

# AGENDA

State Board of Education

April 8, 2022

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

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

**PAM LITTLE, Fairview**  
Vice Chair of the State Board of Education  
District 12

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

**Board Members**

**RUBEN CORTEZ, JR., Brownsville**  
District 2

**AUDREY YOUNG, Apple Springs**  
District 8

**MARISA PEREZ-DIAZ, Converse**  
District 3

**TOM MAYNARD, Florence**  
District 10

**LAWRENCE ALLEN, JR., Houston**  
District 4

**PATRICIA HARDY, Fort Worth**  
District 11

**REBECCA BELL-METEREAU**  
San Marcos, District 5

**AICHA DAVIS, Dallas**  
District 13

**WILL HICKMAN, Houston**  
District 6

**SUE MELTON-MALONE, Robinson**  
District 14

**MATT ROBINSON, Friendswood**  
District 7

**JAY JOHNSON, Pampa**  
District 15

## **Committees of the State Board of Education**

(updated January 26, 2021)

### **INSTRUCTION**

Sue Melton-Malone, chair

Audrey Young, vice chair

Rebecca Bell-Metereau

Pam Little

Georgina Pérez

### **SCHOOL FINANCE/PERMANENT SCHOOL FUND**

Tom Maynard, chair

Lawrence Allen, Jr., vice chair

Keven Ellis

Pat Hardy

Marisa Perez-Diaz

### **SCHOOL INITIATIVES**

Matt Robinson, chair

Aicha Davis, vice chair

Ruben Cortez, Jr.

Will Hickman

Jay Johnson

April 5, 2022

State Board of Education  
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on April 5-8, 2022. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Morath', with a long horizontal flourish extending to the right.

Mike Morath  
Commissioner of Education

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

**SCHEDULE AND AGENDAS**

**Committees and Board  
State Board of Education, Austin, Texas**

**Meeting Times  
April 5-8, 2022**

**Tuesday, April 5, 2022**

**1:00 p.m. Committee of the Full Board (Room 1-104)**

**Wednesday, April 6, 2022**

**9:00 a.m. Committee of the Full Board (Room 1-104)**

**Thursday, April 7, 2022**

**9:00 a.m. Committee on Instruction (Room 1-100)**

**11:00 a.m. Committee on School Finance/Permanent School Fund (Room 1-104)  
The meeting will start at 11:00 a.m. or upon adjournment of the PSF Corporation Meeting.**

**9:00 a.m. Committee on School Initiatives (Room 1-111)**

**Friday, April 8, 2022**

**9:00 a.m. General Meeting (Room 1-104)**

If the Committee of the Full Board does not complete its agenda Tuesday, it will resume its meeting on Wednesday, Thursday, or Friday. If the Committee of the Full Board does not complete its agenda Wednesday, it will resume its meeting on Thursday or Friday. If the Committee on Instruction does not complete its meeting on Thursday, it will resume its meeting on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting 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.

The agenda is online at <https://tea.texas.gov/sboe/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**  
**April 5, 2022**

**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> or in the information section of the agenda.*

- 1. Public Hearing on Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10; and Subchapter B, Middle School, §§126.17-126.19**  
**(Board agenda page I-1)**

**COMMITTEE - DISCUSSION**  
**SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4); and §28.002(a), (c), (c-3), and (z).

**COMMITTEE OF THE FULL BOARD (continued)**

2. **Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.788-127.794 (Board agenda page I-3)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022, §127.789, Computer Science I (One Credit), Adopted 2022, §127.790, Computer Science II (One Credit), Adopted 2022, and §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022, §127.793, Digital Forensics (One Credit), Adopted 2022, §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1) and (c-10).

3. **Public Hearing on Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics (Board agenda page I-5)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics (One-Half Credit), Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

**WEDNESDAY**  
**April 6, 2022**

**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> or in the information section of the agenda.*

**1. Commissioner’s Comments**  
**(Board agenda page I-7)**

**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. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**  
**(Second Reading and Final Adoption)**  
**(Board agenda page I-8)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), (c-2), and (c-5); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE OF THE FULL BOARD (continued)**

3. **Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits**  
**(Second Reading and Final Adoption)**  
**(Board agenda page I-30)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE OF THE FULL BOARD (continued)**

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.317, 127.318, and 127.323, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784**  
**(Second Reading and Final Adoption)**  
**(Board agenda page I-41)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics (STEM) to ensure the standards are up to date. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

**COMMITTEE OF THE FULL BOARD (continued)**

5. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.788-127.794**  
**(First Reading and Filing Authorization)**  
**(Board agenda page I-65)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022; §127.789, Computer Science I (One Credit), Adopted 2022; §127.790, Computer Science II (One Credit), Adopted 2022; §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. The proposed new rules would update the Texas Essential Knowledge and Skills (TEKS) for the high school cybersecurity and computer science courses to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1) and (c-10).

**COMMITTEE OF THE FULL BOARD (continued)**

6. **Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10; and Subchapter B, Middle School, §§126.17-126.19 (First Reading and Filing Authorization) (Board agenda page I-70)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022. The proposed new rules would update the technology applications standards to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), (c), (c-3), and (z).

7. **Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics (First Reading and Filing Authorization) (Board agenda page I-74)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics. The proposed new rule would add Texas Essential Knowledge and Skills (TEKS) for a new social studies course to comply with the requirements of Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE OF THE FULL BOARD (continued)**

8. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum (First Reading and Filing Authorization) (Board agenda page I-82)**

**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 A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum. The proposed amendment would update the list of high school courses for social studies and physical education that are required to be offered to students. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 28.025(b-1)(4) and (b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

9. ***Proclamation 2024* of the State Board of Education Advertising for Bids on Instructional Materials (Board agenda page I-87)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to issue *Proclamation 2024*, calling for instructional materials for science, technology applications, and specified courses in career and technical education. Instructional materials submitted in response to *Proclamation 2024* would be scheduled for adoption by the SBOE in November 2023. Statutory authority is the Texas Education Code (TEC), §31.022.

10. **Update on Texas Essential Knowledge and Skills Review (Board agenda page I-88)**

**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) and for the board to provide additional guidance to TEKS and ELPS review work groups, as necessary. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

**COMMITTEE OF THE FULL BOARD (continued)**

**11. Long Range Plan for Technology Update  
(Board agenda page I-91)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for staff to update the committee on feedback received for the planned revisions of the 2018-2023 Long-Range Plan for Technology (LRPT). Statutory authority is the Texas Education Code (TEC), §32.001.

**12. Discussion of Pending Litigation  
(Board agenda page I-92)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

The State Board of Education (SBOE) 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.)*;

*Student v. Conroe ISD, Texas Education Agency and State Board of Education*, Civil Cause No. 1:21-CV-01048-LY (U.S. District Court – Western District of Texas (Austin)); and

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

**THURSDAY  
April 7, 2022**

**9:00 a.m.**

**COMMITTEE ON INSTRUCTION – Room 1-100**

**Members: Sue Melton-Malone, chair; Audrey Young, vice chair; Rebecca Bell-Metereau; Pam Little; and Georgina C. Pérez. 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> or in the information section of the agenda.*

- 1. Proposed Repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.1-115.7, Subchapter B, Middle School, §§115.21-115.23, and Subchapter C, High School, §§115.31-115.33  
(First Reading and Filing Authorization)  
([Board agenda page II-1](#))**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §115.1, Implementation of Texas Essential Knowledge and Skills for Health Education, Elementary; §115.2, Health Education, Kindergarten; §115.3, Health Education, Grade 1; §115.4, Health Education, Grade 2; §115.5, Health Education, Grade 3; §115.6, Health Education, Grade 4; and §115.7, Health Education, Grade 5; Subchapter B, Middle School, §115.21, Implementation of Texas Essential Knowledge and Skills for Health Education, Middle School; §115.22, Health Education, Grade 6; and §115.23, Health Education, Grade 7-8; and Subchapter C, High School, §115.31, Implementation of Texas Essential Knowledge and Skills for Health Education, High School; §115.32, Health 1, Grades 9-10 (One-Half Credit); and §115.33, Advanced Health, Grades 11-12 (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 health education and related implementation language that will be superseded by 19 TAC §§115.11-115.17, 115.25-115.28, and 115.37-115.40 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

2. **Proposed Repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.1-116.7, Subchapter B, Middle School, §§116.21-116.24, and Subchapter C, High School, §§116.51-116.56  
(First Reading and Filing Authorization)  
(Board agenda page II-4)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §116.1, Implementation of Texas Essential Knowledge and Skills for Physical Education, Elementary; §116.2, Physical Education, Kindergarten; §116.3, Physical Education, Grade 1; §116.4, Physical Education, Grade 2; §116.5, Physical Education, Grade 3; §116.6, Physical Education, Grade 4; and §116.7, Physical Education, Grade 5; Subchapter B, Middle School, §116.21, Implementation of Texas Essential Knowledge and Skills for Physical Education, Middle School; §116.22, Physical Education, Grade 6; §116.23, Physical Education, Grade 7; and §116.24, Physical Education, Grade 8; and Subchapter C, High School, §116.51, Implementation of Texas Essential Knowledge and Skills for Physical Education, High School; §116.52, Foundations of Personal Fitness (One-Half Credit); §116.53, Adventure/Outdoor Education (One-Half Credit); §116.54, Aerobic Activities (One-Half Credit); §116.55, Individual Sports (One-Half Credit); and §116.56, Team Sports (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 physical education and related implementation language that will be superseded by 19 TAC §§116.11-116.17, 116.25-116.28, and 116.61-116.64 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), and (c).

3. **Proposed Approval of Innovative Courses  
(Board agenda page II-7)**

**COMMITTEE - ACTION  
SBOE - ACTION**

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

**COMMITTEE ON INSTRUCTION (continued)**

- 4. Approval of Updates and Substitutions to Adopted Instructional Materials**  
**(Board agenda page II-11)**

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides the opportunity for the committee and board to approve update and/or substitution requests received since the last board meeting. The updated content has been reviewed by 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 is the Texas Education Code (TEC), §31.003 and §31.022.

**COMMITTEE ON INSTRUCTION (continued)**

5. **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.310, 127.312, and 127.313; Subchapter I, Health Science, §127.409; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.753, 127.755, 127.761, and 127.764; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277**  
**(First Reading and Filing Authorization)**  
**(Board agenda page II-13)**

**COMMITTEE - ACTION**  
**SBOE - ACTION**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.310, Principles of Education and Training (One Credit), Adopted 2015; §127.312, Instructional Practices (Two Credits), Adopted 2015; and §127.313, Practicum in Education and Training (Two Credits), Adopted 2015; Subchapter I, Health Science, §127.409, Health Informatics (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.753, Engineering Design and Problem Solving (One Credit), Adopted 2015; §127.755, Engineering Science (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); and §127.764, Computer Science III (One Credit); and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277, Child Development (One Credit), Adopted 2015. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for nine career and technical education (CTE) courses that will be superseded by 19 TAC §§127.316, 127.317, 127.325, 127.326, 127.418, 127.782, 127.785, 127.788, and 127.791 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

6. **Adoption of Review of 19 TAC Chapter 89, Adaptations for Special Populations**  
**(Board agenda page II-46)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

Texas Government Code (TGC), §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 SBOE rules in 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings. The rules being reviewed relate to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings. Statutory authority for the rule review is the TGC, §2001.039. Statutory authority for 19 TAC Chapter 89, Subchapter A, is Texas Education Code (TEC), §29.122 and §48.109(b); for Subchapter C is TEC, §7.111; and for Subchapter D is TEC, §30.003(d) and (g) and §30.004.

**THURSDAY  
April 7, 2022**

**11:00 a.m. or upon adjournment of the PSF Corporation Meeting**

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

**Members: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz. 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> or in the information section of the agenda.*

- 1. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide (First Reading and Filing Authorization) (Board agenda page III-1)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). Statutory authority is the Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

- 2. Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2021 (Board agenda page III-7)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

This item provides an opportunity for representatives of the State Auditor’s Office (SAO) to make a presentation regarding the Audit of the Permanent School Fund’s Financial Statements and the certification of the Bond Guarantee Program for the fiscal year ending August 31, 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC) §45.053(b).

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)**

- 3. Report on Permanent School Fund Securities Transactions and the Investment Portfolio and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**  
**(Board agenda page III-8)**
- COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the committee and board to receive a report on Permanent School Fund (PSF) Securities Transactions and the Investment Portfolio and consider approval of purchases and sales of investments executed in the portfolio of the PSF for the months of December 2021 and January 2022. Statutory authority is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

- 4. Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**  
**(Board agenda page III-9)**
- COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the committee and board to receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of December 2021 and January 2022. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Natural Resources Code (NRC), §51.414, as repealed by SB 1232, 87th Legislature, Regular Session, 2021; and 19 Texas Administrative Code (TAC) Chapter 33.

- 5. Adoption of an Annual Report on the Status of the Bond Guarantee Program**  
**(Board agenda page III-10)**
- COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the committee and board to adopt an annual report on the status of the Bond Guarantee Program. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC), §45.053(c).

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)**

- 6. Fourth Quarter 2021 Permanent School Fund Performance Report**      **COMMITTEE - DISCUSSION**  
**(Board agenda page III-11)**      **SBOE - NO ACTION**

The performance measurement consultant to the Permanent School Fund (PSF), BNY Mellon Asset Servicing, will report on the investment performance during the fourth calendar quarter 2021 and the cumulative investment performance of various portfolios of the Fund. This item provides the opportunity for the committee to discuss in depth, various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes. Statutory authority is the Texas Constitution, Article VII, §2 and §5; 19 Texas Administrative Code (TAC) Chapter 33.

- 7. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer**      **COMMITTEE - DISCUSSION**  
**(Board agenda page III-12)**      **SBOE - NO ACTION**

The Permanent School Fund (PSF) 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 is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

**THURSDAY**  
**April 7, 2022**

**9:00 a.m.**

**COMMITTEE ON SCHOOL INITIATIVES – Room 1-111**

**Members: Matt Robinson, chair; Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson. 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> or in the information section of the agenda.*

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

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

- 2. Recommendation for One Reappointment and One Appointment to the Fort Sam Houston Independent School District Board of Trustees  
(Board agenda page IV-7)**

**COMMITTEE - ACTION**  
**SBOE - CONSENT**

This item provides an opportunity for the board to consider one reappointment and one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member and the appointment is necessary due to the retirement of another board member. Statutory authority is the Texas Education Code (TEC), §11.352.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

3. **Rule Review of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts (Board agenda page IV-22)**

Texas Government Code (TGC), §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 proposed review of 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts. The rules being reviewed relate to continuing education for school board members, nomination of trustees for military reservation school districts and Boys Ranch Independent School District, applicability of state law for special-purpose school districts, and applicability of state law to Boys Ranch Independent School District. Statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. Statutory authority for 19 TAC Chapter 61, Subchapter A, is the Texas Education Code (TEC), §11.159, as amended by House Bill (HB) 690, 87th Texas Legislature, 2021, and TEC, §§11.185, 11.186, and 11.352; and for Subchapter B, is TEC, §11.351 and §11.352.

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

4. **Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members (Second Reading and Final Adoption) (Board agenda page IV-35)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

**COMMITTEE - ACTION  
SBOE - CONSENT**

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

- 5. Open-Enrollment Charter School Generation 27  
Application Updates  
(Board agenda page IV-39)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

The director of the Division of Charter School Authorizing and Administration will discuss updates regarding the Generation 27 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

- 6. Open-Enrollment Charter School Generation 28  
Application Updates  
(Board agenda page IV-40)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

The director of the Division of Charter School Authorizing and Administration will discuss updates regarding the Generation 28 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

7. **Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training (Board agenda page IV-41)**

**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 an amendment to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training. The proposed amendments would implement Senate Bills (SBs) 226 and 1590 and House Bills (HBs) 139 and 159, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would allow educator preparation programs (EPPs) the flexibility to conduct certain required formal observations virtually; would provide for training requirements for all educators with regard to students with disabilities and virtual instruction and virtual learning; and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience. Statutory authority for 19 TAC Chapter §§228.2, 228.10, 228.30 and 228.35 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044, as amended by HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021; 21.0442(c); 21.0443, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.045(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0453, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0454; 21.0455; 21.046(b), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)–(c); and 21.051, as amended by HB 159 and SB 1590, 87th Texas Legislature, Regular Session, 2021; and the Texas Occupations Code (TOC), §55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session; and §55.007.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

8. **Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**  
**(Board agenda page IV-80)**

**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 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, which serves as a foundation for the practices and procedures related to issuance of Texas certification to individuals licensed in other states. The proposed amendments would provide clarification and updates to requirements for individuals licensed in other states to obtain a standard Texas educator certificate. Statutory authority for 19 TAC Chapter 230, Subchapter H, is the TEC, §§21.040(4); 21.041(a), (b)(1), (4), and (5), and (c); 21.048; and 21.052(a), (b), (c), (d), and (e).

9. **Review of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries**  
**(Board agenda page IV-86)**

**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 245, Certification of Educators from Other Countries. The proposed amendments would update the requirements for certification of educators from other countries. Statutory authority for the proposed amendments to 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048; and 21.052(a), (b), (c), (d), and (e).

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

**10. Review of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements (Board agenda page IV-93)**

**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 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 199, 1267, and 2066, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would require that all educators receive continuing professional education (CPE) training in educating students with disabilities; would update the CPE training requirements for classroom teachers, principals, and school counselors; and would provide for the SBEC to determine the training guidelines for CPE credit regarding the use of an automated external defibrillator (AED). The proposed amendments would also allow for a school district to request a hardship exemption for an educator who has an invalid certificate due to not having the required CPE hours for certificate renewal; would require educators to receive dyslexia training for certificate renewal; and would add CPE activities to the list of topics that educators can receive for certificate renewal. Statutory authority for 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021; 21.0541, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021; 21.0543; and 22.0831(f); and Texas Occupations Code (TOC), §55.002 and §55.003.

## **Information Materials**

1. **State Board of Education Operating Rules (amended January 26, 2021)**  
*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-26)**
  
3. **2021-2025 Rule Review Plan for State Board of Education Rules**  
**(Board agenda page V-27)**

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, 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**

**April 8, 2022  
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, January 28, 2022**

**1. Resolution and Presentations**

No resolutions are to be considered.

*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> 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) ..... 36**

**COMMITTEE OF THE FULL BOARD**

**3. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), (c-2), and (c-5); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-8

**4. Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits (Second Reading and Final Adoption)**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-30

**COMMITTEE OF THE FULL BOARD**

5. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.317, 127.318, and 127.323, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784**  
**(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics (STEM) to ensure the standards are up to date. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

(Agenda Exhibit) ..... I-41

6. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.788-127.794**  
**(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022; §127.789, Computer Science I (One Credit), Adopted 2022; §127.790, Computer Science II (One Credit), Adopted 2022; §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. The proposed new rules would update the Texas Essential Knowledge and Skills (TEKS) for the high school cybersecurity and computer science courses to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1) and (c-10).

(Agenda Exhibit) ..... I-65

**COMMITTEE OF THE FULL BOARD**

7. **Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10; and Subchapter B, Middle School, §§126.17-126.19 (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022. The proposed new rules would update the technology applications standards to ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), (c), (c-3), and (z).

(Agenda Exhibit) ..... I-70

8. **Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics. The proposed new rule would add Texas Essential Knowledge and Skills (TEKS) for a new social studies course to comply with the requirements of Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-74

9. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum (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 A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum. The proposed amendment would update the list of high school courses for social studies and physical education that are required to be offered to students. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 28.025(b-1)(4) and (b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... I-82

**COMMITTEE OF THE FULL BOARD**

**10. Proclamation 2024 of the State Board of Education Advertising for Bids on Instructional Materials**

This item provides an opportunity for the State Board of Education (SBOE) to issue *Proclamation 2024*, calling for instructional materials for science, technology applications, and specified courses in career and technical education. Instructional materials submitted in response to *Proclamation 2024* would be scheduled for adoption by the SBOE in November 2023. Statutory authority is the Texas Education Code (TEC), §31.022.

