

**Report of the State Board of Education
Committee of the Full Board
November 19, 2014**

The State Board of Education Committee of the Full Board met at 9:03 a.m. on Wednesday, November 19, 2014, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. The following members of the committee were present:

Presiding: Barbara Cargill, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Ruben Cortez, Jr.; Martha M. Dominguez; Pat Hardy; Mavis B. Knight; Tom Maynard; Sue Melton-Malone; Ken Mercer; Geraldine “Tincy” Miller; Marisa B. Perez; Thomas Ratliff; Marty Rowley

Absent: David Bradley

Public Testimony

This item provides an opportunity for the public to present testimony 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 <http://tea.texas.gov/index4.aspx?id=25769804094&menuid=25769804716> or in the information section (yellow pages) of the agenda.

The Committee of the Full Board heard public testimony on agenda item #6. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEM

1. Commissioner’s Comments Regarding the SBOE Agenda and Legislation Implementation
(Board agenda page I-63)

Commissioner Michael Williams discussed the agency’s new website, charter school revocations under Senate Bill 2, and an application for a federal prekindergarten grant.

ACTION ITEMS

2. Decision on the Percentage Distribution of the Permanent School Fund
(Board agenda page I-29)
[Official agenda item #4]

Holland Timmins, executive administrator and chief investment officer, presented an overview of the item and the most recent SBOE action to date. He explained that the Permanent School Fund achieved a return of 15.9% for the last fiscal year, beating its benchmark by 58 basis points. Additionally, he explained that in August the School Land Board voted to increase its contribution to the Permanent School Fund, providing a total of \$375 million for the biennium. Mr. Timmins explained the spending impact and commented on the SBOE’s objective to strive to maintain intergenerational equity when setting the distribution rate.

Carlos Veintemillas, deputy chief investment officer, presented the PSF staff recommendation for a distribution rate of between 3.25% and 3.5%. He discussed the factors that were considered in determining an appropriate distribution rate for the fund as well as an analysis of the Board's goal to maintain intergenerational equity. He explained that the board has achieved intergenerational equity when measured by real assets per student and should continue to do so with approval of a payout between 3.25% and 3.5%. At those rates, distributions would be expected to range between \$982 million and \$1.057 billion annually, respectively.

MOTION AND VOTE: *It was moved by Mr. Ratliff, seconded by Mr. Cortez, and carried unanimously that by the State Board of Education approve the percentage distribution rate to the Available School Fund from the Permanent School Fund for the 2016-2017 fiscal biennium at 3.5%.*

3. Legislative Recommendations for the 84th Texas Legislature

(Board agenda page I-33)

[Official agenda item #5]

Julie Kopycinski provided the committee with a handout covering the recommendations we received from the committee members.

MOTION: *It was moved by Mr. Ratliff to adopt the recommendation "Ensure sufficient legislative appropriations to increase staffing at the Texas Education Agency, particularly in the curriculum division, to provide adequate personnel to oversee and support the Texas Essential Knowledge and Skills (TEKS) review."*

MOTION AND VOTE: *It was moved by Mr. Ratliff and carried to add "and the textbook adoption process" to the recommendation.*

VOTE: *A vote was taken on the original motion, as amended. The motion carried.*

MOTION: *It was moved by Ms. Hardy, seconded by Mrs. Miller, to adopt Mrs. Knight's recommendation, "Appropriate funds to assist local school districts in increasing the number of school guidance counselors."*

MOTION: *It was moved by Ms. Perez, seconded by Mrs. Miller, to amend the recommendation to include "especially at the secondary level where preparation for HB 5 is necessary."*

MOTION AND VOTE: *It was moved by Dr. Dominguez and carried to amend the recommendation, as follows:*

Appropriate funds to assist local school districts in increasing the number of school guidance counselors, especially at the secondary level where preparation for HB 5 is necessary, to include middle and high school.

