II-7)

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, §74.30, Identification of Honors Courses; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honor Courses, 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.

(Mr. Cortez was absent for the vote)

9. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**
(First Reading and Filing Authorization)
(Board agenda page II-11)

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, §74.27, Innovative Courses and Programs, as amended and recommended by the Committee on Instruction.*

(Mr. Cortez was absent for the vote.)

- 10. Approval of Update of Instructional Materials for ThinkCERCA**
(Board agenda page II-15)

The committee took no action; therefore, this item was removed from the agenda.

- 11. Approval of Update of Instructional Materials for EDUSPARK, Inc.**
(Board agenda page II-16)

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

(Mr. Cortez was absent for the vote.)

- 12. Ratification of Texas Lesson Study Resources**

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried that the State Board of Education ratify the third set of TXLS resources presented in Attachment A of the Committee on Instruction minutes with the exception of the resource titled, “The Adventures of Trixie and Knuffle Bunny,” as recommended by the Committee on Instruction.*

(Mr. Cortez was absent for the vote.)

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

- 13. 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**
(First Reading and Filing Authorization)
(Board agenda page III-1)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for first reading and filing authorization 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, as recommended by the Committee on School Finance/Permanent School Fund.*

(Mr. Cortez was absent for the vote.)

COMMITTEE ON SCHOOL INITIATIVES

14. Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

(Second Reading and Final Adoption)
(Board agenda page IV-12)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners, is necessary and shall have an effective date of 20 days after filing as adopted by the Texas Register, as recommended by the Committee on School Initiatives.

(Mr. Cortez was absent for the vote.)

15. Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966

(Board agenda page IV-19)

MOTION AND VOTE: *It was moved by Ms. Cargill and carried unanimously that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, as recommended by the Committee on School Initiatives.*

(Mr. Cortez was absent for the vote.)

16. Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services

(Board agenda page IV-40)

MOTION AND VOTE: *It was moved by Ms. Cargill and carried that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures,*

§230.101, Schedule of Fees for Certification Services, as recommended by the Committee on School Initiatives.

(Mr. Cortez was absent for the vote.)

- 17. Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs**
(Board agenda page IV-88)

MOTION AND VOTE: *It was moved by Ms. Cargill and carried unanimously that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

(Mr. Cortez was absent for the vote.)

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Melton-Malone reported that the innovative course for African American studies and an associated public hearing will be placed on the agenda of the Committee of the Full Board for discussion at the November 2019 State Board of Education meeting.

Committee on School Finance/Permanent School Fund

Mr. Maynard reported that, on August 29, 2019, the school land board voted to move \$3.9 billion into the liquid fund to be managed by the State Board of Education. In June 2020, the committee will undertake an analysis of the asset classes, starting with the hedge funds.

Committee on School Initiatives

Mrs. Cargill gave a brief update on charter school applicants and stated that interviews will be held at the end of July 2020.

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

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

The meeting adjourned at 12:34 p.m.

Georgina C. Pérez., Secretary

This page has been intentionally left blank.

RESOLUTION

WHEREAS volunteers provide invaluable support to our Texas public schools through the donation of their time, talent and financial resources; and

WHEREAS the State Board of Education today celebrates the service of 15 volunteers and marks the 25th anniversary of the Heroes for Children program and the life-changing work of school volunteers; and

WHEREAS Maria Estevane last school year volunteered more than 2,250 hours of service to the Laredo Independent School District and helped create a legion of parent volunteers; and

WHEREAS Anita Garcia is said to add glitter and joy to every project she undertakes, including voluntarily teaching a theater class and serving on numerous committees in La Joya ISD; and

WHEREAS Julia Saenz serves as president of the La Joya ISD School Health Advisory Committee and serves on numerous other committees while also assisting with special events and activities; and

WHEREAS Juan Sorto mentors 115 students in Houston ISD and organized events to provide students with food, medicine, and educational supplies after Hurricane Harvey devastated neighborhoods, and

WHEREAS Sheryl Westwick continues her family tradition of long years of school volunteerism as she assists struggling students in the Austin and Eanes school districts; and

WHEREAS Julie Hinaman serves as a Bus Buddy and chairs the Cypress-Fairbanks ISD Community Leadership Committee that encourages advocacy in support of public education; and

WHEREAS Brenda George created the Stop. Talk. Overcome. Pain (STOP) organization to combat a rash of student suicide attempts in Brazosport ISD; and

WHEREAS Linda Sparks mentors students and helps with everything from reading groups to copying and laminating jobs in Conroe ISD where she has been recognized with the Friend of Education Award; and

WHEREAS Ashley Gibbs has volunteered more than 1,000 hours in Pleasant Grove ISD and co-chaired a political action committee that successfully passed a bond election with 70 percent of the vote; and

WHEREAS Kathi Walrath was a Parent Teacher Organization leader for a dozen years and served on the Salado ISD long-range facilities committee which laid the groundwork for a successful bond election; and

WHEREAS the late Roger Grizzard served Weatherford ISD as a teacher and a volunteer for decades as he provided civics education and job skills to the town's students; and

WHEREAS Katie Walsh has been a Parent Teacher Association leader, serving in numerous capacities, in Frisco ISD, and created a Walk-A-Thon and organized book fairs; and

WHEREAS Loretta Burns is a long-time advocate for at-risk students, having created programs such as a free summer reading programs and chairing a parent engagement committee that benefitted Fort Worth ISD; and

WHEREAS Edith Natividad has been volunteering in Copperas Cove ISD for more than 20 years helping boost children's literacy skills, raising funds for a scholarship program, and starting an after-school hula dance club;

WHEREAS Roddy "Bud" Allred took the skills he learned as a farmer and taught Ag Mechanics and FFA students in Vega ISD about mechanical, electrical, and hydraulic systems, causing them to produce award-winning work; now, therefore, be it

RESOLVED, That the State Board of Education recognizes these outstanding individuals as Heroes for Children and thanks them for their combined 179 years of volunteer activity in their local public schools.

WITNESS our signatures this thirteenth day of September, two thousand nineteen in Austin, Texas.

Donna Bahorich, Chair

Georgina Pérez, Secretary

This page has been intentionally left blank.

RESOLUTION

CONSIDERANDO que los voluntarios brindan un apoyo invaluable a nuestras escuelas públicas de Texas mediante la donación de su tiempo, talento y recursos financieros; y

CONSIDERANDO que la Junta de Educación del Estado celebra hoy el servicio de 15 voluntarios y celebra el 25 aniversario del programa Heroes for Children y el trabajo que cambia la vida de los voluntarios escolares; y

CONSIDERANDO que María Estevane el año pasado ofreció más de 2,250 horas de servicio al Distrito Escolar Independiente de Laredo y ayudó a crear una legión de padres voluntarios; y

CONSIDERANDO que se dice que Anita García agrega brillo y alegría a cada proyecto que emprende, incluida la enseñanza voluntaria de una clase de teatro y el servir en numerosos comités en La Joya ISD; y

CONSIDERANDO que Julia Sáenz se desempeña como presidenta del Comité Asesor de Salud Escolar de La Joya ISD y sirve en numerosos otros comités, al tiempo que ayuda con eventos y actividades especiales; y