(Agenda Exhibit) ..... I-87

**11. Update on Texas Essential Knowledge and Skills 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) and for the board to provide additional guidance to TEKS and ELPS review work groups, as necessary. 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-88

**COMMITTEE ON INSTRUCTION**

**12. Proposed Repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.1-115.7, Subchapter B, Middle School, §§115.21-115.23, and Subchapter C, High School, §§115.31-115.33 (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §115.1, Implementation of Texas Essential Knowledge and Skills for Health Education, Elementary; §115.2, Health Education, Kindergarten; §115.3, Health Education, Grade 1; §115.4, Health Education, Grade 2; §115.5, Health Education, Grade 3; §115.6, Health Education, Grade 4; and §115.7, Health Education, Grade 5; Subchapter B, Middle School, §115.21, Implementation of Texas Essential Knowledge and Skills for Health Education, Middle School; §115.22, Health Education, Grade 6; and §115.23, Health Education, Grade 7-8; and Subchapter C, High School, §115.31, Implementation of Texas Essential Knowledge and Skills for Health Education, High School; §115.32, Health 1, Grades 9-10 (One-Half Credit); and §115.33, Advanced Health, Grades 11-12 (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 health education and related implementation language that will be superseded by 19 TAC §§115.11-115.17, 115.25-115.28, and 115.37-115.40 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) ..... II-1

**COMMITTEE ON INSTRUCTION**

**13. Proposed Repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.1-116.7, Subchapter B, Middle School, §§116.21-116.24, and Subchapter C, High School, §§116.51-116.56 (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §116.1, Implementation of Texas Essential Knowledge and Skills for Physical Education, Elementary; §116.2, Physical Education, Kindergarten; §116.3, Physical Education, Grade 1; §116.4, Physical Education, Grade 2; §116.5, Physical Education, Grade 3; §116.6, Physical Education, Grade 4; and §116.7, Physical Education, Grade 5; Subchapter B, Middle School, §116.21, Implementation of Texas Essential Knowledge and Skills for Physical Education, Middle School; §116.22, Physical Education, Grade 6; §116.23, Physical Education, Grade 7; and §116.24, Physical Education, Grade 8; and Subchapter C, High School, §116.51, Implementation of Texas Essential Knowledge and Skills for Physical Education, High School; §116.52, Foundations of Personal Fitness (One-Half Credit); §116.53, Adventure/Outdoor Education (One-Half Credit); §116.54, Aerobic Activities (One-Half Credit); §116.55, Individual Sports (One-Half Credit); and §116.56, Team Sports (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 physical education and related implementation language that will be superseded by 19 TAC §§116.11-116.17, 116.25-116.28, and 116.61-116.64 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), and (c).

(Agenda Exhibit) ..... II-4

**14. Proposed Approval of Innovative Courses**

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

(Agenda Exhibit) ..... II-7

**COMMITTEE ON INSTRUCTION**

15. **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.310, 127.312, and 127.313; Subchapter I, Health Science, §127.409; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.753, 127.755, 127.761, and 127.764; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277  
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.310, Principles of Education and Training (One Credit), Adopted 2015; §127.312, Instructional Practices (Two Credits), Adopted 2015; and §127.313, Practicum in Education and Training (Two Credits), Adopted 2015; Subchapter I, Health Science, §127.409, Health Informatics (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.753, Engineering Design and Problem Solving (One Credit), Adopted 2015; §127.755, Engineering Science (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); and §127.764, Computer Science III (One Credit); and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277, Child Development (One Credit), Adopted 2015. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for nine career and technical education (CTE) courses that will be superseded by 19 TAC §§127.316, 127.317, 127.325, 127.326, 127.418, 127.782, 127.785, 127.788, and 127.791 beginning with the 2022-2023 school year. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) ..... II-13

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

16. **Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide  
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). Statutory authority is the Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

(Agenda Exhibit) ..... III-1

**COMMITTEE ON SCHOOL INITIATIVES**

**17. Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training**

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 an amendment to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training. The proposed amendments would implement Senate Bills (SBs) 226 and 1590 and House Bills (HBs) 139 and 159, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would allow educator preparation programs (EPPs) the flexibility to conduct certain required formal observations virtually; would provide for training requirements for all educators with regard to students with disabilities and virtual instruction and virtual learning; and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience. Statutory authority for 19 TAC Chapter §§228.2, 228.10, 228.30 and 228.35 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044, as amended by HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021; 21.0442(c); 21.0443, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.045(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0453, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0454; 21.0455; 21.046(b), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)–(c); and 21.051, as amended by HB 159 and SB 1590, 87th Texas Legislature, Regular Session, 2021; and the Texas Occupations Code (TOC), §55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session; and §55.007.

(Agenda Exhibit) ..... IV-41

**18. Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

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 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, which serves as a foundation for the practices and procedures related to issuance of Texas certification to individuals licensed in other states. The proposed amendments would provide clarification and updates to requirements for individuals licensed in other states to obtain a standard Texas educator certificate. Statutory authority for 19 TAC Chapter 230, Subchapter H, is the TEC, §§21.040(4); 21.041(a), (b)(1), (4), and (5), and (c); 21.048; and 21.052(a), (b), (c), (d), and (e).

(Agenda Exhibit) ..... IV-80

**COMMITTEE ON SCHOOL INITIATIVES**

**19. Review of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries**

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 245, Certification of Educators from Other Countries. The proposed amendments would update the requirements for certification of educators from other countries. Statutory authority for the proposed amendments to 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048; and 21.052(a), (b), (c), (d), and (e).

(Agenda Exhibit) ..... IV-86

**20. Review of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements**

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 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 199, 1267, and 2066, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would require that all educators receive continuing professional education (CPE) training in educating students with disabilities; would update the CPE training requirements for classroom teachers, principals, and school counselors; and would provide for the SBEC to determine the training guidelines for CPE credit regarding the use of an automated external defibrillator (AED). The proposed amendments would also allow for a school district to request a hardship exemption for an educator who has an invalid certificate due to not having the required CPE hours for certificate renewal; would require educators to receive dyslexia training for certificate renewal; and would add CPE activities to the list of topics that educators can receive for certificate renewal. Statutory authority for 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021; 21.0541, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021; 21.0543; and 22.0831(f); and Texas Occupations Code (TOC), §55.002 and §55.003.

(Agenda Exhibit) ..... IV-93

## **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 26, 2021)**  
*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-26)**
  
3. **2021-2025 Rule Review Plan for State Board of Education Rules**  
**(Board agenda page V-27)**

This item outlines the rule review plan for State Board of Education (SBOE) rules during the period of September 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

**CONSENT AGENDA  
STATE BOARD OF EDUCATION  
April 8, 2022**

**(1) Approval of Updates and Substitutions to Adopted Instructional Materials**

This item provides the opportunity for the committee and board to approve update and/or substitution requests received since the last board meeting. The updated content has been reviewed by 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 is the Texas Education Code (TEC), §31.003 and §31.022.

[\(Agenda Exhibit\)](#) ..... II-11

**(2) Adoption of Review of 19 TAC Chapter 89, Adaptations for Special Populations**

Texas Government Code (TGC), §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 SBOE rules in 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings. The rules being reviewed relate to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings. Statutory authority for the rule review is the TGC, §2001.039. Statutory authority for 19 TAC Chapter 89, Subchapter A, is Texas Education Code (TEC), §29.122 and §48.109(b); for Subchapter C is TEC, §7.111; and for Subchapter D is TEC, §30.003(d) and (g) and §30.004.

[\(Agenda Exhibit\)](#) ..... II-46

**(3) Report on Permanent School Fund Securities Transactions and the Investment Portfolio and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**

This item provides an opportunity for the committee and board to receive a report on Permanent School Fund (PSF) Securities Transactions and the Investment Portfolio and consider approval of purchases and sales of investments executed in the portfolio of the PSF for the months of December 2021 and January 2022. Statutory authority is the Texas Constitution, Article VII, §2 and §5, and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) ..... III-8

**(4) Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**

This item provides an opportunity for the committee and board to receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of December 2021 and January 2022. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Natural Resources Code (NRC), §51.414, as repealed by SB 1232, 87th Legislature, Regular Session, 2021; and 19 Texas Administrative Code (TAC) Chapter 33.

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

**(5) Adoption of an Annual Report on the Status of the Bond Guarantee Program**

This item provides an opportunity for the committee and board to adopt an annual report on the status of the Bond Guarantee Program. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC), §45.053(c).

(Agenda Exhibit) ..... III-10

**(6) Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees**

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352.

(Agenda Exhibit) ..... IV-1

**(7) Recommendation for One Reappointment and One Appointment to the Fort Sam Houston Independent School District Board of Trustees**

This item provides an opportunity for the board to consider one reappointment and one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member and the appointment is necessary due to the retirement of another board member. Statutory authority is the Texas Education Code (TEC), §11.352.

(Agenda Exhibit) ..... IV-7

**(8) Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members (Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) ..... IV-35

# **COMMITTEE OF THE FULL BOARD**

**Public Hearing on Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10; and Subchapter B, Middle School, §§126.17-126.19**

**April 5, 2022**

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

**SUMMARY:** A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§7.102\(c\)\(4\)](#); and [§28.002\(a\), \(c\), \(c-3\), and \(z\)](#).

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, [§28.002\(c-3\)](#), requires the SBOE to include coding, computer programming, computational thinking, and cybersecurity in the Texas Essential Knowledge and Skills (TEKS) for technology applications for kindergarten through grade eight. This section also requires that, as needed, the SBOE review and revise the technology applications TEKS every five years to ensure that the standards are relevant to student education and align current or emerging professions.

TEC, [§28.002\(z\)](#), requires the SBOE to require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. Technology applications is part of the required curriculum for

Kindergarten-Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the career and technical education (CTE) TEKS.

At the January 2021 meeting, SBOE members were asked to designate content advisors for the review and revision of the technology applications TEKS. Applications to serve on the TEKS review work groups were posted on the Texas Education Agency (TEA) website in March 2021. In April 2021, TEA distributed a survey to collect information from educators regarding the review and revision of the technology applications TEKS. TEA staff provided applications for the technology applications review work groups to SBOE members on a monthly basis from May 2021 to September 2021.

Technology applications TEKS review content advisor and work group meetings convened in 2021 were conducted virtually. In July 2021, technology applications TEKS review content advisors met virtually to develop consensus recommendations regarding revisions to the technology applications TEKS and met with representatives from Work Group A to discuss their recommendations. Also in July 2021, Work Group A convened to discuss the consensus recommendations, review survey results, and develop recommendations for how subsequent technology applications TEKS review work groups could address the feedback received. Work Group B was convened in September 2021 and was charged with developing recommendations for a new strand framework. The work group recommended six new strands and reorganized the current technology applications TEKS into the proposed new strands. Work Group C was convened in October 2021 to draft recommendations for student expectations for two of the strands in the proposed new strand framework. Work Group D was convened at the end of October 2021 to draft recommendations for the remaining four proposed new strands. The work group recommended eliminating one of the strands, which would reduce the original proposed strand framework to a total of five strands. Work Group E was convened for a virtual meeting in December 2021 to review the vertical alignment of the strands across all grade levels and to ensure the proposed new standards could be reasonably taught in an academic year. In December 2021, content advisors were sent the draft recommendations for review. A discussion item on the draft recommendations was presented to the board at the January 2022 SBOE meeting.

Proposed new 19 TAC §§126.1-126.3, §§126.8-126.10, and §§126.17-126.19 is presented for first reading and filing authorization as a separate item in this agenda.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.788-127.794**

**April 5, 2022**

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

**SUMMARY:** A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022, §127.789, Computer Science I (One Credit), Adopted 2022, §127.790, Computer Science II (One Credit), Adopted 2022, and §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022, §127.793, Digital Forensics (One Credit), Adopted 2022, §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§§7.102\(c\)\(4\); 28.002\(a\), \(c\), \(c-3\), and \(f\)\(2\); and 28.025\(a\), \(c-1\)\(1\) and \(c-10\).](#)

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, §28.002(c-3), requires the SBOE to adopt rules for technology applications in kindergarten through grade 8 that include coding, computer programming, computational thinking, and cybersecurity.

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

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

TEC, §28.025(c-1)(1), establishes that an endorsement may be earned in science, technology, engineering, and mathematics (STEM), which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 85th Texas Legislature, Regular Session, 2017, passed House Bill (HB) 3593, requiring that the SBOE approve courses in cybersecurity for credit for high school graduation. The legislation also added cybersecurity and computer coding to the courses to be included in a STEM endorsement and required that the SBOE adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommended TEKS for new cybersecurity courses for the required pathway. In April 2019, the SBOE approved for second reading and final adoption TEKS for two new cybersecurity courses, Foundations of Cybersecurity and Cybersecurity Capstone. At the June 2019 meeting, the board approved revisions to the TEKS for the existing Digital Forensics course so that it would better align with the new pathway. In 2020, the SBOE approved the consolidation of the high school technology applications courses, which included these three courses, into the CTE TEKS. A discussion of proposed new TEKS for these STEM courses was presented to the board at the January 2022 SBOE meeting.

Proposed new 19 TAC §§127.788-127.794 is presented for first reading and filing authorization as a separate item in this agenda.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Public Hearing on Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics**

April 5, 2022

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

**SUMMARY:** A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 5, 2022, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics (One-Half Credit), Adopted 2022. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

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 identify by rule 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(b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to determine by rule specific courses for graduation under the foundation high school program.

TEC, 28.025(b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires that in adopting TEKS for a personal financial literacy and economics course, the SBOE must ensure that the required curriculum allocates two-thirds of instruction time to instruction in personal financial literacy one-third of instruction time to instruction in economics.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The 83rd Texas Legislature passed House Bill (HB) 2662, amending TEC, §28.0021, to require school districts and open-enrollment charter schools offering a high school program to provide a one-half credit elective course in personal financial literacy. In 2016, the SBOE adopted the proposed new personal financial literacy course. The course, 19 TAC §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016, was implemented beginning with the 2016-2017 school year.

In 2021, the 87th Texas Legislature passed SB 1063, amending TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 requires that the SBOE adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics.

A TEKS review work group convened twice in January 2022 and once in February 2022 to draft recommendations for the proposed new course. The work group's charge includes developing recommendations for revisions to §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016; §113.31, Economics with Emphasis on the Free Enterprise System and Its Benefits, High School (One-Half Credit), Adopted 2018, and §113.31, Economics Advanced Studies (One-Half Credit), which will be presented to the SBOE for discussion at a future meeting.

Proposed new 19 TAC §113.76 is presented for first reading and filing authorization as a separate item in this agenda.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

## Commissioner's Comments

April 6, 2022

**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.

**Staff Member Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services

**Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B,  
Graduation Requirements  
(Second Reading and Final Adoption)**

**April 8, 2022**

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

**SUMMARY:** This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements. The proposed amendments would update the high school graduation requirements to align with Senate Bill (SB) 369 and SB 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.025(a), (b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, (b-3), (b-14), (b-17), (c), (c-1), (c-2), and (c-5); and 28.0256(a) and (b) and (d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021.

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 determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program.

TEC, §28.025(b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to determine by rule specific courses for graduation under the foundation high school program.

TEC, §28.025(b-3), requires the SBOE to approve a variety of advanced English, mathematics, and science courses that can be taken to fulfill the foundation high school program.

TEC, §28.025(b-14), requires the SBOE to allow a student receiving special education services to substitute the languages other than English requirement with 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.

TEC, §28.025(b-17), requires the SBOE to adopt rules that ensure a student who successfully completes an advanced career and technical education course, including a course that may lead to an industry-recognized credential or certificate or an associate degree may comply with elective requirements for graduation.

TEC, §28.025(c), requires that, in order to receive a high school diploma, a student must complete the curriculum requirements identified by the SBOE and comply with the financial aid application requirement in accordance with TEC, §28.0256.

TEC, §28.025(c-1), requires the SBOE to adopt rules regarding earning an endorsement.

TEC, §28.025(c-2), requires the SBOE to adopt rules for earning an endorsement that include four credits in mathematics and four credits in science.

TEC, §28.025(c-5), permits a student to earn a performance acknowledgment for outstanding performance in a dual credit course; in bilingualism and biliteracy; on a college advanced placement test or international baccalaureate examination; 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 on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule.

TEC, §28.0256(a), requires each student to complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.

TEC, §28.0256(b), provides an exception to students to opt out of the financial aid application requirement under TEC, §28.0256(a), by submitting a form signed by a parent, guardian, or student aged 18 years old or older, that authorizes the student to decline to comply with the financial aid application graduation requirement. A high school counselor may also authorize a student to decline to comply with the financial aid application graduation requirement for good cause.

TEC, §28.0256(d), as amended by SB 369, 87th Texas Legislature, Regular Session, 2021, specifies that if a school counselor notifies a school district whether a student has complied with the requirement under TEC, §28.0256(a) or (b), the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied. A school counselor may not indicate that a student has not complied with the requirement if the school district or charter school fails to provide the form.

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, 2022. 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 2022-2023 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

**PREVIOUS BOARD ACTION:** At the January 2022 SBOE meeting, the board approved for first reading and filing authorization the proposed amendments to 19 TAC Chapter 74, Subchapter B.

**BACKGROUND INFORMATION AND JUSTIFICATION:** SB 369, 87th Texas Legislature, Regular Session, 2021, amended TEC, §28.0256(d), to specify that a school counselor may not indicate that a student has not complied with the financial aid requirement for high school graduation if the school district or open-enrollment charter school fails to provide an opt-out form to the student or the student's parent or other person standing in parental relation to the student. Section 74.11 would be updated to add the new statutory provision.

SB 1063, 87th Texas Legislature, Regular Session, 2021, amended TEC, §28.025(b-1), to add a personal financial literacy and economics course as an option to satisfy graduation requirements for social studies under the foundation high school program. Section 74.12 would be updated to add the new credit option.

At the November 2020 SBOE meeting, the board approved for second reading and final adoption 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education. The effective date for the new Texas Essential Knowledge and Skills (TEKS) for physical education is August 1, 2022. The board approved the inclusion of new TEKS for three new high school physical education courses in Lifetime

Fitness and Wellness Pursuits, Lifetime Recreation and Outdoor Pursuits, and Skill-based Lifetime Activities that will replace Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, and Team or Individual Sports. Section 74.12 would be updated to add the new physical education courses to satisfy specific graduation requirements.

At the June 2021 SBOE meeting, the board approved for second reading and final adoption 19 TAC §112.51, Specialized Topics in Science, with an effective date of August 1, 2022. The board also amended the title of the Earth and Space Science course to Earth Systems Science. Section 74.12 and §74.13 would be updated to add the new course and update the course title to satisfy specific graduation requirements.

At the November 2021 SBOE meeting, the board approved for second reading and final adoption revised career and technical education (CTE) TEKS, which have historically been codified in 19 TAC Chapter 130. To accommodate the addition of these new courses and future courses, the SBOE took action to move the CTE TEKS in Chapter 130 to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and to rename the chapter "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." The move of all CTE subchapters from Chapter 130 to Chapter 127 will take place over time as the TEKS in each subchapter are revised. In November 2021 the board gave final approval to new 19 TAC Chapter 127, Subchapters G, I, J, M, and O. At the January 2022 SBOE meeting, the board took action to repeal the associated subchapters from Chapter 130 and move the sections to Chapter 127. Section 74.11 and §74.13 would be updated to reflect the move of CTE TEKS from Chapter 130 to Chapter 127 as well as the proposed new title for Chapter 127.

Proposed amendments to 74.14 would update references to the College Board's student commendation programs, add a new college preparation assessment instrument, and adjust scores on all college preparation assessment instruments to ensure the scores on the different assessments are comparable. A student may earn a performance acknowledgment on the student's transcript for outstanding performance 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 on an established valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities. Section 74.14 would be amended to update references to two College Board programs and to adjust scores that would qualify for a performance acknowledgment to ensure all scores reflect outstanding performance.

Three changes are recommended since approved for first reading and filing authorization. It is recommended that the SBOE eliminate a reference in §74.12(b)(2)(A) to Robotics Programming and Design, a course that was repealed in 2020. Additionally, it is recommended that the term *English learner* be changed to *emergent bilingual student* in §74.14(b)(2) to align with recent changes in statute. Finally, it is recommended that the SBOE approve the correction of a typographical error in §74.14(d)(2) related to the composite score required on the ACT Aspire™ examination for a student to earn a performance acknowledgment. At its January 2022 meeting, the SBOE approved a score of 441. However, the proposal filed with the Texas Register specified a score of 41.