MOTION: *It was moved by Mr. Maynard to strike "guidance counselor" and substitute "guidance counseling".*

There was discussion on the motion and Mr. Maynard withdrew his motion, without objection from the board.

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Mr. Maynard, and carried to strike the word “counselors” and add “personnel”.*

VOTE: *A vote was taken on the motion to adopt Mrs. Knight’s recommendation, as amended, as follows:*

“Appropriate funds to assist local school districts in increasing the number of school guidance personnel especially at the secondary level (middle and high school) where preparation for graduation under HB 5 is necessary. The motion carried.

MOTION: *It was moved by Dr. Dominguez and seconded by Ms. Hardy to amend the recommendation, “As part of the General Appropriations Act, set aside an amount equal to 100% [50%] of the annual distribution made by the Permanent School Fund to the Available School Fund and place it in the state instructional materials fund as required under Section 43.002(d) of the Texas Education Code.”*

MOTION: *It was moved by Mr. Ratliff to amend the motion by adding “and not reduce the funding in the Foundation School Program in a similar amount.”*

MOTION: *It was moved by Mr. Rowley to amend the amendment by striking “Foundation School Program in a similar amount” and replacing it with “from the other components of the school finance formulas.”*

MOTION AND VOTE: *It was moved by Mr. Ratliff and seconded by Dr. Dominguez to amend the motion by adding “as is currently being done” to the end of the amendment.*

VOTE: *A vote was taken on the motion to adopt the amended amendment which states “and not reduce the funding from other components of the school finance formulas in a similar amount as is currently being done.”*

VOTE: *A vote was taken on the motion, as amended, as follows:*

“As part of the General Appropriations Act, set aside an amount equal to 100% of the annual distribution made by the Permanent School Fund to the Available School Fund and place it in the state instructional materials fund as required under Section 43.002(d) of the Texas Education Code and not reduce the funding from the other components of the school finance formulas as is currently being done.”

MOTION: *It was moved by Mr. Mercer and seconded by Mrs. Knight to adopt a recommendation that states “Restore the ability of the SBOE to define “conforming” and “non-conforming” and require instructional materials to cover 100% of the TEKS.”*

MOTION: *It was moved by Dr. Dominguez and seconded by Mr. Cortez, to amend the motion to read as follows:*

“Restore the ability of the SBOE to require instructional materials cover 100% of the TEKS to be placed on the adopted list.”

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Mercer, to amend the recommendation by inserting after TEKS “and to determine those instructional materials that are”. The motion carried.*

VOTE: *A vote was taken on Dr. Dominguez’s motion, as amended. The motion carried.*

VOTE: *A vote was taken on the main motion, as amended.*

MOTION: *It was moved by Mr. Rowley and seconded by Mrs. Melton-Malone to adopt the recommendation, “Allocate funds to the SBOE to support the creation and implementation of a long range plan.”*

MOTION: *It was moved by Mrs. Bahorich and seconded by Mr. Maynard to add after long range plan “and to appropriate funding for an education data analytics organization response for coalescing data in a way that can truly help transform the classroom.”*

Mrs. Bahorich withdrew her motion without objection.

VOTE: *A vote was taken on Mr. Rowley’s motion. The motion carried.*

MOTION AND VOTE: *It was moved by Ms. Hardy and seconded by Mrs. Knight to adopt the recommendation, “Return functions of SBEC to the SBOE where they belong, so the public is represented by elected officials not appointed board members.”*

MOTION: *It was moved by Mrs. Bahorich and seconded by Mrs. Melton-Malone to adopt the recommendation, “Appropriate funding for an education data analytics group or organization whose mission is to provide data from national and state education sources in a way that will ensure parents, policy makers, and teachers have the actionable information needed to ensure every child will graduate prepared for pursuing an advanced education or a successful career pathway.”*

This motion was tabled until a copy of the language was provided.