CONSIDERANDO que Juan Sorto es mentor de 115 estudiantes en el Distrito Escolar Independiente de Houston y organizó eventos para proporcionar a los estudiantes alimentos, medicinas y suministros educativos después de que el huracán Harvey devastara los vecindarios

CONSIDERANDO que Sheryl Westwick continúa su tradición familiar de largos años de voluntariado escolar mientras ayuda a estudiantes con dificultades en los distritos escolares de Austin y Eanes; y

CONSIDERANDO que Julie Hinaman sirve como Bus Buddy y preside el Comité de Liderazgo Comunitario de Cypress-Fairbanks ISD que alienta la defensa en apoyo de la educación pública; y

POR CUANTO Brenda George creó el Stop. Hablar. Superar. Organización Pain (STOP) para combatir una ola de intentos de suicidio estudiantil en Brazosport ISD; y

CONSIDERANDO que Linda Sparks asesora a estudiantes y ayuda con todo, desde leer grupos hasta copiar y laminar trabajos en Conroe ISD, donde ha sido reconocida con el Premio Amigo de la Educación; y

CONSIDERANDO que Ashley Gibbs se ha ofrecido como voluntaria más de 1,000 horas en Pleasant Grove ISD y copresidió un comité de acción política que aprobó con éxito una elección de bonos con el 70 por ciento de los votos; y

CONSIDERANDO que Kathi Walrath fue líder de la Organización de Padres y Maestros durante una docena de años y sirvió en el comité de instalaciones de largo alcance de Salado ISD que sentó las bases para una elección de bonos exitosa; y

CONSIDERANDO que el difunto Roger Grizzard sirvió a Weatherford ISD como maestro y voluntario durante décadas mientras brindaba educación cívica y habilidades laborales a los estudiantes de la ciudad; y

CONSIDERANDO que Katie Walsh ha sido líder de la Asociación de Padres y Maestros, sirviendo en numerosas capacidades, en Frisco ISD, y creó un Walk-A-Thon y organizó ferias de libros; y

CONSIDERANDO que Loretta Burns es una defensora desde hace mucho tiempo de los estudiantes en riesgo, que ha creado programas tales como programas gratuitos de lectura de verano y preside un comité de participación de padres que benefició a Fort Worth ISD; y

CONSIDERANDO que Edith Natividad ha sido voluntaria en Copperas Cove ISD por más de 20 años ayudando a mejorar las habilidades de alfabetización de los niños, recaudando fondos para un programa de becas y comenzando un club de baile hula después de la escuela;

CONSIDERANDO que Roddy "Bud" Allred tomó las habilidades que aprendió como agricultor y enseñó a los estudiantes de Mecánica Agrícola y FFA en Vega ISD sobre sistemas mecánicos, eléctricos e hidráulicos, lo que les hizo producir trabajos premiados; ahora, por lo tanto, sea

RESUELTO, que la Junta de Educación del Estado reconoce a estas personas sobresalientes como Héroes para los Niños y les agradece por sus 179 años combinados de actividad voluntaria en sus escuelas públicas locales.

TESTIMONIO nuestras firmas el día trece de septiembre de dos mil diecinueve en Austin, Texas

Donna Bahorich, presidenta

Georgina Pérez, secretaria

This page has been intentionally left blank.

RESOLUTION

WHEREAS Donna Bahorich concludes four years of outstanding service as chair of the State Board of Education; and

WHEREAS she built a reputation as an inclusive leader who reached across the aisle and across different stakeholder groups to solicit input, guidance, and wisdom from people in all walks of life; and

WHEREAS she was always striving to bring current and best practices to Texas such as the rotating TEKS Review Panel process that allows more educators, business people, and other citizens to be involved in standards revisions than ever before; and

WHEREAS Donna Bahorich created the Learning Roundtable, an annual free conference that attracted hundreds of attendees each year; and

WHEREAS she worked to increase the public’s accessibility to instructional material proposed for use in Texas public schools; and

WHEREAS Donna Bahorich has been a strong supporter of charter schools throughout her tenure on the board; and

WHEREAS she helped spearhead efforts to create a new Long-Range Plan for Public Education after gathering information from Texans across the state; and

WHEREAS Donna Bahorich coordinated a statewide effort to gather public input about the state’s student assessment and accountability systems; and

WHEREAS under her leadership, the board came together to create the first State of Texas approved ethnic studies course; and

WHEREAS Donna Bahorich forged strong ties with the Texas Education Agency, the Commissioner of Education; and the Texas Legislature; now, therefore, be it

RESOLVED That the State Board of Education offers its deep gratitude for her tireless work as chair of this body.

WITNESS our signatures this thirteenth day of September, two thousand and nineteen in Austin, Texas.

Georgina C. Pérez, SBOE District 1

Keven Ellis, SBOE District 9

Ruben Cortez, Jr., SBOE District 2

Tom Maynard, SBOE District 10

Marisa Perez-Diaz, SBOE District 3

Patricia Hardy, SBOE District 11

Lawrence Allen, Jr., SBOE District 4

Pam Little, SBOE District 12

Ken Mercer, SBOE District 5

Aicha Davis, SBOE District 13

Matt Robinson, SBOE District 7

Sue Melton-Malone, SBOE District 14

Barbara Cargill, SBOE District 8

Marty Rowley, SBOE District 15

This page has been intentionally left blank.

Minutes

State Board of Education Committees

September 11-12, 2019

**Report of the State Board of Education
Committee of the Full Board
September 11, 2019**

The State Board of Education Committee of the Full Board met at 9:01 a.m. on Wednesday, September 11, 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: Donna Bahorich, chair; Lawrence A. Allen, Jr.; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Keven Ellis; 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 item #9. 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, 4, 3, 5, 6, 7, 8, 9, 10.

DISCUSSION ITEMS

- 1. Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under *Proclamation 2020***
(Board agenda page I-1)

The board received no public testimony.

- 2. Update on the Review of *Proclamation 2020* Instructional Materials**
(Board agenda page I-2)

Kelly Callaway, senior director, instructional materials, provided a brief update on the *Proclamation 2020* instructional material review held during summer 2019. Ms. Callaway explained that out of the 88 products reviewed, 74 are eligible for adoption.

ACTION ITEM

3. Ad Hoc Committee Recommendations Related to the Instructional Materials Quality Evaluation
(Board agenda page I-3)
[Official agenda item #3]

Mr. Rowley shared the committee’s recommendations regarding the Instructional Materials Quality Evaluation (IMQE) process, which is now called Texas Resource Review.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Melton-Malone, and carried unanimously to recommend that the State Board of Education adopt Recommendation 1 of the Texas Resource Review Ad Hoc Committee (Attachment A).*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Hardy, and carried to recommend that the State Board of Education adopt Recommendation 2 of the Texas Resource Review Ad Hoc Committee (Attachment A).*

MOTION AND VOTE: *It was moved by Mr. Rowley seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education adopt Recommendation 3 of the Texas Resource Review Ad Hoc Committee (Attachment A).*

MOTION AND VOTE: *It was moved by Mr. Rowley seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education adopt Recommendation 4 of the Texas Resource Review Ad Hoc Committee (Attachment A).*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend its operating rules in Section 4.4 so that a State Board of Education member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the Board endorsing said nomination. The motion carried with 13 members voting Aye and one member voting No as follows:*

Aye: *Mr. Allen Mrs. Melton-Malone*
 Mr. Cortez Mr. Mercer
 Ms. Davis Ms. Pérez
 Dr. Ellis Ms. Perez-Diaz
 Ms. Hardy Dr. Robinson
 Mrs. Little Mr. Rowley
 Mr. Maynard

No: *Mrs. Cargill*

DISCUSSION ITEM

- 4. Update on the Texas Essential Knowledge and Skills Coverage in Materials Submitted for Evaluation for the Texas Resource Review**
(Board agenda page I-4)

Ms. Callaway presented an update on the Texas Essential Knowledge and Skills (TEKS) review of instructional materials that were evaluated for the Texas Resource Review (TRR). Ms. Callaway explained that 15 products were reviewed, and 13 products cover at least 90% of the TEKS.