The attachment to this item reflects the text of proposed amendments to 19 TAC Chapter 74, 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 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 updating the high school graduation requirements to align with SB 369 and 1063, 87th Texas Legislature, Regular Session, 2021; update course titles; add new courses to satisfy specific graduation requirements; and make technical edits.

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

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

The proposal would have no new data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the January 2022 SBOE meeting, notice of the proposed amendments to 19 TAC Chapter 74, Subchapter B, was filed with the Texas Register, initiating the public comment period. The public comment period began February 25, 2022, and ended at 5:00 p.m. on April 1, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 in accordance with the SBOE board operating policies and procedures.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements; and

Make an affirmative finding that immediate adoption of the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, 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 Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

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

**ATTACHMENT**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 74. Curriculum Requirements**

**Subchapter B. Graduation Requirements**

**§74.11. High School Graduation Requirements.**

- (a) To receive a high school diploma, a student entering Grade 9 in the 2014-2015 school year and thereafter must complete the following:
- (1) in accordance with subsection (d) of this section, requirements of the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program);
  - (2) testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment); and
  - (3) demonstrated proficiency, in Grade 8 or higher, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.
- (b) Beginning with students enrolled in Grade 12 during the 2021-2022 school year, each student in Grade 12 must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.
- (1) A student may graduate under the Foundation High School Program without completing a financial aid application if:
    - (A) ~~[(1)]~~ the student's parent or other person standing in parental relation submits a signed form, approved by the Texas Education Agency (TEA), indicating that the parent or other person declines to complete and submit the application or authorizes the student to decline to complete and submit the financial aid application;
    - (B) ~~[(2)]~~ the student signs and submits the form described by paragraph (1) of this subsection on the student's own behalf if the student is 18 years of age or older or has been emancipated under Texas Family Code, Chapter 31; or
    - (C) ~~[(3)]~~ a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor. [If a school counselor notifies a school district that a student has declined to complete and submit a financial aid application for good cause, the school counselor may not indicate details regarding what constitutes good cause.]
  - (2) A school counselor may not indicate that a student has not complied with this subsection if the school district or open-enrollment charter school fails to provide the form described by paragraph (1)(A) of this subsection to the student or the student's parent or guardian.
- (c) A school district shall clearly indicate the distinguished level of achievement under the Foundation High School Program, an endorsement, and a performance acknowledgment on the transcript or academic achievement record (AAR) of a student who satisfies the applicable requirements.
- (d) A student entering Grade 9 in the 2014-2015 school year and thereafter shall enroll in the courses necessary to complete the curriculum requirements for the Foundation High School Program specified in §74.12 of this title and the curriculum requirements for at least one endorsement specified in §74.13 of this title (relating to Endorsements).
- (e) 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 TEA, allowing the student to graduate under the Foundation High School Program without earning an endorsement.
- (f) A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the Foundation High School Program and the curriculum requirements for at least one endorsement required by the Texas Education Code (TEC), §28.025(b-15), including four credits in science and four credits in mathematics to include Algebra II.
- (g) An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma but must complete all requirements of this section to satisfy state graduation requirements. Any course credit required in this section that is not completed by the student before he or she enrolls in a Texas school district may be satisfied through the provisions of §74.23 of this title (relating to Correspondence Courses and Distance Learning) and §74.24 of this title (relating to Credit by Examination) or by completing the course or courses according to the provisions of §74.26 of this title (relating to Award of Credit).
- (h) Elective credits may be selected from the following:
- (1) high school courses not required for graduation that are listed in the following chapters of this title:
    - (A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
    - (B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);
    - (C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);
    - (D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
    - (E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);
    - (F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);
    - (G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);
    - (H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts);
    - (I) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education ); and
    - (J) Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education);
  - (2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);
  - (3) Junior Reserve Officer Training Corps (JROTC)--one to four credits;
  - (4) Driver Education--one-half credit; and
  - (5) College preparatory English language arts or mathematics courses developed and offered pursuant to the TEC, §28.014.

- (i) Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements.
- (j) A student may not be enrolled in a course that has a required prerequisite unless:
  - (1) the student has successfully completed the prerequisite course(s);
  - (2) the student has demonstrated equivalent knowledge as determined by the school district; or
  - (3) the student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.
- (k) A district may exempt a student from a specific career and technical education (CTE) course prerequisite for a CTE course that satisfies a mathematics or science credit if the district determines the student is not using the course to complete a CTE program of study.
- (l) ~~(k)~~ A district may award credit for a course a student completed without meeting the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.
- (m) ~~(l)~~ A district shall allow a student who successfully completes AP Computer Science A or IB Computer Science Higher Level to satisfy both one advanced mathematics requirement and one languages other than English requirement for graduation.
- (n) ~~(m)~~ Each school district shall annually report to the TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled as authorized by the TEC, §28.002(g-1). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (o) ~~(n)~~ Each school district shall annually report to the TEA the names of cybersecurity courses approved by the board of trustees for credit and the institutions of higher education in which the district's students have enrolled as authorized by the TEC, §28.002(g-3). The TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.
- (p) ~~(o)~~ A school district shall permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an institution of higher education (IHE). A student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, as certified by the IHE in accordance with §4.28 of this title (relating to Core Curriculum):
  - (1) is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
  - (2) is considered to have earned a distinguished level of achievement under the Foundation High School Program; and
  - (3) is entitled to receive a high school diploma.

**§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;~~

~~(iv)~~ ~~(v)~~ Financial Mathematics;

~~(v)~~ ~~(vi)~~ Applied Mathematics for Technical Professionals;

~~(vi)~~ ~~(vii)~~ Accounting II;

~~(vii)~~ ~~(viii)~~ Manufacturing Engineering Technology II; and

~~(viii)~~ ~~(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 Systems [~~and Space~~] Science;
  - (vi) Environmental Systems;
  - (vii) Specialized Topics in Science:
  - (viii) [~~(vii)~~] a comparable AP science course that does not count toward another credit required for graduation;
  - (ix) [~~(viii)~~] Advanced Animal Science;
  - (x) [~~(ix)~~] Advanced Plant and Soil Science;
  - (xi) [~~(x)~~] Anatomy and Physiology;
  - (xii) [~~(xi)~~] Medical Microbiology;
  - (xiii) [~~(xii)~~] Pathophysiology;
  - (xiv) [~~(xiii)~~] Food Science;
  - (xv) [~~(xiv)~~] Forensic Science;
  - (xvi) [~~(xv)~~] Biotechnology I;
  - (xvii) [~~(xvi)~~] Biotechnology II;
  - (xviii) [~~(xvii)~~] Principles of Technology;
  - (xix) [~~(xviii)~~] Scientific Research and Design;
  - (xx) [~~(xix)~~] Engineering Design and Problem Solving;
  - (xxi) [~~(xx)~~] Engineering Science;
  - (xxii) [~~(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;
  - (xxiii) [~~(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
  - (xxiv) [~~(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) One credit must consist of United States History Studies Since 1877.
- (B) One-half credit must consist of United States Government.
- (C) One-half credit must be selected from the following:
- (i) Economics with Emphasis on the Free Enterprise System and Its Benefits; or
- (ii) Personal Financial Literacy/Economics.
- (D) One credit must be selected from the following:
- (i) ~~(A)~~ World History Studies; ~~or~~
- (ii) ~~(B)~~ World Geography Studies; or
- (iii) ~~(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) Lifetime Fitness and Wellness Pursuits;
- (ii) Lifetime Recreation and Outdoor Pursuits; and
- (iii) Skill-Based Lifetime Activities.
- ~~(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, 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 Systems [~~and Space~~] Science;
- (F) Environmental Systems;
- (G) Specialized Topics in Science;
- (H) [~~G~~] a comparable AP science course that does not count toward another credit required for graduation;
- (I) [~~H~~] Advanced Animal Science;
- (J) [~~I~~] Advanced Plant and Soil Science;
- (K) [~~J~~] Anatomy and Physiology;
- (L) [~~K~~] Medical Microbiology;
- (M) [~~L~~] Pathophysiology;
- (N) [~~M~~] Food Science;
- (O) [~~N~~] Forensic Science;
- (P) [~~O~~] Biotechnology I;
- (Q) [~~P~~] Biotechnology II;
- (R) [~~Q~~] Principles of Technology;
- (S) [~~R~~] Scientific Research and Design;
- (T) [~~S~~] Engineering Design and Problem Solving;
- (U) [~~T~~] Engineering Science;
- (V) [~~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;
- (W) [~~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);
- (X) [~~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

(Y) [~~(X)~~] credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.

(Z) [~~(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 and Career and Technical Education), or CTE innovative courses approved by the commissioner of education. The final course in the sequence must be selected from Chapter 127 [~~130~~], Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; or

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

(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) 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 127, Subchapter J, of this title (relating to Hospitality and Tourism); or~~
  - ~~[(vi) Chapter 130, Subchapter I, of this title (relating to Hospitality and Tourism); or]~~
  - (vii) Chapter 130, Subchapter K, of this title (relating to Information Technology); or
  - (viii) Chapter 130, Subchapter M, of this title (relating to Manufacturing); or
  - (ix) Chapter 130, Subchapter N, of this title (relating to Marketing); or
  - (x) Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); or
  - (xi) Chapter 130, Subchapter Q, of this title (relating to Energy); or
  - (xii) Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i)-(xi) of this subparagraph; or
- (B) courses required to complete a TEA-designated program of study related to business and industry; or
- (C) 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
- (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 127, Subchapter G, of this title (relating to Education and Training); or~~
  - ~~[(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 127, Subchapter I, of this title (relating to Health Science); 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 127, Subchapter M, of this title (relating to Law and Public Service); or~~
  - ~~[(v) Chapter 130, Subchapter L, of this title (relating to Law, Public Safety, Corrections, and Security); or]~~
  - (vi) Career Preparation I or II and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph; or

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

**§74.14. Performance Acknowledgments.**

- (a) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in a dual credit course by successfully completing:
  - (1) at least 12 hours of college academic courses, including those taken for dual credit as part of the Texas core curriculum, and advanced technical credit courses, including locally articulated courses, with a grade of the equivalent of 3.0 or higher on a scale of 4.0; or
  - (2) an associate degree while in high school.
- (b) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in bilingualism and biliteracy as follows:
  - (1) A student may earn a performance acknowledgment by demonstrating proficiency in accordance with local school district grading policy in two or more languages by:
    - (A) completing all English language arts requirements and maintaining a minimum grade point average (GPA) of the equivalent of 80 on a scale of 100; and
    - (B) satisfying one of the following:
      - (i) completion of a minimum of three credits in the same language in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
      - (ii) demonstrated proficiency in the Texas Essential Knowledge and Skills for Level IV or higher in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
      - (iii) completion of at least three credits in foundation subject area courses in a language other than English with a minimum GPA of 80 on a scale of 100; or
      - (iv) demonstrated proficiency in one or more languages other than English through one of the following methods:
        - (I) a score of 3 or higher on a College Board Advanced Placement examination for a language other than English; or
        - (II) a score of 4 or higher on an International Baccalaureate examination for a higher-level languages other than English course; or
        - (III) performance on a national assessment of language proficiency in a language other than English of at least Intermediate High or its equivalent.
  - (2) In addition to meeting the requirements of paragraph (1) of this subsection, to earn a performance acknowledgment in bilingualism and biliteracy, an emergent bilingual student [English language learner] must also have:
    - (A) participated in and met the exit criteria for a bilingual or English as a second language (ESL) program; and
    - (B) scored at the Advanced High level on the Texas English Language Proficiency Assessment System (TELPAS).
- (c) A student may earn a performance acknowledgment on the student's transcript for outstanding performance on a College Board Advanced Placement test or International Baccalaureate examination by earning:
  - (1) a score of 3 or above on a College Board Advanced Placement examination; or

- (2) a score of 4 or above on an International Baccalaureate examination.
- (d) A student may earn a performance acknowledgment on the student's transcript for outstanding performance 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 on an established valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process by:
- (1) earning a score on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT®) that qualifies the student for recognition as a commended scholar or higher by the ~~[College Board and]~~ National Merit Scholarship Corporation or as an awardee ~~[, as part]~~ of the National ~~[Hispanic]~~ Recognition Programs ~~[Program (NHRP)]~~ of the College Board ~~[or as part of the National Achievement Scholarship Program of the National Merit Scholarship Corporation]~~ ;
  - (2) ~~earning a composite score of 441 [41] [achieving the ACT® readiness benchmark score on at least three of the five subject tests]~~ on the ACT Aspire™ examination;
  - (3) ~~earning a composite score of 29 on the ACT PreACT® examination;~~
  - (4) ~~[3]~~ earning a total score of at least ~~1350 [1310]~~ on the SAT®; or
  - (5) ~~[4]~~ earning a composite score on the ACT® examination of ~~29 [28]~~ (excluding the writing subscore).
- (e) A student may earn a performance acknowledgment on the student's transcript for earning a state-recognized or nationally or internationally recognized business or industry certification or license as follows.
- (1) A student may earn a performance acknowledgment with:
    - (A) performance on an examination or series of examinations sufficient to obtain a nationally or internationally recognized business or industry certification; or
    - (B) performance on an examination sufficient to obtain a government-required credential to practice a profession.
  - (2) Nationally or internationally recognized business or industry certification shall be defined as an industry-validated credential that complies with knowledge and skills standards promulgated by a nationally or internationally recognized business, industry, professional, or government entity representing a particular profession or occupation that is issued by or endorsed by:
    - (A) a national or international business, industry, or professional organization;
    - (B) a state agency or other government entity; or
    - (C) a state-based industry association.
  - (3) Certifications or licensures for performance acknowledgements shall:
    - (A) be age appropriate for high school students;
    - (B) represent a student's substantial course of study and/or end-of-program knowledge and skills;
    - (C) include an industry-recognized examination or series of examinations, an industry-validated skill test, or demonstrated proficiency through documented, supervised field experience; and
    - (D) represent substantial knowledge and multiple skills needed for successful entry into a high-skill occupation.

**Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills,  
Subchapter A, Character Traits  
(Second Reading and Final Adoption)**

**April 8, 2022**

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

**SUMMARY:** This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020. The proposed revisions would update the standards for positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021.

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 identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §29.906, as amended by SB 123, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to integrate positive character traits and personal skills into the essential knowledge and skills adopted for Kindergarten-Grade 12, as appropriate.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed revisions is August 1, 2022. 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 2022-2023 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for positive character traits effective August 1, 2019, for implementation beginning with the 2021-2022 school year. A discussion item on the proposed revisions to Chapter 120, Subchapter A, was presented to the Committee of the Full Board at the November 2021 SBOE meeting. The board approved the proposed revisions for first reading and filing authorization at its January 2022 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In 2019, the 86th Texas Legislature passed House Bill 1026, requiring the SBOE to integrate positive character traits into the essential knowledge and skills adopted for Kindergarten-Grade 12, as appropriate. The legislation required the SBOE to include the following positive character education traits in the standards: courage; trustworthiness, including honesty, reliability, punctuality, and loyalty; integrity; respect and courtesy; responsibility, including accountability, diligence, perseverance, and self-control; fairness, including justice and freedom from prejudice; caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity; good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; school pride; and gratitude. The legislation also required school districts and open-enrollment charter schools to adopt a character education program that includes the required positive character traits. At the January 2020 SBOE meeting, a discussion item on character traits instruction was presented to the Committee of the Full Board. The committee requested that staff prepare a proposal to add essential knowledge and skills for positive character traits as a new chapter in the TAC. The SBOE adopted the TEKS for positive character traits effective August 1, 2019. The new TEKS were implemented beginning with the 2021-2022 school year.

The 87th Texas Legislature, Regular Session, 2021, passed SB 123, which required the SBOE to add personal skills to the TEKS for positive character traits. The legislation added responsible decision-making skills, interpersonal skills, and self-management skills to the required topics to be addressed in the standards.

The proposed amendments to §§120.3, 120.5, 120.7, and 120.9 would add the required new topics to the TEKS for positive character traits in Kindergarten-Grade 12. The changes are proposed to be implemented beginning with the 2022-2023 school year.

In addition, §120.1, which contains implementation language for the subchapter, is proposed for repeal. Implementation language would be added as new subsection (a) for each course.

No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand existing regulations by updating the standards for positive character traits to align with the requirements of SB 123, 87th Texas Legislature, Regular Session, 2021, and adding implementation language to each course. The proposed rulemaking would also repeal an existing regulation by removing separate implementation language in §120.1.

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 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 update the standards for positive character traits to align with statute. 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 January 2022 SBOE meeting, notice of proposed revisions to 19 TAC Chapter 120, Subchapter A, was filed with the Texas Register, initiating the public comment period. The public comment period began February 25, 2022, and ended at 5:00 p.m. on April 1, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 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 repeal of 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020; and

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020, 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 Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits

ATTACHMENT  
Text of Proposed Revisions to 19 TAC

**Chapter 120. Other Texas Essential Knowledge and Skills**

**Subchapter A. Character Traits**

**§120.1. Implementation of Texas Essential Knowledge and Skills for Positive Character Traits.**

- ~~(a) The provisions of this subchapter shall be implemented by school districts beginning with the 2021-2022 school year.~~
- ~~(b) School districts and open enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.~~
- ~~(c) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.~~

**§120.3. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Kindergarten-Grade 2, Adopted 2020.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.
- (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
- (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.
- (b) ~~(a)~~ Introduction.
- (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
- (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .
- (A) Trustworthiness: honesty, [loyalty,] integrity, loyalty, punctuality, and reliability [-and punctuality] .
- (B) Responsibility: accountability, diligence, perseverance, [diligence, and] self-control , and self-management .
- (C) Caring: interpersonal skills, including [kindness, empathy,] charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience [-consideration, and compassion] .
- (D) Good citizenship: having [Citizenship: respect, courtesy,] concern for the common good and the community ; having respect for authority , [fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and] law, justice, and the rights of

others; being free from prejudice; having gratitude and school pride; being courteous, fair, and patriotic; and making responsible decisions .

- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, differences, ~~[difference and]~~ diversity, biases, and the social and cultural context in which they live.
- (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

- (1) Trustworthiness. The student understands how personal skills, choices, and actions relate to character building. The student is expected to:
  - (A) describe how personal choices lead to personal actions;
  - (B) explain what it means to be trustworthy; and
  - (C) identify personal actions that build trustworthiness, including being honest and punctual.
- (2) Responsibility. The student understands the concept of responsibility and how personal actions and self-management skills demonstrate responsibility. The student is expected to:
  - (A) describe and give examples of how feelings and beliefs influence personal actions;
  - (B) describe how to make personal choices before speaking and acting; ~~[and]~~
  - (C) define self-control and discuss effective self-management skills, including listening to others, managing one's emotions, and setting goals; and [identify instances in which self-control is important.]
  - (D) identify instances in which self-management skills are important.
- (3) Caring. The student understands how personal actions and interpersonal skills demonstrate characteristics of caring. The student is expected to:
  - (A) listen actively when sharing and cooperating with others;
  - (B) ~~[(A)]~~ define patience and identify actions that demonstrate patience; and
  - (C) ~~[(B)]~~ explain and identify examples of how actions can demonstrate kindness to others.
- (4) Good citizenship [Citizenship] . The student understands how personal actions and responsible decision making can demonstrate good citizenship. The student is expected to:
  - (A) define fairness and identify examples of fairness when making decisions in a variety of situations;
  - (B) define and identify examples of school pride and patriotism;
  - (C) explain what it means to demonstrate respect and courtesy and why it is important to demonstrate respect and courtesy to others; and
  - (D) describe ways in which individuals demonstrate respect for authority and law.
  - ~~[(D)]—define good citizenship.~~

**§120.5. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 3-5, Adopted 2020.**

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.

- (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
- (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

(b) ~~(a)~~ Introduction.