MOTION: *It was moved by Mrs. Knight and seconded by Mr. Ratliff to approve the recommendation to “Appropriate additional funding in the TEA budget for the Charter School Administration Division to provide, coordinate, and facilitate a continuum of support and services for charter operators in their first three years of operation in the areas of PEIMS reporting, curriculum and professional development, the academic accountability system, Charter finances, including Charter FIRST, and special populations.”*

MOTION AND VOTE: *It was moved by Dr. Dominguez and seconded by Mr. Cortez to add at the end of the motion, “provided they are required to meet the same requirements as public school districts.” The motion failed.*

VOTE: *A vote was taken on the motion to approve the recommendation to “Appropriate additional funding in the TEA budget for the Charter School Administration Division to provide, coordinate, and facilitate a continuum of support and services for charter operators in their first three years of operation in the areas of PEIMS reporting, curriculum and professional development, the academic accountability system, Charter finances, including Charter FIRST, and special populations.” The motion carried, with Dr. Dominguez voting No.*

MOTION: *It was moved by Ms. Perez and seconded by Mrs. Knight to approve the recommendation, “Consider allowing teacher certification programs the opportunities to utilize alternative certification assessments such as ETS’s PPAT assessment or Pearson’s edTPA that go beyond a multiple choice exam and also take into account an analysis and breakdown of classroom experience.”*

MOTION AND VOTE: *It was moved by Dr. Dominguez, seconded by Mr. Cortez, and carried unanimously to strike, “ ETS’s PPAT assessment or Pearson’s edTPA” and insert “performance-based assessments that go beyond a multiple choice exam.”*

VOTE: *A vote was taken on Ms. Perez’s motion, as amended. The motion carried unanimously.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to approve the recommendation, “Appropriate funding for an education data analytics group or organization whose mission is to provide data from national and state education sources in a way that will ensure parents, policy makers, and teachers have the actionable information needed to ensure every child will graduate prepared for pursuing an advanced education or a successful career pathway.”*

MOTION: *It was moved by Ms. Perez and seconded by Mr. Ratliff to approve the recommendation, “Require that all materials to be considered for purchase from a district’s Instructional Materials Allotment be subject to the State Board of Education’s rigorous Instructional Materials Review Process and that all amendments be submitted and posted 24 hours before the final vote.”*

Ms. Perez withdrew the motion without objection.

MOTION AND VOTE: *It was moved by Mr. Cortez and carried unanimously to approve the recommendation, “Restore funding to the Foundation School Program.”*

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mrs. Miller, to approve the recommendation, “Strengthen the existing Texas laws regarding Common Core, C-Scope and future C-Scope type products in our schools by adding stiff financial and perhaps even criminal penalties.”*

The motion failed, with 3 members voting Aye, 10 members voting No, and 1 member Abstaining, as follows:

<u>Aye:</u>	Mr. Maynard Mr. Mercer	Mrs. Miller
<u>No:</u>	Mr. Allen Mrs. Bahorich Mr. Cortez Dr. Dominguez Ms. Hardy	Mrs. Knight Mrs. Melton-Malone Ms. Perez Mr. Ratliff Mr. Rowley
<u>Abstain:</u>	Mrs. Cargill	

MOTION AND VOTE: *It was moved by Mrs. Bahorich and seconded by Mr. Mercer to approve the recommendation to “Authorize the combination of Technology Applications under the same umbrella as other computer programming courses (Career and Technical Education) for high school.” The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Ratliff and seconded by Dr. Dominguez to rank up to five recommendations to send to the Legislature. The motion carried, with Ms. Hardy voting No.*

After the Committee ranked the recommendations, Mrs. Cargill read the recommendations that received the most votes. There was a tie for first place. There was a vote to determine which recommendation would be ranked first and which would be ranked second. The top five recommendations are as follows:

1. As part of the General Appropriations Act, set aside an amount equal to 100% of the annual distribution made by the Permanent School Fund to the Available School Fund and place it in the state instructional materials fund as required under Section 43.001(d) of the Texas Education Code and not reduce the funding from the other components of the school finance formulas in a similar amount as is currently being done.
2. Appropriate funds to assist local school districts in increasing the number of school guidance personnel especially at the secondary level (middle and high school) where preparation for graduation under House Bill 5 (83rd Texas Legislature, Regular Session) is necessary.
3. Ensure sufficient legislative appropriations to increase staffing at the Texas Education Agency, particularly in the curriculum division, to provide adequate personnel to oversee and support the Texas Essential Knowledge and Skills review and implementation process and the textbook adoption process.

4. Return functions of the State Board for Educator Certification to the State Board of Education where they belong, so the public is represented by elected officials, not appointed board members.

5. Allocate funds to State Board of Education to support the creation and implementation of a long-range plan as required by Texas Education Code §7.102 (c)(1).

4. Proposed Amendments to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter D, Other Languages Other Than English Courses

(Second Reading and Final Adoption)

(Board agenda page I-35)

[Official agenda item #6]

Shelly Ramos, curriculum division director, explained that the proposed amendments would change the implementation of the recently revised Texas Essential Knowledge and Skills for languages other than English to the 2017-2018 school year in order to align with the expected availability of instructional materials.

MOTION AND VOTE: *It was moved by Dr. Dominguez, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education, by an affirmative vote of two-thirds of the members of the board, approve for second reading and final adoption proposed amendments to 19 TAC Chapter 114, Texas Essential Knowledge and Skills for Languages Other Than English, Subchapter A, Elementary, Subchapter B, Middle School, and Subchapter D, Other Languages Other Than English Courses, with an effective date of 20 days after filing as adopted with the Texas Register.*

5. Proposed Amendments to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses

(Second Reading and Final Adoption)

(Board agenda page I-45)

[Official agenda item #7]

Monica Martinez, associate commissioner for standards and programs, explained that the proposal would amend existing rules to require that Advanced Placement (AP) and International Baccalaureate (IB) courses that satisfy a specific social studies graduation requirement address the Texas Essential Knowledge and Skills (TEKS) for the corresponding course.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Rowley, and carried to recommend that the State Board of Education approve for second reading and final adoption proposed amendments to 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, with an effective date of August 24, 2015. (Dr. Dominguez and Mrs. Knight were opposed.)*

6. Proposed New 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter C, High School, §111.47, Statistics, Adopted 2015 (One Credit)

(First Reading and Filing Authorization)

(Board agenda page I-53)

[Official agenda item #8]

Public testimony was provided by the following individual:

NAME: Tony Martinez

AFFILIATION: Texas Association of Supervisors of Mathematics

Ms. Ramos explained that this item presents for first reading and filing authorization proposed TEKS for a new high school Statistics course expected to be implemented in the 2015-2016 school year.

Invited testimony was provided by the following individual:

NAME: Linda Gann

AFFILIATION: High school mathematics TEKS committee

The board directed staff to correct the amount of credit identified in §111.47(a) to read one credit.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Mr. Ratliff, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter C, High School, §111.47, Statistics, Adopted 2015 (One Credit).*

DISCUSSION ITEMS

7. Discussion of Proposed Revisions to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education

(Board agenda page I-65)

Ms. Ramos provided an overview of the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) review committees' final recommendations for revisions to the TEKS for career development; arts, audio/video technology, and communications; business management and administration; education and training; finance; hospitality and tourism; human services; manufacturing; and marketing. Ms. Ramos summarized activities from the CTE TEKS review committee meeting and highlighted key issues in the final recommendations for these disciplines. Ms. Ramos also explained that the remaining eight CTE Career Clusters would be presented for discussion at the February 2015 meeting.

8. Discussion of Pending Litigation
(Board agenda page I-73)

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

Mrs. Cargill adjourned the meeting at 4:20 p.m.