ACTION ITEMS

- 5. Approval of Proclamation 2021 Questions and Answers**
(Board agenda page I-5)
[Official agenda item #4]

Ms. Callaway explained changes made to the question and answers document since it was last approved. Ms. Callaway described new questions and responses that were new or unique to prekindergarten.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve Proclamation 2021 Questions and Answers.*

- 6. Proposed Revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials (First Reading and Filing Authorization)**
(Board agenda page I-6)
[Official agenda item #5]

Ms. Callaway explained the proposed revisions to rules related to state review and adoption of instructional materials.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Pérez to recommend that 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 revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials.*

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education amend §66.28(a)(2) to read as follows:*

“A publisher that 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 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 a random sampling of each different type of electronic component as outlined in each proclamation. If applicable, the number of pages to be audited to meet the requirements in the proclamation shall be determined by the publisher.”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Mercer, and carried unanimously to recommend that the State Board of Education amend §66.28(d)(4) to read as follows:*

“~~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.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education add new §66.28(e) to read as follows:*

“The TEA may request additional samples if they are needed.”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mrs. Melton-Malone, and carried unanimously to recommend that the State Board of Education amend §66.28(d)(8) to read as follows:*

“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 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.”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Mercer, and carried unanimously to recommend that the State Board of Education amend §66.66(b)(4) to read as follows:*

“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”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried unanimously to recommend that the State Board of Education add new §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 Dr. Ellis, seconded by Mr. Mercer, and carried unanimously to recommend that the State Board of Education add new §66.76(a) to read as follows:*

“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 sixty calendar days prior to approval.”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried unanimously to recommend that the State Board of Education add new §66.66(b)(3) to read as follows:*

“the publisher has agreed to ensure that they follow the Web Content Accessibility (WCAG), ~~Level AA standards~~ and technical specifications of the Federal Rehabilitation Act, Section 508, as specified in the proclamation;”

VOTE: *A vote was taken on the motion to recommend that 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 revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter B, State Adoption of Instructional Materials, as amended. The motion carried.*

CONSENT ITEMS

**7. Procedures for Selecting Nominees for Appointment to the School Land Board
(Board agenda page I-28)**

[Consent agenda item #(1)]

Mr. Maynard provided an overview of the Senate Bill (SB) 608 requirements related to the State Board of Education (SBOE) nominations to the School Land Board (SLB). He stated that SB 608 requires that two citizens appointed by the governor to the SLB must be selected from a list of nominees submitted by the SBOE. At least one of the citizens appointed to the SLB must be a resident of a county with a population of less than 200,000. Mr. Maynard presented proposed nomination procedures and nominee requirements.

MOTION: *It was moved by Mr. Maynard and seconded by Mr. Mercer to recommend that the State Board of Education adopt the procedures for selecting nominees for appointment to the School Land Board.*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend the proposed Procedures for Selecting Nominees to be sent to the Governor for Membership on School Land Board section (1)(d).1.a. to add “in accordance with established case law or attorney general opinion.”*

(Mrs. Little and Dr. Robinson were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Pérez, and carried to recommend that the State Board of Education adopt the following percentages for evaluating applicants for School Land Board nominations:*

Financial Expertise	50%
Public Education and Engagement	30%
Racial, Ethnic, and Geographic Diversity	20%

(Mrs. Little and Dr. Robinson were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Allen and seconded by Mr. Rowley to amend the previous motion as follows:*

Financial Expertise	50%
Public Education and Engagement	40%
Racial, Ethnic, and Geographic Diversity	10%

The motion failed.

(Mrs. Little and Dr. Robinson were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Pérez, and carried to recommend that State Board of Education adopt the percentages as guidelines.*

VOTE: *A vote was taken on the motion to recommend that the State Board of Education adopt the procedures for selecting nominees for appointment to the School Land Board. The motion carried.*

(Mrs. Little and Dr. Robinson were absent for the vote.)

8. Planning for the Annual Meeting Between the State Board of Education and the School Land Board

(Board agenda page I-29)
[Consent agenda item #(2)]

Mr. Maynard discussed key dates, timelines and SBOE participants for the initial meeting and annual meetings thereafter. Mr. Maynard proposed an initial meeting of April 2020 and each September thereafter.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Hardy to recommend that the State Board of Education take the following actions:*

- (1) Propose that the first annual meeting prescribed in Sec. 32.0161, Texas Natural Resources Code, be held in conjunction with the April 2020 State Board of Education meeting and all subsequent meetings be held in conjunction with the State Board of Education's September meeting; and*
- (2) Delegate responsibility of conducting the annual meeting with the School Land Board to the Committee on School Finance/Permanent School Fund, with the understanding that any such meeting will be conducted so as to facilitate attendance by any member of the board and that the staff initiate any necessary rulemaking to effect this delegation of duty; and*
- (3) Designate the chair of the Committee on School Finance/Permanent School Fund as the board's representative to collaborate with the Commissioner of the General Land Office or his designee to determine times, locations, agenda and any other matters necessary to have a successful meeting and to report to the full board at next meeting, scheduled in November.*

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mr. Cortez, and carried to recommend that the original motion be amended to read as follows:*

“(2) Delegate responsibility of conducting the annual meeting with the School Land Board to the Committee on School Finance/Permanent School Fund, and the SBOE chair with the understanding that any such meeting will be conducted so as to facilitate attendance by any member of the board and that the staff initiate any necessary rulemaking to effect this delegation of duty; and”

“(3) Designate the chair of the State Board of Education and the chair of the Committee on School Finance/Permanent School Fund as the board's representatives to collaborate with the Commissioner of the General Land Office or his designee to determine times, locations, agenda and any other matters necessary to have a successful meeting and to report to the full board at next meeting, scheduled in November.”

(Mrs. Little and Dr. Robinson were absent for the vote.)

VOTE: A vote was taken on the motion to recommend that the State Board of Education take the following actions:

- (1) Propose that the first annual meeting prescribed in Sec. 32.0161, Texas Natural Resources Code, be held in conjunction with the April 2020 State Board of Education meeting and all subsequent meetings be held in conjunction with the State Board of Education's September meeting; and
- (2) Delegate responsibility of conducting the annual meeting with the School Land Board to the Committee on School Finance/Permanent School Fund and the SBOE Chair, with the understanding that any such meeting will be conducted so as to facilitate attendance by any member of the board and that the staff initiate any necessary rulemaking to effect this delegation of duty; and
- (3) Designate the chair of the State Board of Education and the chair of the Committee on School Finance/Permanent School Fund as the board's representative to collaborate with the Commissioner of the General Land Office or his designee to determine times, locations, agenda and any other matters necessary to have a successful meeting and to report to the full board at next meeting, scheduled in November.