- (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
- (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .
  - (A) Trustworthiness: honesty, ~~loyalty,~~ integrity, loyalty, punctuality, and reliability ~~[and punctuality]~~ .
  - (B) Responsibility: accountability, diligence, perseverance, ~~[diligence, and]~~ self-control , and self-management .
  - (C) Caring: interpersonal skills, including ~~[kindness, empathy,]~~ charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience ~~[, consideration, and compassion]~~ .
  - (D) Good citizenship: having ~~[Citizenship: respect, courtesy,]~~ concern for the common good and the community ; having respect for authority , ~~[fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and]~~ law, justice, and the rights of others; being free from prejudice; having gratitude and school pride; being courteous, fair, and patriotic; and making responsible decisions .
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, differences, ~~[difference and]~~ diversity, biases, and the social and cultural context in which they live.
- (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

- (1) Trustworthiness. The student understands how personal skills, choices, and actions build trustworthiness ~~[responsibility relates to being trustworthy]~~ . The student is expected to:
  - (A) identify and define traits of trustworthiness, including reliability and loyalty;
  - (B) identify and practice strategies for being honest and punctual; and

- (C) define and identify examples of unethical behavior.
- (2) Responsibility. The student understands how personal choices are associated with responsibility. The student is expected to:
  - (A) explain what it means to be responsible for personal decisions and actions;
  - (B) describe positive and negative consequences of personal decisions and actions;
  - (C) identify and demonstrate effective self-management skills, including acting on feedback constructively and setting and working toward goals ~~[ways to practice self control]~~; and
  - (D) describe the relationship between being responsible and being accountable.
- (3) Caring. The student understands how personal actions and interpersonal skills demonstrate characteristics of caring. The student is expected to:
  - (A) describe how feelings impact decision making and behaviors;
  - (B) identify and practice interpersonal skills, including showing consideration and compassion through listening, sharing, and cooperating with others; and  
~~[(B) — explain how one can show patience, consideration, and compassion; and]~~
  - (C) define empathy and discuss the connection between empathy and charity.
- (4) Good citizenship ~~[Citizenship]~~. The student understands that personal responsibility and responsible decision making are ~~[is]~~ associated with good citizenship. The student is expected to:
  - (A) describe the differences and similarities among gratitude, respect, and courtesy;
  - (B) compare fairness and justice; ~~[and]~~
  - (C) demonstrate responsibility and courage when making decisions for the common good of the classroom and community; and
  - (D) ~~[(C)]~~ discuss the importance of obeying laws and rules.

**§120.7. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 6-8, Adopted 2020.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.
  - (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
  - (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.
- (b) ~~[(a)]~~ Introduction.
  - (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
  - (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .

- (A) Trustworthiness: honesty, [loyalty,] integrity, loyalty, punctuality, and reliability [~~and punctuality~~] .
  - (B) Responsibility: accountability, diligence, perseverance, [~~diligence, and~~ self-control , and self-management .
  - (C) Caring: interpersonal skills, including [~~kindness, empathy,] charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience [~~, consideration, and compassion~~]~~ .
  - (D) Good citizenship: having [~~Citizenship: respect, courtesy,] concern for the common good and the community ; having respect for authority , [~~fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and~~ law, justice, and the rights of others; being free from prejudice; having gratitude and school pride; being courteous, fair, and patriotic; and making responsible decisions~~ .
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, differences, [~~difference and~~ diversity, biases, and the social and cultural context in which they live.
  - (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
  - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) [~~(b)~~] Knowledge and skills.

- (1) Trustworthiness. The student understands how personal skills, choices , and actions build trustworthiness. The student is expected to:
  - (A) describe what it means to be reliable and loyal;
  - (B) define and give examples of honesty and integrity;
  - (C) examine the benefits of being trustworthy; and
  - (D) describe personal actions that demonstrate trustworthiness at school, home, with peers, and within the community.
- (2) Responsibility. The student understands how personal beliefs and feelings and self-management skills influence one's [~~one~~] sense of responsibility. The student is expected to:
  - (A) examine how personal beliefs, thoughts, and feelings about self can build responsibility;
  - (B) identify and describe personal role models who demonstrate what it means to be accountable for words and actions;
  - (C) discuss the benefits of practicing self-management skills [~~self-control~~] ; and
  - (D) compare the benefits of responsible behavior with the consequences of irresponsible behavior.
- (3) Caring. The student understands how interpersonal skills and characteristics of caring impact personal relationships. The student is expected to:
  - (A) evaluate one's personal attitudes and mindsets about self and others;
  - (B) discuss how feelings, decision making, [and] personal behaviors , and interpersonal skills can influence relationships with others; and
  - (C) explain and identify examples of how a person can demonstrate empathy through kindness, charity, generosity, and courtesy.

- (4) Good citizenship [Citizenship]. The student understands how responsible decision making and good [~~the character trait of~~] citizenship impact [~~impacts~~] personal relationships. The student is expected to:
- (A) differentiate between personal responsibility and responsible decision making and give examples of each;
- ~~[(A) discuss the roles and responsibilities of citizens;]~~
- (B) explain how one's personal actions can impact the perception of others; and
- ~~[(C) describe how justice, fairness, and freedom are related; and]~~
- (C) ~~[(D)]~~ identify and practice a variety of conflict-resolution skills and strategies.

**§120.9. Texas Essential Knowledge and Skills for Positive Character Traits and Personal Skills , Grades 9-12, Adopted 2020.**

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2021-2022 school year.

- (1) School districts and open-enrollment charter schools are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills outlined in this subchapter at least once in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12.
- (2) School districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

(b) ~~[(a)]~~ Introduction.

- (1) Character education introduces students to character traits and personal skills that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits and personal skills reflect positive beliefs, attitudes, and mindsets; provide opportunities for self-reflection; and permit students to apply effective strategies to make decisions, solve problems, and behave responsibly.
- (2) The standards for positive character traits and personal skills are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits and personal skills .
- (A) Trustworthiness: honesty, [loyalty,] integrity, loyalty, punctuality, and reliability [~~, and punctuality~~] .
- (B) Responsibility: accountability, diligence, perseverance, [diligence, and] self-control , and self-management .
- (C) Caring: interpersonal skills, including [kindness, empathy,] charity, compassion, consideration, cooperation, empathy, generosity, kindness, and patience [~~, consideration, and compassion~~] .
- (D) Good citizenship: having [Citizenship: respect, courtesy,] concern for the common good and the community ; having respect for authority , [fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and] law, justice, and the rights of others; being free from prejudice; having gratitude and school pride; being courteous, fair, and patriotic; and making responsible decisions .
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, differences, [difference and] diversity, biases, and the social and cultural context in which they live.

- (4) The knowledge and skills for positive character traits and personal skills are organized in the following grade bands: Kindergarten-Grade 2, Grades 3-5, Grades 6-8, and Grades 9-12. However, due to the complexity of the concepts, student expectations and knowledge and skills statements cannot be taught, discussed, or viewed in isolation.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) ~~(b)~~ Knowledge and skills.

- (1) Trustworthiness. The student understands how trustworthiness is viewed in society, politics, and the local and global community. The student is expected to:
  - (A) examine how the power to make decisions relates to personal actions;
  - (B) analyze how the decisions and actions of leaders in society, government, ~~[politics]~~ and the local and global community demonstrate loyalty and integrity; and
  - (C) examine the legal and social consequences of unethical behavior.
- (2) Responsibility. The student understands how leaders demonstrate responsibility in relationships, families, societies, politics, and the global community. The student is expected to:
  - (A) identify and describe personal role models who demonstrate what it means to be accountable for words and actions;
  - (B) identify and discuss real-world examples of taking personal responsibility for one's words and actions;
  - (C) identify and evaluate strategies for practicing self-management skills ~~[self-control]~~ in a variety of situations; and
  - (D) differentiate between and give examples of diligence and ~~[define]~~ perseverance and identify strategies for demonstrating perseverance.
- (3) Caring. The student understands how interpersonal skills and characteristics of caring influence society and impact the global community. The student is expected to:
  - (A) evaluate one's personal attitudes and mindsets about self and others;
  - (B) discuss how feelings, decision making, ~~[and]~~ personal behaviors, and interpersonal skills can impact professional and social relationships ~~[within society]~~; and
  - (C) identify strategies for how a person can show empathy through one's actions.
- (4) Good citizenship ~~[Citizenship]~~. The student understands how responsible decision making and good ~~[character traits of]~~ citizenship influence one's ~~[our]~~ personal view of society and the local and global community. The student is expected to:
  - (A) explain the impact of personal actions and responsible decision making on the family, school, and local and global community;
  - (B) describe how justice, fairness, and freedom are related;
  - ~~[(B) — practice the roles and responsibilities of citizenship in a variety of settings;]~~
  - (C) apply conflict resolution ~~[resolutions]~~ skills; and
  - (D) participate in constructive dialogues with those of differing viewpoints.

**Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.317, 127.318, and 127.323, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784**  
**(Second Reading and Final Adoption)**

**April 8, 2022**

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

**SUMMARY:** This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II. The proposed new sections would update the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) for courses in the career clusters for education and training and science, technology, engineering, and mathematics (STEM) to ensure the standards are up to date. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

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 identify by rule 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, §28.002(n), allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the CTE curriculum required in TEC, §28.002.

TEC, §28.002(o), requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

TEC, §28.025(b-2), requires the SBOE to allow by rule a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

TEC, §28.025(b-17), requires the SBOE to ensure by rule that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections 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 2022-2023 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised CTE TEKS.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for CTE, including career development, effective September 1, 1998. The CTE TEKS were amended effective August 23, 2010. In April 2015 and July 2015, the board approved for second reading and final adoption proposed revisions to the CTE TEKS. At the September 2015 meeting, the board approved for second reading and final adoption proposed new CTE TEKS for an Advanced Marketing course and second-level practicum and automotive technology courses. The revised CTE TEKS were implemented at the start of the 2017-2018 school year.

The SBOE approved proposed revisions to 19 TAC Chapter 130, Subchapters B, H, J, M, and O, for second reading and final adoption at the January-February 2018 meeting. The revised CTE courses were implemented at the start of the 2018-2019 school year.

In November 2021, the board approved for second reading and final adoption proposed new CTE TEKS for certain courses in the health science; education and training; hospitality and tourism; law and public safety; and STEM programs of study. The new CTE TEKS will be implemented over the course of three school years from 2022-2023 to 2024-2025.

At the January 2022 SBOE meeting, the board approved for first reading and filing authorization proposed new 19 TAC §§127.317, 127.318, 127.323, 127.783, and 127.784.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification examinations, adoption of instructional materials, and the completion of the Texas Resource Review. Texas Education Agency (TEA) staff provided an overview of CTE programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS.

Also during the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science; education and training; and STEM programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened from March-July 2021 to develop recommendations for the CTE courses. At the June 2021 SBOE meeting, a discussion item for proposed new 19 TAC Chapter 130 was presented to the board. At the September 2021 SBOE meeting, one representative from each CTE TEKS review committee provided invited testimony to the SBOE Committee of the Full Board.

The SBOE postponed first reading and filing authorization for a selection of courses from the education and training and STEM programs of study: §127.317, Child Development; §127.318, Child Guidance; §127.323, Human Growth and Development; §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II, to allow additional time to review and finalize recommendations. Education and training CTE TEKS work groups met in October and November 2021 to continue finalizing their recommendations for revisions to the CTE TEKS.

Proposed new 19 TAC §§127.317, 127.318, 127.323, 127.783, and 127.784 would update the CTE TEKS to ensure the standards for the courses are up to date. In order to avoid confusion regarding the year of implementation, the proposed new sections would include an implementation subsection with specific implementation language for each course.

Currently, CTE courses are codified in 19 TAC Chapter 130. Due to the current structure of 19 TAC Chapter 130, there are not enough section numbers available in Chapter 130 to add all of the proposed new courses in their assigned subchapters. To accommodate the addition of these new courses and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and that chapter is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." The move of CTE subchapters from Chapter 130 to Chapter 127 will take place over time as the TEKS in each subchapter are revised. In order to avoid confusion regarding the year of implementation, the proposed new sections would include an implementation subsection with specific implementation language for each course.

No changes are recommended since approved for first reading.

Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, §§127.310, 127.312, 127.313, 127.409, 127.753, 127.755, 127.761, 127.764; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, §130.277, is presented for first reading and filing authorization as a separate item in this agenda.

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

TEA has determined that for the first five years the proposal is in effect (2022-2026), there are no fiscal implications to the state. However, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed revisions to the TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**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. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new CTE TEKS required to be taught by school districts and charter schools offering the courses.

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

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

The proposal would better align the TEKS and coordinate the standards with the adoption of instructional materials. 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.

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 January 2022 SBOE meeting, notice of proposed new 19 TAC §§127.317, 127.318, 127.323, 127.783, and 127.784, was filed with the Texas Register, initiating the public comment period. The public comment period began February 25, 2022, and ended at 5:00 p.m. on April 1, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 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 new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II; and

Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II, 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 Programs  
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II

ATTACHMENT  
Text of Proposed New 19 TAC

**Chapter 127. Texas Essential Knowledge and Skills for Career Development**

**Subchapter G. Education and Training**

**§127.317. Child Development (One Credit), Adopted 2021.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.
- (1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.
  - (2) If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
  - (3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Human Services or Principles of Education and Training. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
  - (2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.
  - (3) Child Development is a course that addresses knowledge and skills related to child growth and development from prenatal through school-age children. Students use these skills to promote the well-being and healthy development of children and investigate careers related to the care and education of children.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
  - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
    - (A) apply interpersonal communication skills in business and industry settings;
    - (B) explain the value of and demonstrate collaboration within the work environment;
    - (C) apply productive work habits, including time management, organization, initiative, and self-direction;

- (D) identify work ethics and professional skills needed in a work environment; and
  - (E) identify and demonstrate problem-solving, creativity, and critical-thinking skills needed within the work environment.
- (2) The student analyzes roles and responsibilities of caregivers or guardians. The student is expected to:
- (A) compare parenting styles and the potential influence of each style on a child's development;
  - (B) investigate the legal rights and responsibilities of parents;
  - (C) analyze positive relationship characteristics and developmentally appropriate communication skills needed for parenting; and
  - (D) analyze the parental responsibilities of educating children through the continuum of developmental stages.
- (3) The student examines the care, protection, and safety of children. The student is expected to:
- (A) analyze the effects of childhood trauma at each developmental stage;
  - (B) describe the counseling and therapeutic services available to children such as pharmacotherapy and cognitive-behavioral, family, trauma-focused, and play therapy;
  - (C) demonstrate first aid and cardiopulmonary resuscitation skills;
  - (D) analyze community resources relevant to the care and protection of children, including childcare services, health care services, and auxiliary service organizations;
  - (E) examine suggested preventative health care recommendations for children such as American Academy of Pediatrics (AAP) and Centers for Disease Control and Prevention (CDC) guidelines and recommendations for immunizations, physical exams, and oral hygiene;
  - (F) assess the safety of children's cribs, toys, clothing, food, and travel safety equipment; and
  - (G) identify current legislation and public policies affecting the care, protection, and safety of children.
- (4) The student investigates components of optimal prenatal care and development. The student is expected to:
- (A) identify signs and stages of pregnancy;
  - (B) analyze the effect of environmental and hereditary factors on conception and fetal development, including prenatal brain development;
  - (C) identify characteristics of, contributing factors to, and treatment of various fetal birth defects, including defects of unknown ideology;
  - (D) analyze nutritional needs prior to and during pregnancy;
  - (E) analyze appropriate medical care and good health practices prior to and during pregnancy;
  - (F) explain how technological advances in prenatal care can impact child development;
  - (G) explore careers that provide service to those receiving prenatal care; and
  - (H) analyze the process of labor and delivery methods.
- (5) The student investigates strategies for optimizing the development of children ages birth through 12 months, including those with special needs. The student is expected to:
- (A) analyze the physical, emotional, social, intellectual, and moral developmental needs of children ages birth through twelve months;

- (B) investigate the impact of children ages birth through twelve months on the family such as the impact on roles, finances, responsibilities, and relationships in the family;
  - (C) analyze the impact of technology such as personal usage or exposure and assistive technologies on the growth and development of children ages birth through 12 months;
  - (D) explore careers that provide service to children ages birth through twelve months; and
  - (E) identify appropriate nutrition and ways to meet nutritional needs, including breast feeding and formula feeding, and considerations related to food allergies for children ages birth through twelve months.
- (6) The student investigates strategies for optimizing the development of children ages 13 months through 35 months, including those with special needs. The student is expected to:
- (A) analyze the physical, emotional, social, intellectual, and moral developmental needs of children ages 13 months through 35 months;
  - (B) create play activities such as pre-literacy, social emotional learning, mathematics, science, physical movement, outdoor play, art, and music activities that enhance the growth and development of children ages 13 months through 35 months;
  - (C) analyze the impact of technology such as personal usage and assistive technologies on the growth and development of children ages 13 months through 35 months;
  - (D) analyze appropriate nutritional guidelines that promote wellness in children ages 13 months through 35 months;
  - (E) explore careers that provide service to children ages 13 months through 35 months; and
  - (F) prepare or plan developmentally appropriate snacks or meals that meet appropriate nutritional guidelines for children ages 13 months through 35 months.
- (7) The student analyzes the growth and development of children ages 3 through 5 years, including those with special needs. The student is expected to:
- (A) analyze the physical, emotional, social, intellectual, and moral development needs of the children ages 3 through 5 years;
  - (B) describe the role of play in the development of children ages 3 through 5 years;
  - (C) develop activities such as physical exercise or group play activities that meet developmental needs of children ages 3 through 5 years;
  - (D) prepare or plan developmentally appropriate snacks or meals that meet appropriate nutritional guidelines for children ages 3 through 5 years;
  - (E) identify minimum standards for licensing regulations of various preschools and childcare settings such as in-home, private, public, and religious organizations;
  - (F) explore careers that provide service to children ages 3 through 5 years; and
  - (G) analyze the impact of technology on the growth and development of children ages 3 through 5 years such as personal usage, assistive technologies, and digital citizenship.
- (8) The student analyzes the growth and development of children ages 6 through 11 years, including those with special needs. The student is expected to:
- (A) analyze the physical, emotional, social, intellectual, and moral development needs of children ages 6 through 11 years;
  - (B) compare the roles of various school environments such as public, private, and home settings in the growth and development of children ages 6 through 11 years;

- (C) evaluate the importance of and influences on individual and group identity such as self-concept theories, learning styles, group dynamics, cultural influences, and societal norms in relation to the growth and development of children ages 6 through 11 years;
  - (D) develop appropriate activities for meeting developmental needs of children ages 6 through 11 years such as physical exercise, language development, communication, listening skills, independence, conflict resolution, and self-discipline;
  - (E) create balanced meal plans that are developmentally appropriate for children ages 6 through 11 years, including children with special dietary needs such as food allergies and type I diabetes;
  - (F) explore careers that provide service to children ages 6 through 11 years;
  - (G) discuss legislation and public policies affecting children ages 6 through 11 years; and
  - (H) analyze the impact of technology on the growth and development of children ages 6 through 11 years such as personal usage, assistive technologies, and digital citizenship.
- (9) The student analyzes the growth and development of children ages 12 through 19 years, including those with special needs. The student is expected to:
- (A) summarize the physical, emotional, social, intellectual, and moral needs of children ages 12 through 19 years;
  - (B) assess the role of the various school environments such as public, private, and home environments on the growth and development of children ages 12 through 19 years;
  - (C) evaluate the importance of and influences on individual and group identity such as self-concept theories, group dynamics, cultural influences, and societal norms in relation to the growth and development of children ages 12 through 19 years;
  - (D) develop appropriate activities for meeting developmental needs of children ages 12 through 19 years such as physical, academic, professional, and social skills;
  - (E) create recipes for nutritious snacks or meals appropriate for preparation by children ages 12 through 19 years, including snacks or meals for individuals with special dietary needs such as food allergies or type I diabetes;
  - (F) explore careers that provide service to children ages 12 through 19 years;
  - (G) discuss legislation, child labor laws, and public policies affecting children ages 12 through 19 years;
  - (H) analyze the impact of technology such as personal usage, assistive technologies, digital citizenship, digital footprints, and social media on the growth and development of children ages 12 through 19 years; and
  - (I) propose short- and long-term career goals in child development.

**§127.318. Child Guidance (Two Credits), Adopted 2021.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
  - (1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.
  - (2) If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.
  - (3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of

each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Child Development or Child Development Associate Foundations. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Child Guidance is a course that addresses the knowledge and skills related to child growth and guidance, equipping students to develop positive relationships with children and effective caregiver skills. Students use these skills to promote the well-being and healthy development of children, strengthen a culturally diverse society, and pursue careers related to the care, guidance, and education of children, including those with special needs. Instruction may be delivered through school-based laboratory training or through work-based delivery arrangements such as cooperative education, mentoring, and job shadowing.