The motion carried unanimously.

(Mrs. Little and Dr. Robinson were absent for the vote.)

ACTION ITEM

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

(Board agenda page I-30)

[Official agenda item #6]

Public testimony was provided by the following individual:

NAME: Konye Guthrie

AFFILIATION: Self

Monica Martinez, associate commissioner for standards and support services, presented the draft *Texas Essential Knowledge and Skills (TEKS) and Instructional Materials Review and Adoption Schedule* and the *Projected Adoption Cycle–September 2019* for consideration. Ms. Martinez also provided updates related to the health education and physical education TEKS review. The committee provided guidance to the health and physical education work groups. Shelly Ramos, senior director, curriculum standards and student support, provided an update on the review process for English Language Proficiency Standards (ELPS) and the upcoming review schedule.

MOTION AND VOTE: It was moved by Mr. Rowley, seconded by Ms. Pérez, and carried unanimously to recommend that the State Board of Education approve the TEKS and Instructional Materials Review and Adoption Schedule and Projected Adoption Cycle–September 2019 (Attachment B).

DISCUSSION ITEM

10. Discussion of Pending Litigation
(Board agenda page I-33)

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

Mrs. Bahorich adjourned the meeting at 4:17 p.m.

TEXAS RESOURCE REVIEW AD HOC COMMITTEE REPORT

September 11, 2019

Ad Hoc Committee:

Marty Rowley

Pat Hardy

Barbara Cargill

Pam Little

Marisa Perez Diaz

Title: The Texas Resource Review Ad Hoc Committee (hereinafter “the Committee”) was originally known as the Instructional Materials Quality Evaluation SBOE Ad Hoc Committee. After TEA changed the name of the IMQE to the Texas Resource Review (hereinafter “TRR”), for clarity of understanding, the Committee changed its title as well.

Purpose of the Committee: The Committee was created by the State Board of Education Chair, Donna Bahorich, and was asked to study the ramifications of the Texas Education Commissioner’s plan to implement a quality evaluation process for Texas instructional materials. The Committee’s charge included learning about the TRR from TEA staff and then gathering input from publisher representatives, school district administrators and any other stakeholders who might have an interest in the creation of a qualitative review process. The Committee was also asked to compile a set of recommendations to be presented to the SBOE for consideration and possible action.

Scope of Investigation: Over the course of a six month period, the Committee met with TEA representatives, either in person or by conference call, a total of five times. After executing Non-Disclosure Agreements, the Committee was also granted access to the matrix, the framework and some of the results of the TEA Pilot Program. Those matters were analyzed by the Committee members and were then discussed and dissected as a group. Additionally, the members of the Committee individually contacted publishers, school district administrators and curriculum specialists to gather input from which the Committee’s recommendations were compiled.

The Committee is appreciative of the extent to which information about the TRR was shared by the TEA staff. PowerPoint presentations were prepared and explained to the Committee members on several occasions. Any questions that were posed were answered promptly and completely. As a result, the Committee feels it has gained a solid understanding of the TRR and the planned implementation of the process by the Commissioner and his staff.

Observations and Recommendations:

Observation 1: It is the Committee’s belief, that regardless of whether the SBOE embraces the TRR in whole or in part, it is certain that the TRR will be implemented in the immediate future. In fact, the Commissioner’s rule became effective on September 10, 2019. That be the case, the issue then becomes whether the SBOE’s current Instructional Materials Review Process will exist separate and apart from the TRR or whether the two processes will be merged into one. It is worth noting that the TRR’s process is intended to include an analysis of the percentage of

TEKS coverage that each IM attains. It is fair to say that TEA staff has indicated their preference that the two processes be merged into one, with the SBOE process determining TEKS coverage and the TRR process providing a qualitative review, at least with regard to core subjects.

Recommendation 1: The Committee recommends that the SBOE process be integrated with the TRR process so that instructional materials for core subjects reviewed by the SBOE for TEKS coverage will also be submitted for qualitative review. However, before the Committee can wholeheartedly recommend this course of action, there are a number of assurances that are requested of the TRR administrators. They include the following:

1) **Rubric Development**

- **Public Feedback** – A draft of the quality rubric will be released to the public and to all publishers signed up for the listserv. The public and publishers will have at least 30 days to provide feedback. TRR will endeavor to make adjustments in the rubric as requested, particularly as regards alignment between the rubric and the TEKS.
- **Timing of Release** – For all foundational subjects, TEA will release the final version of the quality rubric at least six months before a publisher’s deadline to submit materials to the quality review process. This timing will only be subject to change if the TEKS adoption deadline is delayed AND district implementation timeline is not delayed to ensure districts have access to the quality reviews as a part of their local adoption cycle.

2) **Review Process**

- **Publisher Orientation** - Publishers may provide introductory orientation to quality review teams.
- **Expectations Checklist** -Publishers may submit a checklist of minimum expectations reviewers should complete to experience the program holistically (e.g., navigate to recommended parts of the online program).
- **Quality Alignment Documents** – Publishers may provide reviewers an alignment document with evidence of how they believe their product demonstrates high quality, analogous to the TEKS/ELPS correlation template.

3) **Post-review Responses and Revisions**

- **Opportunity to Respond to Errors** – Currently in the review process, publishers may review the completed review before it is released to the public. During this time, they may submit identified errors in the completed quality reviews. Quality review teams review the publisher’s comments and correct errors based on reviewer discretion. This process will continue as a part of future reviews.
- **Opportunity to Provide General Response** – Currently in the review process, publishers may write a response to the completed quality review. TEA reviews this response for errors and once approved, will publish it along with the completed quality reviews. This process will continue as a part of future reviews.
- **Short-term Revision Opportunity** - Publishers may request a re-review of indicators based on a set of proposed changes they would like to make to their product. TEA will review and approve the set of indicators to re-review. Publishers will then have a

minimum of three weeks to make improvements to their product. Review teams will complete re-reviews and scores will be updated in the online portal.

- **Long-term Revision Opportunity** - In some instances, publishers may need to make more substantial changes to a product to improve its quality that will take longer periods of time. In these instances, the publisher's quality score will be posted, however, that publisher may resubmit materials to be "re-reviewed" for quality at any point in future review cycles. Once a product is re-reviewed, the updated quality review will be posted on the portal.

Observation 2: One of the more controversial aspects of the TRR is the ranking component of the process. Most every publisher who provided input to the Committee raised a number of concerns about that aspect of the review. The Committee has now been informed that the ranking component will not be implemented in the first cycle. However, there will be a summative score. It is interesting to note that in the pilot, rankings were not assigned to encourage publisher participation. Of the thirteen companies that submitted for 9-12 ELAR SBOE review, only one of them agreed voluntarily to the TRR.

Recommendation 2: It was unanimously agreed by the Committee that including a ranking component in the TRR will discourage publishers from voluntarily submitting their materials to the process. And if the SBOE was to require publishers who submit their materials for the SBOE process to also undergo the TRR process with a ranking component, the foreseeable result may be a decrease in the number of materials submitted for SBOE review. Accordingly, it is the Committee's recommendation that the TRR do away with the ranking component. But it is the Committee's belief that it is not advisable for the SBOE to maintain a separate review process even if the ranking component is reinstated in future cycles.

Observation 3: It appears that the rule (as of September 10, 2019) by the TEA and the Commissioner will provide that a publisher's materials must be submitted to the TRR if any ONE member of the SBOE requests that it be done, or is there is a request from ten percent of the districts. It is the Committee's understanding that, absent legal intervention, the publisher will have no choice in this instance, and their materials will be submitted for a qualitative review whether they agree to do so or not.

Recommendation 3: The Committee has serious concerns about any process that forces publishers' materials to be submitted against the will of the publisher on an involuntary basis. With that being said, if it is inevitable that a mechanism exists by which materials can be reviewed without the publishers' consent, the rule should be changed to provide for at least a majority vote of the SBOE before materials can be involuntarily reviewed. It is the Committee's opinion that a single SBOE member has no standing, legally or otherwise, to speak on behalf of the entire Board and this provision should be revised.

Since it is in the rule as adopted, however, the Committee recommends the following method be employed:

- The SBOE member who is nominating materials for review sends an email to the Executive Director of the SBOE who will forward the request to the TRR and will also circulate the request to the entire Board.

Observation 4: The TRR plans to provide for several types of review. They are: (1) reviews aligned with the proclamation schedule; (2) reviews of materials aligned to a subject area and grade from previous proclamation cycles. Note: this may include materials previously submitted to the SBOE and materials not previously submitted to the SBOE (i.e., new OER products); and (3) materials outside the scope of SBOE review (i.e., supplementary materials).

Recommendation 4: The Committee's recommendation in that regard is:

- For all materials included in type 1 and type 2 listed above, excluding reviews that are out of scope for the SBOE review process, the Committee recommends that all other materials be submitted to the quality review process and that the TRR use the outputs of the SBOE process, or the SBOE simulated process, to fulfill the TEKS requirement of the quality evaluation.
- For quality reviews completed for materials adopted in previous proclamation cycles, the Committee recommends the SBOE replaces the former TEKS alignment percentage with the updated TEKS alignment percentage that is approved by the SBOE.
- For materials not otherwise on an SBOE adopted list, the Board shall decide on a case by case basis whether to call for a mid-cycle review.

We would like to see the Board, TEA, districts, and the publishers work together to ensure Texas is a leader in the instructional material review process and not like other state review processes which can lead to common core or mediocre products from which to choose.

This report is respectfully submitted to the Chair and the SBOE on a unanimous basis.

Signed this ___ day of September, 2019.

Marty Rowley, Chair of Committee

Pat Hardy

Barbara Cargill

Pam Little

Marisa Perez Diaz

TEKS and Instructional Materials Review and Adoption Schedule

Subject	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-2031
*E & S Language Arts and Reading	K-8 TEKS and IM Implemented HS IM Adopted	HS TEKS and IM Implemented						TEKS Reviewed	Revised TEKS Adopted Issue Proc. 2030	K-8 IM Reviewed	K-8 IM Adopted	K-8 TEKS and IM Implemented HS IM Reviewed
*Science	TEKS Reviewed	Revised TEKS Adopted Issue Proc. 2023	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented							
Social Studies	Streamlined MS and HS TEKS Implemented	Streamlined K-5 TEKS Implemented			TEKS Reviewed	Revised TEKS Adopted Issue Proc. 2027	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented			
*Math			TEKS Reviewed	Revised TEKS Adopted Issue Proc. 2024	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented					
*Fine Arts					TEKS Reviewed Issue Proc. 2027	Revised TEKS Adopted IM Reviewed	IM Adopted	Revised TEKS and IM Implemented				
Health/PE	TEKS Reviewed Issue Proc. 2022	Revised TEKS Adopted IM Reviewed	IM Adopted	Revised TEKS and IM Implemented								
Tech Apps		TEKS Reviewed	Revised TEKS Adopted Issue Proc. 2023	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented						
LOTE								TEKS Reviewed Issue Proc. 2030	Revised TEKS Adopted IM Reviewed	IM Adopted	Revised TEKS and IM Implemented	
Other	ELPS Adopted Pre-K Systems Reviewed	Pre-K Systems Adopted	Pre-K Systems Implemented								ELPS Reviewed	
CTE	STEM and Health Science TEKS Reviewed STEM and Health Science TEKS Adopted	Arts/A/V/Comm. and IT TEKS Reviewed Arts/A/V/Comm. and IT TEKS Adopted	Hospitality/Tourism and Human Services TEKS Reviewed Hospitality/Tourism and Human Services TEKS Adopted	STEM and Health Science Implemented Manufacturing and Architecture/Construction TEKS Reviewed Manufacturing and Architecture/Construction TEKS Adopted	Arts/A/V/Comm. and IT Implemented Educ./ Training, Govt/Pub Admin. and LPSCS TEKS Reviewed Educ./ Training, Govt/Pub Admin. and LPSCS TEKS Adopted	Hospitality/Tourism and Human Services Implemented AFNR and TDL TEKS Reviewed AFNR and TDL TEKS Adopted	Manufacturing and Architecture/Construction Implemented STEM and Health Science TEKS Reviewed STEM and Health Science TEKS Adopted	Educ./ Training, Govt/Pub Admin. and LPSCS Implemented Business Mgmt./Admin., Finance, and Marketing TEKS Reviewed Business Mgmt./Admin., Finance, and Marketing TEKS Adopted	AFNR and TDL Implemented Arts/A/V/Comm. and IT TEKS Reviewed Arts/A/V/Comm. and IT TEKS Adopted	STEM and Health Science Implemented Manufacturing and Architecture/Construction TEKS Reviewed Manufacturing and Architecture/Construction TEKS Adopted		

*Including CTE courses as appropriate

LPSCS = Law, Public Safety, Corrections, & Security
 AFNR = Agriculture, Food, & Natural Resources
 TDL = Transportation, Distribution, & Logistics

Adoption Cycle—September 2019		
2020–2021 Biennium School Years 2019–20 and 2020–21	Budget Year 2020	Budget Year 2021
	Proclamation 2019 State Adoption, Fall 2018 Materials Ordered, Spring 2019 Implementation, 2019–20 School Year English and Spanish Language Arts and Reading, K–8 English Learners Language Arts, 7–8 Handwriting K–5 (English and Spanish) Spelling, 1–6 (English and Spanish) Personal Financial Literacy	Proclamation 2020 State Adoption, Fall 2019 Materials Ordered, Spring 2020 Implementation, 2020–21 School Year English Language Arts and Reading, English I–IV ELA Electives English for Speakers of Other Languages I and II English Learners Language Arts, 7–8
2022–2023 Biennium School Years 2021–22 and 2022–23	Budget Year 2022	Budget Year 2023
	Proclamation 2021 State Adoption, Fall 2020 Materials Ordered, Spring 2021 Implementation, 2021–22 School Year Pre-Kindergarten Systems	Proclamation 2022 State Adoption, Fall 2021 Materials Ordered, Spring 2022 Implementation, 2022–23 School Year Health and PE CTE: TBD
2024–2025 Biennium School Years 2023–24 and 2024–25	Budget Year 2024	Budget Year 2025
	Proclamation 2023 State Adoption, Fall 2022 Materials Ordered, Spring 2023 Implementation, 2023–24 School Year Science, K–12 CTE: TBD	Proclamation 2024 State Adoption, Fall 2023 Materials Ordered, Spring 2024 Implementation, 2024–25 School Year Technology Applications, K–8 CTE: TBD
2026–2027 Biennium School Years 2025–26 and 2026–27	Budget Year 2026	Budget Year 2027
	Proclamation 2025 State Adoption, Fall 2024 Materials Ordered, Spring 2025 Implementation, 2025–26 School Year Math K–12 CTE: TBD	Proclamation 2026 State Adoption, Fall 2025 Materials Ordered, Spring 2026 Implementation, 2026–27 School Year Fine Arts, K–12 CTE: TBD