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

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

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

(A) demonstrate effective verbal, nonverbal, written, and electronic communication skills;

(B) demonstrate effective collaboration skills within the workplace;

(C) identify characteristics of effective leaders and team members;

(C) explain the importance of time management to succeed in the workforce;

(D) apply work ethics and professionalism in a job setting; and

(E) use appropriate problem-solving and critical-thinking skills.

(2) The student practices ethical and legal responsibilities associated with providing childcare services. The student is expected to:

(A) apply ethical codes of conduct in a childcare setting;

(B) create coherent written communication between parents and childcare staff;

(C) identify regulatory and compliance guidelines for maintaining documentation in childcare settings, including educational, personnel, and public records;

(D) advocate through appropriate means for children when necessary;

(E) comply with laws and regulations related to childcare services;

(F) determine potential uses and management of technology, media, and resources to foster healthy child development; and

(G) employ safeguards to prevent misuse and abuse of technology and media with children.

- (3) The student analyzes childcare options for children of various ages. The student is expected to:
- (A) compare the financial considerations of childcare options;
  - (B) examine criteria for selecting quality childcare; and
  - (C) review minimum standards for licensing and regulations for center-based and home-based programs.
- (4) The student analyzes responsibilities that promote health and wellness of children. The student is expected to:
- (A) monitor student behavior for signs of physical illness and emotional disturbances in children;
  - (B) practice child guidance techniques that contribute to the health and wellness of children such as adequate rest, exercise, safety, and sanitation;
  - (C) apply procedures for creating safe environments for children; and
  - (D) create a meal plan for children, including nutritious snacks, following appropriate food guidelines.
- (5) The student analyzes the effect of play in the development of children. The student is expected to:
- (A) create examples of play that promote the physical, intellectual, emotional, and social development of children; and
  - (B) implement strategies to encourage socially appropriate constructive and creative play, including indoor and outdoor activities.
- (6) The student applies appropriate guidance techniques for children of various ages and developmental levels, including those with special needs. The student is expected to:
- (A) discuss the various types of guidance and their effects on children;
  - (B) determine and apply appropriate guidance techniques; and
  - (C) distinguish between guidance techniques and behavior that could be considered inappropriate, harmful, or abusive.
- (7) The student will implement appropriate strategies and practices for optimizing the development of children ages birth through twelve months, including those with special needs. The student is expected to:
- (A) create and implement activities for the development of sensory skills;
  - (B) create and implement activities for the development of language skills;
  - (C) create and implement activities for the development of physical and motor skills; and
  - (D) create and implement activities for the development of social skills.
- (8) The student will implement appropriate strategies and practices for optimizing the development of children ages 13 months through 35 months, including those with special needs. The student is expected to:
- (A) create and implement lesson plans for the development of physical skills;
  - (B) create and implement lesson plans for the development of vocabulary and language skills;
  - (C) create and implement lesson plans for the development of appropriate mathematics skills;
  - (D) create and implement lesson plans for the development of appropriate science skills; and
  - (E) create and implement lesson plans for the development of social and emotional skills.
- (9) The student will implement appropriate strategies and practices for optimizing the development of children ages 3 through 5 years, including those with special needs. The student is expected to:

- (A) create and implement lesson plans for the development of physical skills;
  - (B) create and implement lesson plans for the development of appropriate reading and language skills;
  - (C) create and implement lesson plans for the development of appropriate mathematics and problem-solving skills;
  - (D) create and implement lesson plans for the development of appropriate science skills; and
  - (E) create and implement lesson plans for the development of social and emotional skills.
- (10) The student makes informed career decisions that reflect personal, family, and career goals. The student is expected to:
- (A) analyze the impact of career decisions on personal and family goals;
  - (B) assess personal interests, aptitudes, and abilities needed in the childcare profession;
  - (C) develop short- and long-term career goals;
  - (D) evaluate employment and entrepreneurial opportunities; and
  - (E) evaluate educational requirements for early childhood development and services.

**§127.323. Human Growth and Development (One Credit), Adopted 2021.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.
  - (2) If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.
  - (3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Education and Training or Principles of Human Services. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
  - (2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.
  - (3) Human Growth and Development is an examination of human development across the lifespan with emphasis on research, theoretical perspectives, and common physical, cognitive, emotional, and social developmental milestones. Students use the knowledge and skills gained in this course to prepare for a career path working with children in an educational or service learning setting. The course covers material that is generally taught in a postsecondary, one-semester introductory course in developmental psychology or human development.

- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
- (A) demonstrate written communication skills;
  - (B) perform job-appropriate numerical and arithmetic applications;
  - (C) practice various forms of communication such as verbal and non-verbal communication used in educational and career settings;
  - (D) exhibit teamwork skills;
  - (E) apply decision-making skills;
  - (F) implement problem-solving techniques;
  - (G) describe and apply conflict management skills;
  - (H) describe and demonstrate effective leadership skills;
  - (I) update a professional portfolio with portfolio components such as a resume and samples of work;
  - (J) demonstrate professionalism; and
  - (K) describe effective work ethic practices.
- (2) The student understands historical, theoretical, and research perspectives of human growth and development throughout the lifespan. The student is expected to:
- (A) explain the role of theories in understanding human development;
  - (B) describe theoretical perspectives regarding influences on human development throughout the lifespan;
  - (C) summarize how historical theories influence modern theories of human development;
  - (D) compare research methods commonly used to study human development; and
  - (E) compare pedagogy and andragogy.
- (3) The student understands the importance of prenatal care in the development of a child. The student is expected to:
- (A) describe nutritional needs prior to and during pregnancy;
  - (B) explain reasons for medical care and good health practices prior to and during pregnancy;
  - (C) outline stages of prenatal development;
  - (D) discuss the role of genetics in prenatal development; and
  - (E) identify environmental factors affecting development of the fetus.
- (4) The student understands the development of children ages newborn through two years. The student is expected to:
- (A) analyze the physical, emotional, social, and cognitive development of infants and toddlers;
  - (B) analyze various developmental theories relating to infants and toddlers;

- (C) investigate the influences of the family and society on the infant and toddler;
  - (D) summarize strategies for optimizing the development of infants and toddlers, including those with special needs;
  - (E) determine techniques that promote the health and safety of infants and toddlers; and
  - (F) determine developmentally appropriate guidance techniques for children in the first two years of life.
- (5) The student understands the development of children ages 3 through 5 years. The student is expected to:
- (A) analyze the physical, emotional, social, and cognitive development of preschoolers;
  - (B) analyze various developmental theories relating to preschoolers;
  - (C) investigate the influences of the family and society on preschoolers;
  - (D) summarize strategies for optimizing the development of preschoolers, including those with special needs;
  - (E) determine techniques that promote the health and safety of preschoolers; and
  - (F) compare and suggest developmentally appropriate guidance techniques for preschoolers.
- (6) The student understands the development of children ages 6 through 11 years. The student is expected to:
- (A) analyze the physical, emotional, social, and cognitive development of children in the early to middle childhood stage of development;
  - (B) analyze various developmental theories relating to children in the early to middle childhood stage of development;
  - (C) investigate the influences of the family and society on children in the early to middle childhood stage of development;
  - (D) summarize strategies for optimizing the development of children in the early to middle childhood stage of development, including those with special needs;
  - (E) determine techniques that promote the health and safety of children in the early to middle childhood stage of development; and
  - (F) compare and suggest developmentally appropriate guidance techniques for children in the early to middle childhood stage of development.
- (7) The student understands the development of adolescents ages 12 through 19 years. The student is expected to:
- (A) analyze the biological and cognitive development of adolescents;
  - (B) analyze the emotional and social development of adolescents;
  - (C) discuss various theoretical perspectives relevant to adolescent growth and development;
  - (D) investigate the influences of the family and society on adolescents;
  - (E) summarize strategies for optimizing the development of adolescents, including those with special needs;
  - (F) determine techniques that promote the health and safety of adolescents; and
  - (G) compare and suggest developmentally appropriate guidance techniques for adolescents.
- (8) The student understands the importance of care and protection of children and adolescents. The student is expected to:

- (A) determine services provided by agencies that protect the rights of children and adolescents;
  - (B) summarize various resources focusing on the care and protection of children and adolescents;
  - (C) discuss the impact of changing demographics and cultural diversity on the health and welfare of children and adolescents;
  - (D) analyze forms, causes, effects, prevention, and treatment of child abuse;
  - (E) explain the impact of appropriate health care and importance of safety for children and adolescents; and
  - (F) discuss responsibilities of community members, legislation, and public policies related to care and protection of children and adolescents.
- (9) The student understands the development of adults ages 20 through 39 years. The student is expected to:
- (A) analyze various development theories relating to early adults, including biological and cognitive development;
  - (B) analyze various development theories relating to early adults, including emotional, moral, and psychosocial development;
  - (C) investigate the influences of society and culture on early adults; and
  - (D) discuss the importance of family, human relationships, and social interaction for early adults.
- (10) The student understands the development of adults ages 40 through 65 years. The student is expected to:
- (A) analyze various development theories relating to middle adults, including biological and cognitive development;
  - (B) analyze various development theories relating to middle adults, including emotional, moral, and psychosocial development;
  - (C) investigate the influences of society and culture on middle adults; and
  - (D) discuss the importance of family, human relationships, and social interaction for middle adults.
- (11) The student understands the development of adults ages 66 years and older. The student is expected to:
- (A) analyze various development theories relating to those within the stage of late adulthood, including biological and cognitive development;
  - (B) analyze various development theories relating to those within the stage of late adulthood, including emotional, moral, and psychosocial development;
  - (C) investigate the influences of society and culture on those within the stage of late adulthood; and
  - (D) discuss the importance of family, human relationships, and social interaction for those within the stage of late adulthood.
- (12) The student explores career opportunities available in education and training and human services. The student is expected to:
- (A) assess personal interests, aptitudes, and abilities as related to the various occupations within education and training and human services;

- (B) evaluate employment and entrepreneurial opportunities, including education requirements in a field of interest; and
- (C) identify effective methods for securing part-time or entry-level employment in positions that prepare students for careers in education and training or human services.

ATTACHMENT  
Text of Proposed New 19 TAC

**Chapter 127. Texas Essential Knowledge and Skills for Career Development**

**Subchapter O. Science, Technology, Engineering, and Mathematics**

**§127.783. Engineering Design and Presentation I (One Credit), Adopted 2022.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.
  - (2) If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.
  - (3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Algebra I and at least one credit in a course from the science, technology, engineering, and mathematics career cluster. Recommended prerequisite: Principles of Applied Engineering. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.
  - (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
  - (3) Students enrolled in Engineering Design and Presentation I will demonstrate knowledge and skills of the design process as it applies to engineering fields and project management using multiple software applications and tools necessary to produce and present working drawings, solid model renderings, and prototypes. Through implementation of the design process, students will transfer advanced academic skills to component designs. Additionally, students will explore career opportunities in engineering, technology, and drafting and what is required to gain and maintain employment in these areas.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
  - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

- (A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession and work site;
  - (B) cooperate, contribute, and collaborate as a member of a group to attain agreement and achieve a collective outcome;
  - (C) present written and oral communication in a clear, concise, and effective manner, including explaining and justifying actions;
  - (D) use time-management skills in prioritizing tasks, following schedules, and tending to goal-relevant activities in a way that optimizes efficiency and results; and
  - (E) demonstrate punctuality, dependability, reliability, and responsibility in reporting for duty and performing assigned tasks as directed.
- (2) The student gains knowledge of and demonstrates the skills necessary for success in the workplace. The student is expected to:
- (A) distinguish between an engineering technician, engineering technologist, and engineer;
  - (B) identify employment and career opportunities in engineering and describe the educational requirements for each;
  - (C) investigate and describe the requirements of industry-based certifications in engineering;
  - (D) demonstrate the principles of teamwork related to engineering and technology;
  - (E) research and describe governmental regulations, including health and safety;
  - (F) analyze ethical issues related to engineering and technology and incorporate proper ethics in submitted projects;
  - (G) demonstrate respect for diversity in the workplace;
  - (H) identify consequences relating to discrimination, harassment, and inequality;
  - (I) demonstrate effective oral and written communication skills using a variety of software applications and media; and
  - (J) investigate and present on career preparation learning experiences, including job shadowing, mentoring, and apprenticeship training.
- (3) The student participates in team projects in various roles. The student is expected to:
- (A) describe the various roles on an engineering team and discuss how teams function;
  - (B) apply teamwork to solve problems; and
  - (C) serve as both a team leader and member and demonstrate appropriate attitudes while participating in team projects.
- (4) The student develops skills for managing a project. The student is expected to:
- (A) implement project management methodologies, including initiating, planning, executing, monitoring and controlling, and closing a project;
  - (B) develop a project schedule and complete work according to established criteria;
  - (C) participate in the organization and operation of a real or simulated engineering project; and
  - (D) develop a plan for production of an individual product.
- (5) The student practices safe and proper work habits. The student is expected to:
- (A) master relevant safety tests;
  - (B) comply with safety guidelines as described in various manuals, instructions, and regulations;

- (C) identify and classify hazardous materials and wastes according to Occupational Safety and Health Administration (OSHA) regulations;
  - (D) describe the appropriate disposal of hazardous materials and wastes appropriately;
  - (E) perform maintenance on selected tools, equipment, and machines;
  - (F) handle and store tools and materials correctly; and
  - (G) describe the results of negligent or improper maintenance.
- (6) The student applies skills associated with computer-aided drafting and design. The student is expected to:
- (A) use single and multi-view projections;
  - (B) use orthographic and pictorial views;
  - (C) use auxiliary views;
  - (D) use section views;
  - (E) use advanced construction techniques;
  - (F) prepare and revise annotated multi-dimensional production drawings in computer-aided drafting and design to industry standards;
  - (G) apply best practices for effective file structure and management;
  - (H) use advanced dimensioning techniques;
  - (I) construct and use basic 3D parametric drawings; and
  - (J) develop and use prototype drawings for presentation.
- (7) The student uses engineering design methodologies. The student is expected to:
- (A) describe principles of ideation and apply ideation techniques for an engineering project;
  - (B) demonstrate critical thinking, identify the solution constraints, and make fact-based decisions;
  - (C) develop or improve a product using rational thinking;
  - (D) apply decision-making strategies when developing solutions;
  - (E) use an engineering notebook to record prototypes, corrections, and/or mistakes in the design process; and
  - (F) use an engineering notebook or portfolio to record the final design, construction, and manipulation of finished projects.
- (8) The student applies concepts of engineering to specific problems. The student is expected to:
- (A) design components using a variety of technologies;
  - (B) investigate the applications of different types of computer-aided drafting and design software for various engineering problems; and
  - (C) use multiple software applications for concept presentations.
- (9) The student designs products using appropriate design processes and techniques. The student is expected to:
- (A) interpret engineering drawings;
  - (B) identify areas where quality, reliability, and safety can be designed into a product;
  - (C) modify a product design to meet a specified need;
  - (D) produce engineering drawings to industry standards; and

- (E) describe potential patents and the patenting process.
- (10) The student builds a prototype using the appropriate tools, materials, and techniques. The student is expected to:
  - (A) identify and describe the steps needed to produce a prototype;
  - (B) identify and use appropriate tools, equipment, machines, and materials to produce the prototype; and
  - (C) present the prototype using a variety of media.
- (11) The student creates justifiable solutions to open-ended real-world problems using engineering design practices and processes. The student is expected to:
  - (A) identify and define an engineering problem;
  - (B) formulate goals, objectives, and requirements to solve an engineering problem;
  - (C) determine the design parameters such as materials, personnel, resources, funding, manufacturability, feasibility, and time associated with an engineering problem;
  - (D) establish and evaluate constraints, including health, safety, social, environmental, ethical, political, regulatory, and legal, pertaining to a problem;
  - (E) identify or create alternative solutions to a problem using a variety of techniques such as brainstorming, reverse engineering, and researching engineered and natural solutions;
  - (F) test and evaluate proposed solutions using tools and methods such as models, prototypes, mock-ups, simulations, critical design review, statistical analysis, or experiments; and
  - (G) apply structured techniques such as a decision tree, design matrix, or cost-benefit analysis to select and justify a preferred solution to a problem.

**§127.784. Engineering Design and Presentation II (Two Credits), Adopted 2022.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
  - (1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.
  - (2) If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.
  - (3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Principles of Applied Engineering or Engineering Design and Presentation I, Algebra I, and Geometry. Students shall be awarded two credits for successful completion of this course.
- (c) Introduction.
  - (1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

- (2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
- (3) Engineering Design and Presentation II is a continuation of knowledge and skills learned in Engineering Design and Presentation I. Students enrolled in this course will demonstrate advanced knowledge and skills of a system design process as it applies to engineering fields and project management using multiple software applications and tools necessary to produce and present working drawings, solid model renderings, and prototypes. Students will expand on the use of a variety of computer hardware and software applications to complete assignments and projects. Through implementation of a system design process, students will transfer advanced academic skills to component designs and engineering systems. Emphasis will be placed on transdisciplinary and integrative approaches using skills from ideation, prototyping, and project management methods.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
- (A) distinguish between an engineering technician, engineering technologist, and engineer;
- (B) identify employment and career opportunities in engineering and describe the educational requirements for each;
- (C) investigate and describe the requirements of industry-based certifications in engineering;
- (D) demonstrate the principles of teamwork related to engineering and technology;
- (E) research and describe governmental regulations, including health and safety;
- (F) analyze ethical issues related to engineering and technology and incorporate proper ethics in submitted projects;
- (G) demonstrate respect for diversity in the workplace;
- (H) identify consequences relating to discrimination, harassment, and inequality;
- (I) demonstrate effective oral and written communication skills using a variety of software applications and media; and
- (J) investigate and present on career preparation learning experiences, including job shadowing, mentoring, and apprenticeship training.
- (2) The student participates in team projects in various roles. The student is expected to:
- (A) describe the various roles on an engineering team and discuss how teams function;
- (B) demonstrate teamwork to solve problems; and
- (C) serve as a team leader and member and demonstrate appropriate attitudes while participating in team projects.
- (3) The student develops skills for managing a project. The student is expected to:
- (A) create, implement, and evaluate project management methodologies, including initiating, planning, executing, monitoring and controlling, and closing a project;
- (B) develop a project schedule and complete projects according to established criteria;

- (C) use strategies such as decision matrices, flow charts, or Gantt charts to maintain the project schedule and quality of project.
  - (D) participate in the organization and operation of a real or simulated engineering project; and
  - (E) develop a plan for production of an individual product.
- (4) The student demonstrates principles of project documentation, workflow, and evaluated results. The student is expected to:
- (A) complete work orders and related documentation;
  - (B) identify and defend factors affecting cost and strategies to minimize costs;
  - (C) formulate a project budget;
  - (D) develop a production schedule;
  - (E) identify intellectual property and other legal restrictions; and
  - (F) read and interpret technical drawings, manuals, and bulletins.
- (5) The student applies the concepts and skills of computer-aided drafting and design software to perform the following tasks. The student is expected to:
- (A) prepare drawings to American National Standards Institute (ANSI) and International Organization for Standardization (ISO) graphic standards;
  - (B) customize software user interface;
  - (C) prepare and use advanced views such as auxiliary, section, and break-away;
  - (D) draw detailed parts, assembly diagrams, and sub-assembly diagrams;
  - (E) indicate tolerances and standard fittings using appropriate library functions;
  - (F) demonstrate understanding of annotation styles and setup by defining units, fonts, dimension styles, notes, and leader lines;
  - (G) identify and incorporate the use of advanced layout techniques and viewports using paper-space and modeling areas;
  - (H) use management techniques by setting up properties to define and control individual layers;
  - (I) create and use custom templates for advanced project management;
  - (J) prepare and use advanced development drawings;
  - (K) use advanced polar tracking and blocking techniques to increase drawing efficiency;
  - (L) create drawings that incorporate external referencing;
  - (M) create and render objects using parametric modeling tools; and
  - (N) model individual parts or assemblies and produce rendered or animated output.
- (6) The student practices safe and proper work habits. The student is expected to:
- (A) master relevant safety tests;
  - (B) comply with safety guidelines as described in various manuals, instructions, and regulations;
  - (C) identify and classify hazardous materials and wastes according to Occupational Safety and Health Administration (OSHA) regulations;
  - (D) describe the appropriate disposal of hazardous materials and wastes appropriately;

- (E) perform maintenance on selected tools, equipment, and machines;
  - (F) handle and store tools and materials correctly; and
  - (G) describe the results of negligent or improper maintenance.
- (7) The student uses engineering design methodologies. The student is expected to:
- (A) describe principles of solution ideation and evaluate ideation techniques for an engineering project, including systems-based engineering and advanced prototyping;
  - (B) demonstrate critical thinking, identify the solution constraints, and make fact-based decisions;
  - (C) develop or improve a solution using rational thinking;
  - (D) apply decision-making strategies when developing solutions;
  - (E) identify quality-control issues in engineering design and production;
  - (F) describe perceptions of the quality of products and how they affect engineering decisions;
  - (G) use an engineering notebook to record prototypes, corrections, and/or mistakes in the design process; and
  - (H) use an engineering notebook or portfolio to record and justify the final design, construction, and manipulation of finished projects.
- (8) The student applies concepts of engineering to specific problems. The student is expected to:
- (A) design solutions from various engineering disciplines such as electrical, mechanical, structural, civil, or biomedical engineering;
  - (B) experiment with the use of tools, laboratory equipment, and precision measuring instruments to develop prototypes;
  - (C) research different types of computer-aided drafting and design software and evaluate their applications for use in design systems and problem solving; and
  - (D) use multiple software applications for concept presentations.
- (9) The student addresses a need or problem using appropriate systems engineering design processes and techniques. The student is expected to:
- (A) create and interpret engineering drawings;
  - (B) identify areas where quality, reliability, and safety and multidisciplinary optimization and stakeholder analysis can be designed into a solution such as a product, process, or system;
  - (C) improve a system design, including properties of materials selected, to meet a specified need;
  - (D) produce engineering drawings to industry standards; and
  - (E) describe potential patents and the patenting process.
- (10) The student builds a prototype using the appropriate tools, materials, and techniques. The student is expected to:
- (A) implement and delineate the steps needed to produce a prototype such as defining the problem and generating concepts;
  - (B) identify industry-appropriate tools, equipment, machines, and materials;
  - (C) fabricate the prototype using a systems engineering approach to compare the performance and use of materials; and
  - (D) present and validate the prototype using a variety of media and defend engineering practices used in the prototype.

- (11) The student creates justifiable solutions to open-ended real-world problems within a multitude of engineering disciplines such as mechanical, electrical, civil, structural, bio, or aerospace using engineering design practices and processes. The student is expected to:
- (A) identify and define engineering problems from different engineering disciplines such as mechanical, civil, structural, electrical, bio, or aerospace engineering;
  - (B) formulate goals, objectives, and requirements to solve an engineering problem;
  - (C) determine the design parameters such as materials, personnel, resources, funding, manufacturability, feasibility, and time associated with an engineering problem;
  - (D) establish and evaluate constraints of systems engineering, including health, safety, social, environmental, ethical, political, regulatory, and legal, pertaining to a problem;
  - (E) identify or create alternative solutions to a problem using a variety of techniques such as brainstorming, reverse engineering, and researching engineered and natural solutions;
  - (F) test and evaluate proposed solutions using tools and methods such as models, prototypes, mock-ups, simulations, critical design review, statistical analysis, or experiments; and
  - (G) apply a structured technique problem such as a decision tree, design matrix, or cost-benefit analysis to select and justify a preferred solution to a problem.

**Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.788-127.794**  
**(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022; §127.789, Computer Science I (One Credit), Adopted 2022; §127.790, Computer Science II (One Credit), Adopted 2022; §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022. The proposed new rules would update the Texas Essential Knowledge and Skills (TEKS) for the high school cybersecurity and computer science courses to ensure the standards remain current.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (c-3), and (f)(2); and 28.025(a), (c-1)(1) and (c-10).

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 identify by rule 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, §28.002(c-3), requires the SBOE to adopt rules for technology applications in Kindergarten-Grade 8 that include coding, computer programming, computational thinking, and cybersecurity.

TEC, §28.002(f)(2), requires the SBOE to approve courses in cybersecurity for credit for high school graduation.

TEC, §28.025(a), requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002, and to designate the specific courses in the foundation curriculum that are required under the foundation high school program.

TEC, §28.025(c-1)(1), establishes that an endorsement may be earned in science, technology, engineering, and mathematics (STEM), which includes courses related to science, including environmental science; technology, including computer science, cybersecurity, and computer coding; engineering; and advanced mathematics.

TEC, §28.025(c-10), requires the SBOE to adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections 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 2023-2024 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised career and technical education (CTE) TEKS.

**PREVIOUS BOARD ACTION:** 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 SBOE adopted the TEKS for Foundations of Cybersecurity and Cybersecurity Capstone effective for the 2019-2020 school year. In 2020, the SBOE approved the consolidation of the high school technology applications courses, which included courses in computer science, cybersecurity, and digital forensics, into the CTE TEKS. A discussion item on proposed revisions to the computer science courses was presented to the board at the June 2021 SBOE meeting. A discussion item on proposed revisions to the TEKS for the three cybersecurity courses was presented to the board at the January 2022 SBOE meeting.

In November 2021, the board approved for second reading and final adoption proposed new CTE TEKS for certain courses in the health science, education and training, hospitality and tourism, law and public safety, and STEM programs of study. The new CTE TEKS will be implemented over the course of three school years from 2022-2023 to 2024-2025.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification examinations, adoption of instructional materials, and the completion of the Texas Resource Review. Texas Education Agency (TEA) staff provided an overview of CTE programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS.

Also during the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and STEM programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened from March-July 2021 to develop recommendations for the CTE courses. At the June 2021 SBOE meeting, a discussion item for proposed new 19 TAC Chapter 130 was presented to the board. At the September 2021 SBOE meeting, one representative from each CTE TEKS review committee provided invited testimony to the Committee of the Full Board.

The SBOE postponed first reading and filing authorization for a selection of courses from the education and training and STEM programs of study, including §127.783, Engineering Design and Presentation I, and §127.784, Engineering Design and Presentation II, to allow additional time to review and finalize recommendations. The programming and software development work group met in February and March

2022 to finalize their recommendations and to align the standards for the computer science courses with the Kindergarten-Grade 8 Technology Applications TEKS.

The 85th Texas Legislature, Regular Session, 2017, passed House Bill 3593, requiring that the SBOE approve courses in cybersecurity for credit for high school graduation. The legislation also added cybersecurity and computer coding to the courses to be included in a STEM endorsement and required that the SBOE adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the STEM endorsement.

In August 2018, a committee of secondary and postsecondary educators and business and industry representatives was selected to develop recommended TEKS for new cybersecurity courses for the required pathway. In April 2019, the SBOE approved for second reading and final adoption TEKS for two new cybersecurity courses: Foundations of Cybersecurity and Cybersecurity Capstone. At the June 2019 meeting, the board approved revisions to the TEKS for the existing Digital Forensics course so that it would better align with the new pathway. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the CTE TEKS. A discussion item was presented to the board at the January 2022 SBOE meeting.

Work groups recommend implementing the Fundamentals of Computer Science and Computer Science III in the 2022-2023 school year. They also recommend implementing the TEKS for Foundations of Cybersecurity, Cybersecurity Capstone, Digital Forensics, Computer Science I, and Computer Science II in the 2024-2025 school year.

A separate exhibit to this item reflects the text of proposed new 19 TAC §§127.788-127.794 for consideration by the SBOE for first reading and filing authorization. The proposed new sections would update the TEKS for the high school cybersecurity and computer science courses to ensure the standards remain current.

**FISCAL IMPACT:** TEA has determined that for the first five years the proposal is in effect (2022-2026), there are no fiscal implications to the state. However, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed revisions to the TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**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. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new CTE TEKS required to be taught by school districts and charter schools offering the courses.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align the TEKS and coordinate the standards with the adoption of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022; §127.789, Computer Science I (One Credit), Adopted 2022; §127.790, Computer Science II (One Credit), Adopted 2022; §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022.

**Staff Members Responsible:**

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

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter O, Science, Technology, Engineering, and Mathematics, §127.788, Fundamentals of Computer Science (One Credit), Adopted 2022; §127.789, Computer Science I

(One Credit), Adopted 2022; §127.790, Computer Science II (One Credit), Adopted 2022; §127.791, Computer Science III (One Credit), Adopted 2022; §127.792, Foundations of Cybersecurity (One Credit), Adopted 2022; §127.793, Digital Forensics (One Credit), Adopted 2022; and §127.794, Cybersecurity Capstone (One Credit), Adopted 2022  
(to be provided at the April 2022 SBOE meeting)

**Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications,  
Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10; and Subchapter B, Middle School,  
§§126.17-126.19  
(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022. The proposed new rules would update the technology applications standards to ensure the standards remain current.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), (c), (c-3), and (z).

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 identify by rule 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, §28.002(c-3), requires the SBOE to include coding, computer programming, computational thinking, and cybersecurity in the Texas Essential Knowledge and Skills (TEKS) for technology applications for Kindergarten-Grade 8. The statute also requires that, as needed, the SBOE review and revise the technology applications TEKS every five years to ensure that the standards are relevant to student education and align current or emerging professions.

TEC, §28.002(z), requires the SBOE to adopt rules to require school districts to incorporate instruction in digital citizenship, including information regarding the potential criminal consequences of cyberbullying, into the district's curriculum.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections 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 2023-2024 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised elementary and middle school technology applications TEKS.

**PREVIOUS BOARD ACTION:** The SBOE originally adopted the TEKS for technology applications effective September 1, 1998. The SBOE adopted revisions to the technology TEKS effective September 26, 2011. In January 2020, the SBOE adopted revisions to technology applications to consolidate high school technology applications courses into the career and technical education (CTE) TEKS in 19 TAC Chapter 130 effective August 1, 2020.

A discussion item on proposed new 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 was presented to the Committee of the Full Board at the January 2022 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. Technology applications is part of the required curriculum for Kindergarten-Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the CTE TEKS.

At the January 2021 meeting, SBOE members were asked to designate content advisors for the review and revision of the technology applications TEKS. Applications to serve on the TEKS review work groups were posted on the Texas Education Agency (TEA) website in March 2021. In April 2021, TEA distributed a survey to collect information from educators regarding the review and revision of the technology applications TEKS. TEA staff provided applications for the technology applications review work groups to SBOE members on a monthly basis from May-September 2021.

Technology applications TEKS review content advisor and work group meetings convened in 2021 were conducted virtually. In July 2021, technology applications TEKS review content advisors met virtually to develop consensus recommendations regarding revisions to the technology applications TEKS and met with representatives from Work Group A to discuss their recommendations. Also in July 2021, Work Group A convened to discuss the consensus recommendations, review survey results, and develop recommendations for how subsequent technology applications TEKS review work groups could address the feedback received. Work Group B was convened in September 2021 and was charged with developing recommendations for a new strand framework. The work group recommended six new strands and reorganized the current technology applications TEKS into the proposed new strands. Work Group C was convened in October 2021 to draft recommendations for student expectations for two of the strands in the proposed new strand framework. Work Group D was convened at the end of October 2021 to draft recommendations for the remaining four proposed new strands. The work group recommended eliminating one of the strands, which would reduce the original proposed strand framework to a total of five strands. Work Group E was convened for a virtual meeting in December 2021 to review the vertical alignment of the strands across all grade levels and to ensure the proposed new standards could be reasonably taught in an academic year. In December 2021, content advisors were sent the draft recommendations for review. A discussion item on the draft recommendations was presented to the board at the January 2022 SBOE meeting.

A public hearing on proposed new Chapter 126, Subchapters A and B, is presented as a separate item in this agenda.

A separate exhibit to this item reflects the text of proposed new Chapter 126, Subchapter A, §§126.1-126.3 and 126.8-126.10, and Subchapter B, §§126.17-126.19, for consideration by the SBOE for first reading and filing authorization. The proposed new sections would adopt updated technology applications standards to ensure the standards remain current.

**FISCAL IMPACT:** TEA has determined that for the first five years the proposal is in effect (2022-2026), there are no fiscal implications to the state. There will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed new TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**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. During the first five years the proposed rulemaking would be in effect, it would create new regulations by adopting new technology applications TEKS required to be offered by school districts and charter schools.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align the TEKS and coordinate the standards with the adoption of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §126.1, Technology Applications, Kindergarten, Adopted 2022; §126.2, Technology Applications, Grade 1, Adopted 2022; §126.3, Technology Applications, Grade 2, Adopted 2022; §126.8, Technology Applications, Grade 3, Adopted 2022; §126.9, Technology Applications, Grade 4, Adopted 2022; and §126.10, Technology Applications, Grade 5, Adopted 2022; and Subchapter B, Middle School, §126.17, Technology Applications, Grade 6, Adopted 2022; §126.18, Technology Applications, Grade 7, Adopted 2022; and §126.19, Technology Applications, Grade 8, Adopted 2022.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.1-126.3 and 126.8-126.10, and Subchapter B, Middle School, §§126.17-126.19

(to be provided at the April 2022 SBOE meeting)

**Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics  
(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics. The proposed new rule would add Texas Essential Knowledge and Skills (TEKS) for a new social studies course to comply with the requirements of Senate Bill (SB) 1063, 87th Texas Legislature, Regular Session, 2021.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(b-1) and (b-22), as amended and added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

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 identify by rule 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(b-1), as amended by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires the SBOE to determine by rule specific courses for graduation under the foundation high school program.

TEC, 28.025(b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires that in adopting TEKS for a personal financial literacy and economics course, the SBOE must ensure that the required curriculum allocates two-thirds of instruction time to instruction in personal financial literacy one-third of instruction time to instruction in economics.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2023-2024 school year. The earlier effective date will enable districts to begin offering the new course in the 2022-2023 school year in accordance with statute.

**PREVIOUS BOARD ACTION:** The SBOE adopted 19 TAC §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016, effective August 22, 2016. A discussion item on a proposed new section for personal financial literacy and economics to implement SB 1063 was presented to the Committee of the Full Board at the January 2022 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 83rd Texas Legislature passed House Bill (HB) 2662, amending TEC, §28.0021, to require school districts and open-enrollment charter schools offering a high school program to provide a one-half credit elective course in personal financial literacy. In 2016, the SBOE adopted the proposed new personal financial literacy course. The course, 19 TAC §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016, was implemented beginning with the 2016-2017 school year.

In 2021, the 87th Texas Legislature passed SB 1063, amending TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 requires that the SBOE adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics.

A personal financial literacy and economics TEKS review work group convened twice in January 2022 and once in February 2022 to draft recommendations for the proposed new course. The work group's charge included developing recommendations for revisions to §113.49, Personal Financial Literacy (One-Half Credit), Adopted 2016; §113.31, Economics with Emphasis on the Free Enterprise System and Its Benefits, High School (One-Half Credit), Adopted 2018, and §113.61, Economics Advanced Studies (One-Half Credit), which will be presented to the SBOE for discussion at a future meeting.

The attachment to this item reflects the text of proposed new 19 TAC §113.76 for consideration by the SBOE for first reading and filing authorization.

**FISCAL IMPACT:** The Texas Education Agency (TEA) has determined that for the first five years the proposal is in effect (2022-2026), there are no fiscal implications to the state. However, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed revisions to the TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

**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. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by proposing new social studies TEKS required to be taught by school districts and charter schools offering 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 expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposed new rule would add TEKS for a new social studies course to comply with the requirements of SB 1063, 87th Texas Legislature, Regular Session, 2021, and would allow students to fulfill their economics graduation requirement by successfully completing this 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 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 May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization proposed new 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.76, Personal Financial Literacy and Economics

ATTACHMENT  
Text of Proposed New 19 TAC

**Chapter 113. Texas Essential Knowledge and Skills for Social Studies**

**Subchapter C. High School**

**§113.76. Personal Financial Literacy and Economics (One-Half Credit).**

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Students shall be awarded one-half credit for successful completion of this course.
- (b) Introduction.
- (1) The Personal Financial Literacy and Economics Course emphasizes the economic way of thinking, which serves as a framework for the personal financial decision-making opportunities introduced in the course. Students will demonstrate the ability to anticipate and address financial challenges as these challenges occur over their lifetime. In addition, students are introduced to common economic and personal financial planning terms and concepts. As a result of learning objective concepts and integrating subjective information, students gain the ability to lead productive and financially self-sufficient lives.
- (2) Personal Financial Literacy and Economics builds on and extends the economic content and concepts studied in Kindergarten-Grade 12 social studies in Texas. The course provides a foundation in both microeconomics and macroeconomics. Students will survey the impact of demand, supply, various industry structures, and government policies on the market for goods, services, and wages for workers. Macroeconomic study involves economic systems with an emphasis on free enterprise market systems, goals of full employment, price stability, and growth while examining problems such as unemployment and inflation and the policies enacted to address them. The course also builds on and extends the personal finance content and concepts studied in Kindergarten-Grade 8 in mathematics in Texas. It is an integrative course that applies the same economic way of thinking developed to making choices about how to allocate scarce resources in an economy to how to make them at the personal level. The course requires that students demonstrate critical thinking by exploring how to invest in themselves with education and skill development, earn income, and budget for spending, saving, investing, and protecting. Students will examine their individual responsibility for managing their personal finances and understand the impact on standard of living and long-term financial well-being. Further, students will connect how their financial decision making impacts the greater economy.
- (3) This course was created in response to Texas Education Code (TEC), §28.025(b-22), satisfies the high school requirement, and meets the two-thirds of instructional time in personal financial literacy and one-third of instructional time in economics. In addition, the course addresses new financial challenges of modern economy.
- (4) State and federal laws mandate a variety of celebrations and observances, including Celebrate Freedom Week.
- (A) Each social studies class shall include, during Celebrate Freedom Week as provided under TEC, §29.907, or during another full school week as determined by the board of trustees of a school district, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical contexts. The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the U.S. Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

- (B) Each school district shall require that, during Celebrate Freedom Week or other week of instruction prescribed under subparagraph (A) of this paragraph, students in Grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."
- (5) Students identify and discuss how the actions of U.S. citizens and the local, state, and federal governments have either met or failed to meet the ideals espoused in the founding documents.
- (6) Students understand that a constitutional republic is a representative form of government whose representatives derive their authority from the consent of the governed, serve for an established tenure, and are sworn to uphold the constitution.
- (7) Statements that contain the word "including " reference content that must be mastered, while those containing the phrase "such as " are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) Economics. The student understands the fundamental concepts of economics. The student is expected to:
- (A) analyze how the concepts of scarcity, choice, and opportunity costs apply to decision making;
- (B) interpret a production-possibilities curve and apply the concepts of scarcity, choice, and opportunity costs;
- (C) explain how the production-possibilities curve represents cost-benefit decision making;
- (D) use the circular flow model to identify how households, firms, and governments interact in both resource markets and product markets;
- (E) evaluate how prices and quantities are determined through supply and demand;
- (F) interpret a supply-and-demand graph, including equilibrium point, surpluses, and shortages;
- (G) analyze how non-price determinants of supply and demand affect equilibrium price and equilibrium quantity; and
- (H) explain how supply and demand exist in both resource and product markets.
- (2) Economics. The student understands that macroeconomic issues and policies have an impact on personal finance. The student is expected to:
- (A) identify types of progressive and regressive taxes at the local, state, and national levels and explain the economic importance of each;
- (B) examine and evaluate the reasons for federal income taxation, Social Security taxation, Medicaid taxation, and Medicare taxation, including earnings limitations as applicable;
- (C) explain how all economic systems are mixed and exist on a spectrum between pure market and pure command systems;
- (D) explain the benefits of the U.S. free enterprise system, including private property and incentives;
- (E) discuss the importance of full employment, price stability, and economic growth in achieving the macroeconomic goals of the United States;
- (F) explain the impact of fiscal policies enacted by government decisions on interest rates, inflation, and unemployment; and