2028–2029 Biennium School Years 2027–28 and 2028–29	Budget Year 2028	Budget Year 2029
	Proclamation 2027 State Adoption, Fall 2026 Materials Ordered, Spring 2027 Implementation, 2027–28 School Year Social Studies, K–12 CTE: TBD	Proclamation 2028 State Adoption, Fall 2027 Materials Ordered, Spring 2028 Implementation, 2028–29 School Year CTE: TBD
2030–2031 Biennium School Years 2029–30 and 2030–31	Budget Year 2030	Budget Year 2031
	Proclamation 2029 State Adoption, Fall 2028 Materials Ordered, Spring 2029 Implementation, 2029–30 School Year Languages other than English CTE: TBD	Proclamation 2030 State Adoption, Fall 2029 Materials Ordered, Spring 2030 Implementation, 2030–31 School Year English Language Arts and Reading, K–8 Spanish Language Arts and Reading, K–6 English Learners Language Arts, 7–8 Handwriting K–5 (English and Spanish) Spelling, 1–6 (English and Spanish)
2032–2033 Biennium School Years 2031–32 and 2032–33	Budget Year 2032	Budget Year 2033
	Proclamation 2031 State Adoption, Fall 2030 Materials Ordered, Spring 2031 Implementation, 2031–32 School Year English Language Arts and Reading, English I–IV ELA Electives English for Speakers of Other Languages I and II CTE: TBD	Proclamation 2032 State Adoption, Fall 2031 Materials Ordered, Spring 2032 Implementation, 2032–33 School Year CTE: TBD

**Report of the State Board of Education
Committee on Instruction
September 12, 2019**

The State Board of Education Committee on Instruction met at 9:01 a.m. on Thursday, September 12, 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; Georgina C. Pérez; Marty Rowley

Public Testimony

The Committee on Instruction heard public testimony on agenda items #2, #7, and #9. Information regarding the individuals who presented public testimony is included in the discussion of that item.

CONSENT ITEM

1. Ratification of Texas Lesson Study Resources

(Board agenda page II-1)
[Consent agenda item #(3)]

Blair Claussen, director, educator recruitment and development, explained that this item gave the committee and board an opportunity to consider ratifying the teacher-designed lesson study resources available on the Texas Gateway that have been added since the last vote.

MOTION AND VOTE: *It was moved by Mr. Rowley and carried to recommend that the State Board of Education ratify the third set of TXLS resources presented in Attachment A with the exception of the resource titled “The Adventures of Trixie and Knuffle Bunny.”*

ACTION ITEMS

2. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders
(Second Reading and Final Adoption)

(Board agenda page II-2)
[Official agenda item #7]

Public testimony was provided by the following individual:

NAME: Steven Aleman
AFFILIATION: Disability Rights Texas

Shelly Ramos, senior director, curriculum standards and student support, shared that public comments were received but some of the comments related to commissioner rather than SBOE rulemaking authority.

MOTION: *It was moved by Mrs. Little and seconded by Ms. Pérez 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, §74.28, Students with Dyslexia and Related Disorders, and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, 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 Mr. Rowley and carried unanimously to recommend that the State Board of Education amend proposed §74.28(n) to read as follows:*

"School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section. School districts and open-enrollment charter schools will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Texas Education Code, §38.003(c-1)."

VOTE: *A vote was taken on the motion 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, §74.28, Students with Dyslexia and Related Disorders, as amended; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

The motion carried unanimously.

3. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses

(Second Reading and Final Adoption)

(Board agenda page II-7)

[Official agenda item #8]

Ms. Ramos explained that the proposed amendment would update the list of languages other than English (LOTE) courses that are exempt from the passing grade requirement for students to be eligible to participate in extracurricular activities. She further explained that no comments were received on this proposal.

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 second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honors Courses; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.30, Identification of Honor Courses, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

4. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs (First Reading and Filing Authorization)**
(Board agenda page II-11)
[Official agenda item #9]

Ms. Ramos explained proposed amendments to the rules that govern the approval of innovative courses.

MOTION: *It was moved by Ms. Davis and seconded by Mrs. Little 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, §74.27, Innovative Courses and Programs.*

MOTION AND VOTE: *It was moved by Mr. Rowley and carried to recommend that the State Board of Education amend §74.27(a)(4)(G) to read:*

“(G) any training required in order to teach the course and any associated costs;”

VOTE: *A vote was taken on the motion 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, §74.27, Innovative Courses and Programs, as amended. The motion carried unanimously.*

5. **Approval of Update of Instructional Materials for ThinkCERCA**
(Board agenda page II-15)
[Official agenda item #10]

Amie Williams, director of review and adoption, instructional materials division, explained that at the June 2019 meeting, the committee approved the request from ThinkCERCA to update *ThinkCERCA, Texas Edition, Grade 6, ThinkCERCA, Texas Edition, Grade 7, and ThinkCERCA, Texas Edition, Grade 8* adopted in November 2018 under Proclamation 2019 provided that members of the committee on instruction were provided access to the online materials and that the matter be placed on the September agenda to allow the committee to confirm that changes were made. Ms. Williams confirmed that the updates were made as approved by the committee.

No further action was taken by the committee.

6. Approval of Update of Instructional Materials for EDUSPARK, Inc.
(Board agenda page II-16)
[Official agenda item #11]

Kelly Callaway, senior director, instructional materials, presented updated content submitted by EDUSPARK, Inc. for Spanish language arts and reading. She explained that staff from the curriculum standards and student support division had reviewed the updated content.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Pérez, and carried unanimously to recommend that the State Board of Education postpone the vote to 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.*

(Ms. Davis was absent for the vote.)

DISCUSSION ITEMS

7. Update on Ethnic Studies Innovative Courses
(Board agenda page II-18)

Public testimony was provided by the following individuals:

NAME: Jamila Thomas
AFFILILATION: Self

NAME: Tyrone Tanner
AFFILILATION: Self

Ms. Ramos explained that an innovative course for African American studies has been approved and was being presented to the committee for consideration.

The committee recommended that staff place a discussion item about African-American Studies and a public hearing about the course on the November Committee of the Full Board agenda.

8. Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit
(Board agenda page II-20)

Monica Martinez, associate commissioner, standards and support services, explained a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.26, Award of Credit. The committee discussed updating the rule to clarify that a district may award proportional credit for successful completion of half of a course regardless of the total amount of credit for the course.