- (G) explain the impact of monetary policies enacted by the Federal Reserve System on interest rates, inflation, and unemployment.
- (3) Personal financial literacy--investing in education and skills. The student recognizes the costs and benefits of various types of postsecondary education and training throughout the student's lifetime. The student is expected to:
- (A) analyze the relationship between education and training and earnings throughout the student's lifetime;
- (B) investigate and evaluate the costs and benefits of various postsecondary education and training institutions;
- (C) describe the process for completing grant and scholarship applications, including the Free Application for Federal Student Aid (FAFSA®) provided by the U.S. Department of Education or the Texas Application for State Financial Aid (TASFA);
- (D) analyze and compare various student grant and loan options, including private and federal loans;
- (E) interpret data from a student aid report; and
- (F) research and align interests and skills with potential careers and postsecondary education to assure a life strategy that will produce employment the student enjoys with a desired standard of living.
- (4) Personal financial literacy--earning. The student recognizes that a variety of factors influence income. The student is expected to:
- (A) identify sources of income, including wages and salaries, profits, interest, rent, dividends, and capital gains;
- (B) compare common employee benefits such as health insurance, sick leave, retirement plans, and other tax-favored health and dependent care plans;
- (C) differentiate among and calculate gross, net, and taxable income; and
- (D) identify factors such as educational attainment and market demand for careers that can influence the labor market and affect income.
- (5) Personal financial literacy--entrepreneurship. The student discusses the opportunities available for entrepreneurship. The student is expected to:
- (A) describe the role of the entrepreneur in creating businesses;
- (B) explain how an entrepreneur earns income, including through profits from the creation or ownership of businesses;
- (C) compare total compensation and additional benefits and obligations as a self-employed or independent contractor with total compensation as an employee;
- (D) discuss the resources available for entrepreneurship and the federal, state, and local agencies available to assist with or provide grants for the creation of a small business;
- (E) analyze the risks and rewards of entrepreneurship, including those associated with starting a new business, owning a small business, and purchasing a franchise; and
- (F) explain the characteristics of business organization such as sole proprietorships, partnerships, and corporations.
- (6) Personal financial literacy--spending. The student understands how to set personal spending goals. The student is expected to:
- (A) develop financial goals for the short, medium, and long term that are specific, measurable, attainable, realistic, and time based;

- (B) analyze the opportunity costs of spending and saving in recognizing short-, medium-, and long-term goals;
  - (C) identify and prioritize types of purchases and charitable giving;
  - (D) evaluate various forms of financial exchange such as cash, checks, credit cards, debit cards, mobile payment applications, and electronic transfers;
  - (E) discuss the importance of tracking income and expenses to reconcile financial records;
  - (F) evaluate the impact of unplanned spending;
  - (G) analyze costs and benefits of owning versus renting housing; and
  - (H) analyze costs and benefits of owning versus leasing a vehicle.
- (7) Personal financial literacy--credit and debt. The student understands the costs and benefits of borrowing. The student is expected to:
- (A) compare and contrast sources of credit such as banks, merchants, peer-to-peer, payday loans, and title loans;
  - (B) identify the characteristics and dangers of predatory lending practices;
  - (C) compare and contrast types of credit, including revolving and installment credit, and collateralized loans versus unsecured credit;
  - (D) discuss how character, capacity, and collateral can adversely or positively impact an individual's credit rating and the ability to obtain credit;
  - (E) explain how to access and interpret a sample credit report and score;
  - (F) describe the importance of monitoring credit reports regularly and addressing errors;
  - (G) discuss how factors such as medical expenses, job loss, divorce, or a failed business could lead to bankruptcy; and
  - (H) determine and discuss if and when to use credit by considering the truth in lending disclosures.
- (8) Personal financial literacy--saving and investing. The student understands the importance of saving and investing in creating wealth and building assets. The student is expected to:
- (A) determine the exponential growth benefits of starting early to invest with continuous contributions;
  - (B) determine the number of years it will take for savings to double in value by using the rule of 72;
  - (C) evaluate the costs and benefits of various savings options such as bank savings accounts, certificates of deposit, and money market mutual funds;
  - (D) evaluate risk and return of various investment options, including stocks, bonds, mutual funds, and exchange-traded funds (ETFs);
  - (E) evaluate the relative benefits of pre-tax and post-tax investing;
  - (F) develop a short-term saving strategy to achieve a goal such as establishing and maintaining an emergency fund;
  - (G) develop an intermediate-term saving and investing strategy to achieve a goal such as accumulating a down payment on a home or vehicle; and
  - (H) develop a long-term investing strategy to achieve a goal such as a financially secure retirement.

- (9) Personal financial literacy--protecting and insuring. The student recognizes financial risks faced by individuals and families and identifies strategies for handling these risks to avoid potential loss of assets and earning potential. The student is expected to:
- (A) apply risk management strategies, including avoiding, reducing, retaining, and transferring risk;
  - (B) define insurance terminology, including premiums, deductibles, co-pays, and policy limits;
  - (C) explain the costs and benefits of different types and sources of health insurance;
  - (D) explain the costs and benefits of disability and long-term care insurance;
  - (E) explain the costs and benefits of life insurance, including term insurance and whole life insurance;
  - (F) explain the costs and benefits of property insurance, including homeowner's and renter's insurance;
  - (G) explain the costs and benefits of automobile insurance and factors that impact the price of insurance, including the type of vehicle, age and sex of driver, driving record, deductible, and geographic location;
  - (H) identify ways to reduce risk of identity theft and protect personal information;
  - (I) recognize common schemes and scams such as Ponzi schemes and pyramid, phishing, check cashing, and home renovation scams;
  - (J) explain how consumer protection agencies protect consumers against fraud; and
  - (K) explain the importance of estate planning, including guardianship of minor children, wills, beneficiary designation, power of attorney, living will, and medical directives.
- (10) Personal financial literacy skills. The student understands how to set personal financial goals. The student is expected to:
- (A) use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution;
  - (B) develop a budget that addresses short-, medium-, and long-term financial goals; and
  - (C) demonstrate how earning income, spending, credit, debt, saving and investing, and protecting and insuring are part of a comprehensive financial plan.

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum**  
**(First Reading and Filing Authorization)**

**April 8, 2022**

**COMMITTEE OF THE FULL BOARD: 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 A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum. The proposed amendment would update the list of high school courses for social studies and physical education that are required to be offered to students.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 28.025(b-1)(4) and (b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021.

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, §28.025(b-1)(4), requires the SBOE to by rule require as part of the foundation high school program that students successfully complete three credits in social studies, including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history.

TEC, §28.025(b-22), as added by SB 1063, 87th Texas Legislature, Regular Session, 2021, requires that in adopting TEKS for a personal financial literacy and economics course, the SBOE must ensure that the required curriculum allocates two-thirds of instruction time to instruction in personal financial literacy one-third of instruction time to instruction in economics.

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 2023-2024 school year. The earlier effective date would update the rule to address new physical education and social studies courses as soon as possible.

**PREVIOUS BOARD ACTION:** The SBOE adopted 19 TAC Chapter 74, Subchapter A, effective September 1, 1996. Section 74.3 was last amended effective October 25, 2020.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 87th Texas Legislature, Regular Session, 2021, passed Senate Bill (SB) 1063, amending TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 requires that the SBOE adopt Texas Essential Knowledge and Skills (TEKS) for a combined personal financial literacy and economics course to be offered beginning with the 2022-2023 school year. To ensure that students have the option of satisfying the economics graduation requirement with the new Personal Financial Literacy and Economics course, it is recommended that the SBOE add the new course to the list of social studies courses that districts are required to offer.

Additionally, in 2020 the SBOE adopted new Kindergarten-Grade 12 physical education TEKS, which will be implemented beginning with the 2022-2023 school year. The new TEKS replaced the existing high school physical education courses with three new courses.

The proposed amendment would add a requirement in subsection (b)(2)(D) that districts offer the new Personal Financial Literacy and Economics course and align the required secondary curriculum in subsection (b)(2)(E) with the changes to the high school physical education course offerings.

The attachment to this item reflects the text of proposed amendment to §74.3 for consideration by the SBOE for first reading and filing authorization.

The proposed amendment was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for consideration for first reading and filing authorization at this meeting. It is recommended the SBOE consider this item for first reading and filing authorization to update the rule to address new physical education and social studies courses 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. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by updating the list of high school courses required to be offered.

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 update the rule regarding secondary courses required to be offered in order to provide additional flexibility for students in meeting high school graduation requirements and to avoid confusion for districts and schools regarding course names. 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 May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.3, Description of a Required Secondary Curriculum

**ATTACHMENT**  
**Text of Proposed Amendment to 19 TAC**

**Chapter 74. Curriculum Requirements**

**Subchapter A. Required Curriculum**

**§74.3. Description of a Required Secondary Curriculum.**

- (a) (No change.)
- (b) Secondary Grades 9-12.
  - (1) A school district that offers Grades 9-12 must provide instruction in the required curriculum as specified in §74.1 of this title. The district must ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards.
  - (2) The school district must offer the courses listed in this paragraph and maintain evidence that students have the opportunity to take these courses:
    - (A) English language arts--English I, II, III, and IV and at least one additional advanced English course;
    - (B) mathematics--Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications;
    - (C) science--Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Engineering Science. The requirement to offer two additional courses may be reduced to one by the commissioner of education upon application of a school district with a total high school enrollment of less than 500 students. Science courses shall include at least 40% hands-on laboratory investigations and field work using appropriate scientific inquiry;
    - (D) social studies--United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, ~~and~~ Economics with Emphasis on the Free Enterprise System and Its Benefits , and Personal Financial Literacy and Economics ;
    - (E) physical education--at least two courses selected from Lifetime Fitness and Wellness Pursuits, Lifetime Recreation and Outdoor Pursuits, or Skill-Based Lifetime Activities [Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, or Team or Individual Sports] ;
    - (F) fine arts--courses selected from at least two of the four fine arts areas (art, music, theatre, and dance)--Art I, II, III, IV; Music I, II, III, IV; Theatre I, II, III, IV; or Dance I, II, III, IV;
    - (G) career and technical education-- three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency-designated programs of study determined by enrollment as follows:
      - (i) one program of study for a district with fewer than 500 students enrolled in high school;

- (ii) two programs of study for a district with 501-1,000 students enrolled in high school;
  - (iii) three programs of study for a district with 1,001-2,000 students enrolled in high school;
  - (iv) four programs of study for a district with 1,001-5,000 students enrolled in high school;
  - (v) five programs of study for a district with 5,001-10,000 students enrolled in high school; and
  - (vi) six programs of study for a district with more than 10,000 students enrolled in high school.
- (H) languages other than English--Levels I, II, and III or higher of the same language;
  - (I) computer science--one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles; and
  - (J) speech--Communication Applications.
- (3) Districts may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements as referenced in this chapter.
  - (4) The school district must provide each student the opportunity to participate in all courses listed in subsection (b)(2) of this section. The district must provide students the opportunity each year to select courses in which they intend to participate from a list that includes all courses required to be offered in subsection (b)(2) of this section. If the school district will not offer the required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. A school district must teach a course that is specifically required for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the district must either teach the course every year or employ options described in Subchapter C of this chapter (relating to Other Provisions) to enable students to earn credit for the course and must maintain evidence that it is employing those options.
  - (5) For students entering Grade 9 beginning with the 2007-2008 school year, districts must ensure that one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.
- (c) (No change.)

## ***Proclamation 2024 of the State Board of Education Advertising for Bids on Instructional Materials***

**April 8, 2022**

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

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to issue *Proclamation 2024*, calling for instructional materials for science, technology applications, and specified courses in career and technical education. Instructional materials submitted in response to *Proclamation 2024* would be scheduled for adoption by the SBOE in November 2023.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §31.022.

TEC, §31.022 requires the SBOE to adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum and for each subject in the enrichment curriculum.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** In May 2010, the board voted to postpone *Proclamation 2012* indefinitely. In its place, the board issued a Request for Supplemental Science Materials for science, grades 5–8, Biology, Chemistry, Integrated Physics and Chemistry (IPC), and Physics. *Proclamation 2014* was issued by the SBOE in April 2012, calling for instruction materials for math, K–8; Spanish Math, K–5; technology applications, K–12; science, K–8; Spanish science, K–5; and high school science. All career and technical education (CTE) courses were included as part of *Proclamation 2017*, issued in April 2015. After *Proclamation 2017*, the board decided to spread the future requests for CTE instructional materials across multiple proclamations. A draft of *Proclamation 2024* was presented to the board at the January 2022 meeting and posted for public comment.

A revised adoption cycle for instructional materials was approved by the SBOE in January 2012. The cycle was adjusted in July 2017. The adoption cycle was revised again in September 2019. The SBOE most recently revised the adoption cycle in April 2021.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve *Proclamation 2024* of the State Board of Education Advertising for Bids for Instructional Materials.

#### **Staff Members Responsible:**

Melissa Lautenschlager, Director, Instructional Materials and Implementation  
Amie Williams, Director, Instructional Materials Review and Procurement

#### **Attachment I:**

[Proclamation 2024 of the State Board of Education Advertising for Bids on Instructional Materials \(Draft\)](#)

## Update on Texas Essential Knowledge and Skills (TEKS) Review

April 8, 2022

### 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) and for the board to provide additional guidance to TEKS and ELPS review work groups, as necessary.

**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. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. 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 career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. 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. The technology applications TEKS were amended effective September 26, 2011. At the November 2020 meeting, the board gave final approval to the health education TEKS and the physical education TEKS, which are scheduled to be effective August 1, 2022. The board also gave final approval in November 2020 to TEKS for four high school science courses to be implemented beginning with the 2023-2024 school year. At the June 2021 meeting, the SBOE gave final approval to TEKS for five additional high school science courses. At the December 2021 SBOE meeting, the board gave final approval to the TEKS for Kindergarten-Grade 8 science.

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 2030-2031 school year. The board held another work session to discuss updates to the TEKS and instructional materials review and adoption schedule at the January 2021 meeting. The board approved updates to the TEKS and instructional materials review and adoption schedule at the April 2021 meeting.

**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.

In 2017, the SBOE significantly revised the process for the review and revision of the TEKS. The 2017 TEKS review 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 updated process was used for the review of the physical education, health education, and science 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.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification exams, adoption of instructional materials, and the completion of the Texas Resource Review. TEA provided an overview of career and technical education (CTE) programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS. The board discussed potential adjustments to the TEKS and Instructional Materials Review and Adoption Schedule.

At the November 2021 meeting, the SBOE gave final approval of certain CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. TEKS for additional education and training and STEM courses will be considered by the SBOE for first reading and filing authorization as a separate item in this agenda.

In May 2021, the board nominated individuals to serve as content advisors for the review of the TEKS for technology applications. An application was posted on the TEA website in April 2021. TEA staff provided SBOE members applications for approval to serve on the technology applications work groups in May, June, and August 2021. Work groups were convened in July, September, October, November, and December 2021. Proposed new TEKS for Kindergarten-Grade 8 technology applications will be considered by the SBOE for first reading and filing authorization as a separate item in this agenda.

At the June and November 2021 SBOE meetings, the board discussed the review of the social studies TEKS. Board members designated content advisors for the social studies TEKS review in August 2021. An application to serve on work groups was posted on the TEA website in September 2021. Additionally, in September 2021, a survey was posted on the TEA website to ask for feedback on the current TEKS for social studies. TEA staff provided SBOE members applications for approval to serve on the social studies work groups in September, October, and November 2021 and January 2022. The content advisors

convened to discuss consensus recommendations in December 2021 and January 2022. Work groups were convened to develop recommendations for the social studies TEKS in January, February, and March 2022.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

## Long-Range Plan for Technology Update

April 6, 2022

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

**SUMMARY:** This item provides an opportunity for staff to update the committee on feedback received for the planned revisions of the 2018-2023 Long-Range Plan for Technology (LRPT).

**STATUTORY AUTHORITY:** Texas Education Code, [\(TEC\) §32.001](#).

TEC, §32.001 requires the State Board of Education (SBOE) to develop a long-range plan for technology and shall update the plan at least every five years.

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

**FUTURE ACTION EXPECTED:** The SBOE will review and approve updates for the LRPT.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Over the last 3 years, since the Texas Education Agency (TEA) issued its 2018-2023 LRPT, how we think about the role of technology in education has been transformed; the definition and scope of educational technology itself has fundamentally changed. For this reason, and to honor our commitment to reevaluate, revise, and update the plan at least every five years as required by the statute, the TEA reconvened the original 2018-2023 LRPT Advisory Committee plus a number of additional subject matter experts, to evaluate, revise and add to the 2018 plan to accurately reflect the needs of Local Education Agencies (LEAs) today.

#### **Staff Members Responsible:**

Melody Parrish, Deputy Commissioner of Technology/CIO, Office of Information Technology  
Julia Schacherl, Director of Strategic Projects, Office of Information Technology

## Discussion of Pending Litigation

April 6, 2022

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

**SUMMARY:** The State Board of Education (SBOE) 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.);

*Student v. Conroe ISD, Texas Education Agency and State Board of Education*, Civil Cause No. 1:21-CV-01048-LY (U.S. District Court – Western District of Texas (Austin)); 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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** At every regularly scheduled meeting, the SBOE has the opportunity to be apprised of pending litigation as the need arises. The SBOE may also receive continued briefing on procedural developments.

**Staff Member Responsible:**

Von Byer, General Counsel, Legal Services

# **COMMITTEE ON INSTRUCTION**

**Proposed Repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.1-115.7, Subchapter B, Middle School, §§115.21-115.23, and Subchapter C, High School, §§115.31-115.33  
(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §115.1, Implementation of Texas Essential Knowledge and Skills for Health Education, Elementary; §115.2, Health Education, Kindergarten; §115.3, Health Education, Grade 1; §115.4, Health Education, Grade 2; §115.5, Health Education, Grade 3; §115.6, Health Education, Grade 4; and §115.7, Health Education, Grade 5; Subchapter B, Middle School, §115.21, Implementation of Texas Essential Knowledge and Skills for Health Education, Middle School; §115.22, Health Education, Grade 6; and §115.23, Health Education, Grade 7-8; and Subchapter C, High School, §115.31, Implementation of Texas Essential Knowledge and Skills for Health Education, High School; §115.32, Health 1, Grades 9-10 (One-Half Credit); and §115.33, Advanced Health, Grades 11-12 (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 health education and related implementation language that will be superseded by 19 TAC §§115.11-115.17, 115.25-115.28, and 115.37-115.40 beginning with the 2022-2023 school year.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(4) and §28.002(a) and (c).

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 identify by rule 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.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed repeals is August 1, 2022. 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 2023-2024 school year. The earlier effective date would repeal superseded TEKS to avoid confusion with new TEKS that are being implemented at the beginning of the 2022-2023 school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for health education effective September 1, 1998. On August 26, 2013, and August 28, 2017, the SBOE adopted amendments to the TEKS for Chapter 115, Subchapter B. Additionally, on August 28, 2017, the SBOE adopted revisions to the TEKS for Chapter 115, Subchapter C. A discussion item was presented to the Committee of the Full Board at the June-July 2020 SBOE meeting. At the September 2020 SBOE meeting, the board approved for first reading and filing authorization proposed new §§115.11-115.17, 115.25-115.28, and 115.37-115.40. At

the November 2020 SBOE meeting, the board approved for second reading and final adoption proposed new §§115.11-115.17, 115.25-115.28, and 115.37-115.40 with an effective date of August 1, 2022.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2020 SBOE meeting, the board approved for second reading and final adoption proposed new §§115.11-115.17, 115.25-115.28, and 115.37-115.40 to be implemented beginning in the 2022-2023 school year.

The proposed repeals would remove sections that will be superseded by §§115.11-115.17, 115.25-115.28, and 115.37-115.40 effective August 1, 2022.

The text of the proposed repeal of Chapter 115, Subchapter A, §§115.1-115.7, Subchapter B, §§115.21-115.23, and Subchapter C, §§115.31-115.33, is not included as an attachment to this item due to the volume of rules; however, the rules are viewable on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-115>.

The proposed repeal was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the existing rules in Chapter 115 can be repealed beginning with the 2022-2023 school year.

**FISCAL IMPACT:** 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. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing health education TEKS that will be superseded by a newly adopted set of TEKS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an

existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposed repeals would remove the TEKS for Kindergarten-Grade 12 health education and related implementation language that will be superseded by §§115.11-115.17, 115.25-115.28, and 115.37-115.40 beginning with the 2022-2023 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §115.1, Implementation of Texas Essential Knowledge and Skills for Health Education, Elementary; §115.2, Health Education, Kindergarten; §115.3, Health Education, Grade 1; §115.4, Health Education, Grade 2; §115.5, Health Education, Grade 3; §115.6, Health Education, Grade 4; and §115.7, Health Education, Grade 5; Subchapter B, Middle School, §115.21, Implementation of Texas Essential Knowledge and Skills for Health Education, Middle School; §115.22, Health Education, Grade 6; and §115.23, Health Education, Grade 7-8; and Subchapter C, High School, §115.31, Implementation of Texas Essential Knowledge and Skills for Health Education, High School; §115.32, Health 1, Grades 9-10 (One-Half Credit); and §115.33, Advanced Health, Grades 11-12 (One-Half Credit).