9. **Discussion of Proposed Revisions to 19 TAC Chapter 117, Texas Essential Knowledge and Skills for Fine Arts, Subchapter C, High School**
(Board agenda page II-23)

Public testimony was provided by the following individual:

NAME: Karen Phillips
AFFILIATION: Texas International Baccalaureate (IB) Schools

Ms. Ramos explained that this item provided an opportunity for the committee to discuss possible amendments to the fine arts TEKS including the amount of credit to be awarded for IB courses in fine arts.

The meeting of the Committee on Instruction adjourned at 11:05 a.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
September 12, 2019**

(School Finance Items)

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:02 a.m. on Thursday, September 12, 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

Non-Committee Members Present: Aicha Davis

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

The Committee on School Finance/Permanent School Fund heard the school finance items in this order: Items 1 and 11.

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 (First Reading and Filing Authorization)**
(Board agenda page III-1)
[Official agenda item #12]

David Marx, director, financial compliance, explained the proposed update to the rule regarding attendance-taking time.

MOTION AND VOTE: *It was moved by Mr. Allen and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization 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.*

CONSENT ITEM

11. Per Capita Apportionment Rate for the 2019-2020 School Year

(Board agenda page III-63)

[Consent agenda item #(8)]

Amy Copeland, assistant director, state funding, proposed a preliminary per capita apportionment rate of \$259.207 for the 2019-2020 school year and distributed an exhibit that explained the rate to committee members.

MOTION AND VOTE: *It was moved by Mr. Allen and carried unanimously to recommend that the State Board of Education adopt the preliminary per capita rate of \$259.207 for the 2019-2020 school year (Attachment A).*

EXHIBIT
2019–2020 Preliminary Per Capita Rate

TEXAS EDUCATION AGENCY

Recommendation for Per Capita Rate
2019–2020

Preliminary Rate as of September 12, 2019

Total Available for Expenditures per Projection	<u>1,305,008,476</u>
Divided by Estimated 2018–2019 Refined ADA	<u>5,034,600.775</u>
Proposed Preliminary Per Capita Rate	<u>\$ 259.207</u>

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
September 12, 2019**

(Permanent School Fund Items)

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:02 a.m. on Thursday, September 12, 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

DISCUSSION ITEM

2. Review of Permanent School Fund Securities Transactions and the Investment Portfolio
(Board agenda page III-6)

Catherine Civileto, deputy executive administrator, provided a summary of the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period May 2019 through July 2019 unless otherwise noted. Ms. Civileto's report included the current fair market value of the Fund; the asset allocation mix as of July 31, 2019; PSF transactions occurring in the reporting period; revenues and expenditures for the fiscal year to date September 1, 2018, through July 31, 2019; the activity in the securities lending program for the fiscal year to date September 1, 2018, through July 31, 2019; the status of transfers from the General Land Office per the agreed upon resolution for the current fiscal year; 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 January 1, 2018, through July 31, 2019; fixed income rating changes for the fiscal period September 1, 2018, through July 31, 2019; and short-term cash investments.

CONSENT ITEM

3. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May, June, and July 2019

(Board agenda page III-7)

[Consent agenda item #(4)]

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 May through July 2019, in the amount of \$1,687,046,391 and \$1,622,061,401, respectively (Attachment A).*

DISCUSSION ITEM

4. Second Quarter 2019 Permanent School Fund Performance Report

(Board agenda page III-8)

Ms. Lori Roeller of BNY Mellon Global and Risk Solutions, presented the second quarter 2019 PSF performance report. Ms. Roeller began with an overview of the U.S and foreign capital markets. Ms. Roeller then reviewed the performance of the Fund for the second quarter of 2019. She stated that the PSF returned 3.27% for the second quarter, outperforming the target benchmark by 19 basis point. Ms. Roeller attributed most of the outperformance to Private Equity and Risk Parity.

Ms. Roeller reviewed second quarter 2019 performance of the PSF by asset class, stating that the total domestic large cap equity composite outperformed its benchmark for the quarter by two basis points. Ms. Roeller added that Small/Midcap Equity portfolio lagged its benchmark by one basis point. She added that International Equities returned 2.79% for the quarter, outperforming its benchmark by 23 basis points during the period. The fixed income portfolio returned 3.36% for quarter, outperforming its benchmark by 28 basis points. Ms. Roeller stated that the Absolute Return composite returned 2.01% for the quarter, outperforming its benchmark, the HFRI Fund of Funds Composite Index, by 13 basis points. Ms. Roeller added that the Real Estate composite returned 1.58% for the quarter, outperforming its benchmark by 41 basis points. Ms. Roeller added that Total Risk Parity Strategies returned 4.75% in the second quarter of 2019, outperforming its benchmark by 79 basis points. She further stated that the Real Return Asset class returned 0.83% for the quarter, underperforming its benchmark by three basis points. She added that Emerging Market Debt returned 5.59% for the quarter, underperforming its benchmark by four basis points. Ms. Roeller stated that Private Equity returned 4.36% for the quarter, exceeding its benchmark by 84 basis points. Finally, she stated that the total Emerging Market Equity composite returned 0.93% for the second quarter 2019, beating its benchmark by 32 basis points.

CONSENT ITEMS

5. Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

(Board agenda page III-9)

[Consent agenda item #(5)]

Carlos Veintemillas, deputy chief investment officer and director of fixed income, gave a presentation describing the two constitutional limits on distributions from the PSF. The two limits require that an annual distribution cannot be greater than six percent of the value of the Fund assets and the total amount of distributions from the current and previous nine state fiscal years cannot exceed the total return on the Fund assets over the same time period. Mr. Veintemillas stated that both tests were satisfied, allowing for a distribution from the PSF to the Available School Fund for fiscal year 2020.

Mr. Veintemillas stated that Rhett Humphreys, Partner, NEPC, LLC, and Keith Stronkowsky, Senior Consultant, NEPC, LLC, agreed with PSF staff recommendations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve a distribution to the Available School Fund of approximately \$1.102 billion for fiscal year 2020.*

6. Proposed Amendments to the Investment Procedures Manual

(Board agenda page III-10)

[Consent agenda item #(6)]

Mr. Veintemillas provided an overview of the amendments to the investment procedures manual. He noted many of the amendments were made due to the addition of the Permanent School Fund Liquid Account.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the amendments to the Investment Procedures Manual as presented by staff.*

DISCUSSION ITEM

7. 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

(Board agenda page III-11)

Holland Timmins, executive administrator and chief investment officer, stated that the Texas Government Code establishes that rules should be reviewed every four years. He stated that the last time the board reviewed Chapter 33 under this context was 2015 and that the need for the rules still exists. Mr. Timmins added that staff will bring the item back to the board at the November meeting to adopt the rule review.

CONSENT ITEM

8. Review of the Permanent School Fund Liquid Account

(Board agenda page III-60)

[Consent agenda item #(7)]

Rhett Humphreys, Partner, NEPC, LLC, and Keith Stronkowsky, Senior Consultant, NEPC, LLC, gave a presentation on the asset allocation scope and implementation of the Permanent School Fund Liquid Account that was created by House Bill (HB) 4388, 86th Texas Legislature, and took effect September 1, 2019. The recommendation is for the investment of the funds in the account to be implemented in two phases. Phase 1 is to develop near-term portfolio objectives and efficiently gain exposures to outperform cash. Phase 2 is to develop and implement a long-term plan for a diversified portfolio of liquid assets.

Mr. Timmins and Mr. Veintemillas stated that the staff had several discussions with NEPC about the Liquid Account and NEPC supports the recommendations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education direct the Texas Education Agency to invest and manage, over the near-term, the Permanent School Fund Liquid Account against a blended benchmark consisting of the three-month U.S. Treasury bill and the Bloomberg Barclays U.S. Aggregate 1-3 Year Total Return Index as allocated at the end of the prior month.*

DISCUSSION ITEMS

9. Discussion of Emerging and Diverse Investment Management in Alternative Asset Classes (Board agenda page III-61)

Mr. Timmins introduced Kirk Sims, emerging manager program director, and Jase Auby, deputy chief investment officer, investment management division of the Teacher Retirement System (TRS) of Texas. Mr. Auby provided the committee with an overview of the history of the emerging manager program and Mr. Sims reviewed the guidelines and current state of the TRS Emerging Manager Investment Fund.

10. Report of the Permanent School Fund Executive Administrator and Chief Executive Officer (Board agenda page III-62)

Mr. Timmins provided the committee an update on HB 4388 passed by the 86th Texas Legislature and the required study of the Permanent School Fund distributions. He notified the committee that initial discussions between the PSF and both the General Land Office and NEPC have begun and that the report is due on June 1, 2020.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 12:16 p.m.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For May 1, 2019 through July 31, 2019**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 592,747,743
Public Market Equities	396,581,420
Alternative Investments	<u>697,717,228</u>
 TOTAL	 <u>\$ 1,687,046,391</u>

Sales/Distributions:

Long Term Fixed Income	\$ 567,978,585
Public Market Equities	543,879,249
Alternative Investments	<u>510,203,567</u>
 TOTAL	 <u>\$ 1,622,061,401</u>

General Land Office Contributions:

FY 2018 Cumulative July 2018	FY 2019 Cumulative July 2019
\$176,250,000	\$191,250,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$191,250,000 through July 2019 for fiscal year 2019 versus \$176,500,000 through July 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 May 2019, June 2019, and July 2019 Permanent School Fund portfolio purchases of \$1,687,046,391 and sales of \$1,622,061,401.

**Report of the State Board of Education
Committee on School Initiatives
September 12, 2019**

The State Board of Education Committee on School Initiatives met at 9:03 a.m. on Thursday, September 12, 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, Aicha Davis

Public Testimony

The Committee on School Initiatives heard public testimony on agenda items #5 and #7. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee on School Initiatives considered items in the following order: Items 5, 6, 4, 2, 3, 7, and 1.

DISCUSSION ITEMS

1. Open-Enrollment Charter School Generation 25 Application Updates

(Board agenda page IV-1)

Joe Siedlecki, associate commissioner, charters and innovations, and Arnoldo Alaniz, assistant director, charter school administration, presented information on procedures and processes pertaining to the commissioner's Generation Twenty-Five Open-Enrollment Charter School Application.

CONSENT ITEM

2. Recommendation for Appointment to the Boys Ranch Independent School District Board of Trustees

(Board agenda page IV-2)

[Consent agenda item #(9)]

Debbie Ratcliffe, executive director, State Board of Education support, explained that there is one vacancy on the board of trustees of the Boys Ranch Independent School District due to the resignation of Mr. Ken Teel. The president and chief executive officer of Cal Farley's Boys Ranch has requested that Mr. James Taylor be appointed to fill the vacancy.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education approve the appointment of Mr. James Taylor to serve a two-year term of office, from September 13, 2019 to September 13, 2021, on the Boys Ranch Independent School District Board of Trustees.*

ACTION ITEMS

3. **Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Second Reading and Final Adoption)

(Board agenda page IV-12)

[Official agenda item #13]

Christopher Maska, director, hearings and appeals, explained that a clean-up amendment to Subchapter D was suggested to make the rule match the statute.

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Ms. Perez-Diaz, 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 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners, is necessary and shall have an effective date of 20 days after filing as adopted by the Texas Register.

4. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter C, Grades 6-8 Assignments, Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments, Subchapter E, Grades 9-12 Assignments, and Subchapter H, Assignments for Teachers Certified Before 1966**

(Board agenda page IV-19)

[Official agenda item #14]

Marilyn Cook, director, educator certification, explained that the proposed revisions to 19 TAC Chapter 231 would incorporate courses approved by the State Board of Education, update the list of credentials appropriate for placement into an assignment, would make technical edits, and delete an outdated subchapter.

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 revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments.*

5. **Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services**

(Board agenda page IV-40)

[Official agenda item #15]

Public testimony was provided by the following individuals:

NAME: Milton Perez

AFFILIATION: Self

NAME: Gina Anderson

AFFILIATION: Self

NAME: Jean Streepey

AFFILIATION: Self

NAME: Stacey Edmonson

AFFILIATION: Texas Association of Colleges of Teacher Education

NAME: Elizabeth Ward

AFFILIATION: Texas Directors of Field Experience and Texas Association of Teacher Educators

NAME: RaeJean Noschese

AFFILIATION: Self

NAME: David Anthony

AFFILIATION: Self

Grace Wu, director, educator standards, testing, and preparation, explained that the proposed amendments to 19 TAC Chapter 230 would update the figure specifying the required tests for issuance of the standard certificate; create new requirements for issuance of intern and probationary certificates for the proposed new intensive pre-service option, as concurrently proposed in Chapter 228, Requirements for Educator Preparation Programs; update the list of certification testing fees to include the performance-based assessment, edTPA, and content certification (subject-matter only) examinations; provide technical edits; and remove redundancies.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried to recommend that the State Board of Education take no action on the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, Subchapter C, Assessment of Educators, §230.21, Educator Assessment, Subchapter D, Types and Classes of Certificates Issued, §230.36, Intern Certificates, and §230.37, Probationary Certificates, and Subchapter G, Certificate Issuance Procedures, §230.101, Schedule of Fees for Certification Services.*

6. **Review of Proposed Revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs**

(Board agenda page IV-88)
[Official agenda item #16]

Tam Jones, director, educator preparation, explained that the proposed revisions to 19 TAC Chapter 228 would establish requirements for an optional intensive pre-service preparation and certification pathway, educator preparation program (EPP) name changes, and a candidate seeking certification in two categories to have clinical teaching in both. A technical edit would correct an accreditation status reference.

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 revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs.*

DISCUSSION ITEM

7. **Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship**

(Board agenda page IV-113)

NAME: Susan Whisenant
AFFILIATION: Texas Association of School Boards

Drew Howard, senior director, school governance and leadership support, explained the possible changes to be made in the board training rules in 19 TAC §61.1, Continuing Education for School Board Members. The three components of possible training to be integrated into board training include cybersecurity, human trafficking, and child abuse.

Jason Hewitt, senior director, special investigations, monitors, and conservators, discussed possible changes to 19 TAC §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District, to address the threshold of nominees for an appointment.

The meeting of the Committee on School Initiatives adjourned at 12:59 p.m.