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Proposed Repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.1-116.7, Subchapter B, Middle School, §§116.21-116.24, and Subchapter C, High School, §§116.51-116.56  
(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization the proposed repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §116.1, Implementation of Texas Essential Knowledge and Skills for Physical Education, Elementary; §116.2, Physical Education, Kindergarten; §116.3, Physical Education, Grade 1; §116.4, Physical Education, Grade 2; §116.5, Physical Education, Grade 3; §116.6, Physical Education, Grade 4; and §116.7, Physical Education, Grade 5; Subchapter B, Middle School, §116.21, Implementation of Texas Essential Knowledge and Skills for Physical Education, Middle School; §116.22, Physical Education, Grade 6; §116.23, Physical Education, Grade 7; and §116.24, Physical Education, Grade 8; and Subchapter C, High School, §116.51, Implementation of Texas Essential Knowledge and Skills for Physical Education, High School; §116.52, Foundations of Personal Fitness (One-Half Credit); §116.53, Adventure/Outdoor Education (One-Half Credit); §116.54, Aerobic Activities (One-Half Credit); §116.55, Individual Sports (One-Half Credit); and §116.56, Team Sports (One-Half Credit). The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 physical education and related implementation language that will be superseded by 19 TAC §§116.11-116.17, 116.25-116.28, and 116.61-116.64 beginning with the 2022-2023 school year.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), and (c).

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 identify by rule 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.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed repeals is August 1, 2022. 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 2023-2024 school year. The earlier effective date would repeal superseded TEKS to avoid confusion with new TEKS that are being implemented at the beginning of the 2022-2023 school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for physical education effective September 1, 1998. A discussion item was presented to the Committee of the Full Board at the June-July 2020 SBOE meeting. At the September 2020 meeting, the board approved for first reading and filing authorization proposed new §§116.11-116.17, 116.25-116.28, and 116.61-116.64. At the November 2020

meeting, the board approved for second reading and final adoption proposed new §§116.11-116.17, 116.25-116.28, and 116.61-116.64 with an effective date of August 1, 2022.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2020 SBOE meeting, the board approved for second reading and final adoption proposed new §§116.11-116.17, 116.25-116.28, and 116.61-116.64 to be implemented beginning in the 2022-2023 school year.

The proposed repeals would remove sections that will be superseded by §§116.11-116.17, 116.25-116.28, and 116.61-116.64 effective August 1, 2022.

The text of the proposed repeal of Chapter 116, Subchapter A, §§116.1-116.7, Subchapter B, §§116.21-116.24, and Subchapter C, §§116.51-116.56, is not included as an attachment to this item due to the volume of rules; however, the rules are viewable on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-116>.

The proposed repeal was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the existing rules in Chapter 116 can be repealed beginning with the 2022-2023 school year.

**FISCAL IMPACT:** TEA has determined 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. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing the physical education TEKS that will be superseded by a newly adopted set of TEKS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an

existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposed repeals would remove the TEKS for Kindergarten-Grade 12 physical education and related implementation language that will be superseded by §§116.11-116.17, 116.25-116.28, and 116.61-116.64 beginning with the 2022-2023 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §116.1, Implementation of Texas Essential Knowledge and Skills for Physical Education, Elementary; §116.2, Physical Education, Kindergarten; §116.3, Physical Education, Grade 1; §116.4, Physical Education, Grade 2; §116.5, Physical Education, Grade 3; §116.6, Physical Education, Grade 4; and §116.7, Physical Education, Grade 5; Subchapter B, Middle School, §116.21, Implementation of Texas Essential Knowledge and Skills for Physical Education, Middle School; §116.22, Physical Education, Grade 6; §116.23, Physical Education, Grade 7; and §116.24, Physical Education, Grade 8; and Subchapter C, High School, §116.51, Implementation of Texas Essential Knowledge and Skills for Physical Education, High School; §116.52, Foundations of Personal Fitness (One-Half Credit); §116.53, Adventure/Outdoor Education (One-Half Credit); §116.54, Aerobic Activities (One-Half Credit); §116.55, Individual Sports (One-Half Credit); and §116.56, Team Sports (One-Half Credit).

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

## Proposed Approval of Innovative Courses

April 8, 2022

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

**SUMMARY:** This item recommends approval of innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§28.002\(f\)](#).

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

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

**PREVIOUS BOARD ACTION:** The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted additional amendments to 19 TAC §74.27 to be effective December 25, 2019.

From May 1998 through July 2003, the SBOE approved a total of 45 new innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum through the annual approval process. In May 2004, July 2007, July 2009, January 2011, January 2012, January 2013, and July 2014 the SBOE approved the renewal of innovative courses in addition to approving new courses. In April 2005, April 2006, May 2008, May 2010, and April 2014 the SBOE approved renewal of innovative courses. In July 2010, the SBOE approved one new course. In April 2015, the SBOE approved for a period of five years three expiring course series submitted for renewal. In April 2016, the SBOE approved one new course for a period of three years and one new course for a one-year period. The SBOE approved for a period of five years each the renewal of three expiring innovative courses in November 2016. At the January-February 2017 meeting, the SBOE approved for renewal two expiring innovative courses for a period of five years, and at the April 2017 SBOE meeting, the SBOE approved for renewal three additional courses for a period of five years each. At the June 2017 SBOE meeting, the SBOE approved two new courses for a period of five years each. At the April 2018 SBOE meeting, the SBOE approved one new course for a period of five years. At the January-February 2019 SBOE meeting, the SBOE renewed one course for a period of three years and granted one course a one-year extension. At the April 2019 SBOE meeting, the board approved for renewal two courses for a period of three years and one course for a period of five years. At the June 2019 SBOE meeting, the board approved renewal of one course for a period of three years and one new course for a period of two years. The board approved renewal of eight innovative courses for a period of five years at the January 2020 SBOE meeting. At the June-July 2020 SBOE meeting, the SBOE renewed ten courses for a period of five years and granted one new course a two-year approval. In January 2021, the SBOE renewed one course for a period of five years. At the January 2022 SBOE meeting, the board approved renewal of one course for a period of three years and five courses for a period of five years.

**BACKGROUND INFORMATION AND JUSTIFICATION:** After the board adopted new rules concerning graduation requirements, the experimental courses previously approved were phased out as of

August 31, 1998. As a result of the adoption of the Texas Essential Knowledge and Skills (TEKS), districts now submit new requests for innovative course approval for courses that do not have TEKS.

The process outlined in 19 TAC §74.27 provides authority for the commissioner of education to approve discipline-based courses but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

A brief description of the courses submitted for SBOE review and consideration will be provided to SBOE members at the April 2022 meeting. If approved, the recommended effective date for the courses would be August 1, 2022. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2022-2023 school year.

**PUBLIC BENEFIT AND COST TO PERSONS:** Students would have access to courses that meet local district needs.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve the innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum as shown in the separate exhibit.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of 19 TAC §74.27, Innovative Courses and Programs

**Separate Exhibit:**

Innovative Courses Recommended for Approval  
(to be provided at the April 2022 SBOE meeting)

## ATTACHMENT

### Text of 19 TAC

#### Chapter 74. Curriculum Requirements

##### Subchapter C. Other Provisions

###### §74.27. Innovative Courses and Programs.

- (a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.
  - (1) The State Board of Education (SBOE) may approve any course that does not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
  - (2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.
  - (3) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
  - (4) To request approval from the SBOE or the commissioner of education, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
    - (A) a description of the course and its essential knowledge and skills;
    - (B) the rationale and justification for the request in terms of student need;
    - (C) data that demonstrates successful implementation or piloting of the course;
    - (D) a description of activities, major resources, and materials to be used;
    - (E) the methods of evaluating student outcomes;
    - (F) the qualifications of the teacher;
    - (G) any training required in order to teach the course and any associated costs; and
    - (H) the amount of credit requested.
  - (5) To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
  - (6) With the approval of the local board of trustees, a school district may offer, without modifications, any state-approved innovative course.
- (b) An ethnic studies course that has been approved by the commissioner as an innovative course shall be presented to the SBOE for discussion and consideration for inclusion in the TEKS.

- (1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.
- (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b) shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

## Approval of Updates and Substitutions to Adopted Instructional Materials

April 8, 2022

### COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: CONSENT

**SUMMARY:** This item provides the opportunity for the committee and board to approve update and/or substitution requests received since the last board meeting. The updated content has been reviewed by 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:** In February 2015, the SBOE approved a substitution request for three science products, kindergarten–grade 2, from Discovery Education. In April 2016, the SBOE approved an update request for two math products, grades 6–8, from Texas State University. In April 2019, the Committee on Instruction (COI) postponed a vote on an update request for three English language arts and reading products, grades 6–8, from ThinkCERCA. The board approved the update request from ThinkCERCA at the June 2019 meeting. At the September 2019 meeting, the SBOE postponed a vote on an update request from EDUSPARK, Inc. for four Spanish language arts and reading products, kindergarten, and grades 1, 4, and 5. The request from EDUSPARK, Inc. was approved by the SBOE at the November 2019 meeting. In January 2020, a substitution request from Origo Education for English and Spanish math, kindergarten–grade 5, was submitted to the COI but no action was taken. In April 2020, the SBOE approved the substitution request from Origo Education for English and Spanish math, kindergarten–grade 5. In September 2020, the SBOE approved an update request from Learning A–Z for six English language arts and reading products, kindergarten–grade 2. In November 2020, the SBOE approved an update request from Learning A–Z for three English language arts and reading products, grades 2–4. In January 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grade 5 and a substitution request from QuaverEd for their prekindergarten product. In April 2021, the SBOE approved an update request from EDUSPARK, Inc. for English and Spanish prekindergarten products and a substitution request from Cheng & Tsui Co. Inc. for their Chinese Level I languages other than English product. In June 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grades 2–4. In September 2021, the SBOE approved update requests from The Children’s Learning Institute at UT Health Science Center for prekindergarten English and Spanish. In November 2021, the SBOE approved a substitution request from Cheng & Tsui and an update request from Learning A–Z, grades 1–5. In January 2022, the SBOE approved update requests from Learning A–Z, grades 2 and 3.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Rules in 19 TAC §66.75 permit a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. The rule 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.

Rules in 19 TAC §66.76 permit a publisher to submit a request for approval to substitute a new edition of state-adopted instructional materials. The rule also requires that all requests for updates involving content used in determining the product's eligibility for adoption must be approved by the SBOE prior to their introduction into state-adopted instructional materials.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve the request from Learning Without Tears to substitute *Kick Start Kindergarten* in its kindergarten English handwriting product adopted under *Proclamation 2019*.

**Staff Members Responsible:**

Melissa Lautenschlager, Director, Instructional Materials and Implementation  
Amie Williams, Director, Instructional Materials Review and Procurement

**Attachment I:**

[Learning Without Tears, English language arts and reading, Handwriting, Grade K](#)

**Separate Exhibit:**

Additional Updates and/or Substitutions Submitted for Approval  
(to be provided at the April 2022 SBOE meeting)

**Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.310, 127.312, and 127.313; Subchapter I, Health Science, §127.409; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.753, 127.755, 127.761, and 127.764; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277**  
**(First Reading and Filing Authorization)**

**April 8, 2022**

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

**SUMMARY:** This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.310, Principles of Education and Training (One Credit), Adopted 2015; §127.312, Instructional Practices (Two Credits), Adopted 2015; and §127.313, Practicum in Education and Training (Two Credits), Adopted 2015; Subchapter I, Health Science, §127.409, Health Informatics (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.753, Engineering Design and Problem Solving (One Credit), Adopted 2015; §127.755, Engineering Science (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); and §127.764, Computer Science III (One Credit); and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277, Child Development (One Credit), Adopted 2015. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for nine career and technical education (CTE) courses that will be superseded by 19 TAC §§127.316, 127.317, 127.325, 127.326, 127.418, 127.782, 127.785, 127.788, and 127.791 beginning with the 2022-2023 school year.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§7.102\(c\)\(4\)](#) and [§28.002\(a\) and \(c\)](#).

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 identify by rule 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.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed repeals is August 1, 2022. 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 2023-2024 school year. The earlier effective date would repeal sections to avoid confusion with new TEKS that are being implemented at the beginning of the 2022-2023 school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for CTE, including career development, in 19 TAC Chapters 119-125 and 127 effective September 1, 1998. The SBOE approved revisions to the CTE TEKS in Chapter 127 and new Chapter 130, Subchapters A-P, effective August 23, 2010. In 2015,

the CTE TEKS were amended effective August 28, 2017. In 2018, the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters B, H, M, and O, effective March 27, 2018. The CTE TEKS were last amended in 2020 when the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters A, C, K, O, and Q, effective August 1, 2020. At the November 2021 SBOE meeting, the board approved for first reading and filing authorization the proposed repeal of 19 TAC §§130.161-130.166, 130.201-130.211, 130.221-130.234, 130.251-130.263, 130.331-130.343, and 130.401-130.435, and proposed new 19 TAC §§127.309-127.314, 127.402-127.415, 127.468-127.480, 127.625-127.648, and 127.742-127.776.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Currently, CTE TEKS for career development courses for middle and high school are codified in 19 TAC Chapter 127, Subchapters A and B. The TEKS for courses associated with 17 CTE career clusters are codified by subchapter in 19 TAC Chapter 130, Subchapters A-Q. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training, health science, and science, technology, engineering, and mathematics (STEM) career clusters. Two additional courses eligible to satisfy a graduation requirement in science were also part of the review. At the November 2021 SBOE meeting, the board approved for second reading and final adoption proposed new TEKS for these courses.

Due to the current structure of Chapter 130, there are not enough sections to add the new CTE courses under consideration in their assigned subchapters. To accommodate the addition of new and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, which is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education."

The proposed repeals would remove the TEKS for nine CTE courses that will be superseded by 19 TAC §§127.316, 127.317, 127.325, 127.326, 127.418, 127.782, 127.785, 127.788, and 127.791 beginning with the 2022-2023 school year.

The proposed repeal was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the sections of Chapter 127 can be repealed beginning with the 2022-2023 school year.

**FISCAL IMPACT:** 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. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing CTE TEKS that will be superseded by a newly adopted set of TEKS.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposed repeals would remove the TEKS for nine CTE courses that will be superseded by §§127.316, 127.317, 127.325, 127.326, 127.418, 127.782, 127.785, 127.788, and 127.791 beginning with the 2022-2023 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.310, Principles of Education and Training (One Credit), Adopted 2015; §127.312, Instructional Practices (Two Credits), Adopted 2015; and §127.313, Practicum in Education and Training (Two Credits), Adopted 2015; Subchapter I, Health Science, §127.409, Health Informatics (One Credit), Adopted 2015; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.753, Engineering Design and Problem Solving (One Credit), Adopted 2015; §127.755, Engineering Science (One Credit), Adopted 2015; §127.761, Fundamentals of Computer Science (One Credit); and §127.764, Computer Science III (One Credit); and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277, Child Development (One Credit), Adopted 2015.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.310, 127.312, 127.313; Subchapter I, Health Science, §127.409; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.753, 127.755, 127.761, 127.764; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.277

ATTACHMENT  
Text of Proposed Repeal of 19 TAC

**Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career  
and Technical Education**

**Subchapter G. Education and Training**

**~~§127.310. Principles of Education and Training (One Credit), Adopted 2015.~~**

- ~~(a) General requirements. This course is recommended for students in Grades 9 and 10. Students shall be awarded one credit for successful completion of this course.~~
- ~~(b) Introduction.~~
- ~~(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
  - ~~(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.~~
  - ~~(3) Principles of Education and Training is designed to introduce learners to the various careers available within the Education and Training Career Cluster. Students use self knowledge as well as educational and career information to analyze various careers within the Education and Training Career Cluster. Students will develop a graduation plan that leads to a specific career choice in the student's interest area.~~
  - ~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
  - ~~(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~
- ~~(c) Knowledge and skills.~~
- ~~(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
    - ~~(A) demonstrate written communication;~~
    - ~~(B) perform job appropriate numerical and arithmetic application;~~
    - ~~(C) practice various forms of communication such as verbal and non-verbal communication used in educational and career settings;~~
    - ~~(D) exhibit teamwork skills;~~
    - ~~(E) apply decision making skills;~~
    - ~~(F) implement problem solving techniques;~~
    - ~~(G) acquire conflict management skills;~~
    - ~~(H) develop leadership skills;~~
    - ~~(I) demonstrate professionalism; and~~
    - ~~(J) develop effective work ethic practices.~~
  - ~~(2) The student explores education and training careers by such means as shadowing, interviewing, career interest inventory, researching, and/or self reflection. The student is expected to:~~

- ~~(A) — identify and investigate the three Education and Training Programs of Study: Teaching/Training, Professional Support Services, and Administration and Administrative Support;~~
  - ~~(B) — analyze transferable skills among a variety of careers within the Education and Training Career Cluster;~~
  - ~~(C) — recognize the impact of career choice on personal lifestyle;~~
  - ~~(D) — develop productive work habits such as organization, time management, and initiative; and~~
  - ~~(E) — analyze assessment results such as an interest and ability inventory as relative to those necessary for success in education and training.~~
- ~~(3) — The student explains societal impacts within the education and training career cluster. The student is expected to:~~
- ~~(A) — investigate trends or issues that have influenced the development of education across the United States such as historical, societal, cultural, and political trends and issues; and~~
  - ~~(B) — predict the Education and Training Career Cluster job market by using information from sources such as labor market information, technology, and societal or economic trends.~~
- ~~(4) — The student explores careers in the teaching and training program of study. The student is expected to:~~
- ~~(A) — summarize the various roles and responsibilities of professionals in the fields of teaching and training;~~
  - ~~(B) — describe typical personal characteristics, qualities, and aptitudes of professionals in the field of teaching and training;~~
  - ~~(C) — investigate education or training alternatives after high school for a career choice within the student's interest areas; and~~
  - ~~(D) — examine education or training degree plans for various occupations within the field of teaching and training.~~
- ~~(5) — The student explores careers in the professional support services program of study. The student is expected to:~~
- ~~(A) — summarize the various roles and responsibilities of professionals in the field of professional support services;~~
  - ~~(B) — describe typical personal characteristics, qualities, and aptitudes of professionals in the field of professional support services;~~
  - ~~(C) — investigate education and training alternatives after high school for a career choice within the student's interest areas; and~~
  - ~~(D) — examine education and training degree plans for various occupations within the field of professional support services.~~
- ~~(6) — The student explores careers in the administration and administrative support program of study. The student is expected to:~~
- ~~(A) — summarize the various roles and responsibilities of professionals in the field of administration and administrative support;~~
  - ~~(B) — describe typical personal characteristics, qualities, and aptitudes of professionals in the field of administration and administrative support;~~
  - ~~(C) — investigate education and training alternatives after high school for a career choice within the student's interest areas; and~~

- ~~(D) — examine education and training degree plans for various occupations within the fields of administration and administrative support.~~
- ~~(7) — The student experiences authentic education and training opportunities. The student is expected to:
 
  - ~~(A) — experience educator duties and responsibilities through activities such as assisting, shadowing, or observing;~~
  - ~~(B) — develop instructional materials such as visuals, teacher aids, manipulatives, lesson components, and mini-lessons; and~~
  - ~~(C) — formulate a personal set of beliefs relevant to education in preparation of developing a philosophy of education.~~~~
- ~~(8) — The student explores options in education and career planning. The student is expected to:
 
  - ~~(A) — develop a graduation plan that leads to a specific career choice in the area of interest;~~
  - ~~(B) — identify high school and dual enrollment courses related to specific career cluster programs of study;~~
  - ~~(C) — identify and compare technical and community college programs that align with interest areas; and~~
  - ~~(D) — identify and compare university programs and institutions that align with interest areas.~~~~
- ~~(9) — The student documents technical knowledge and skills. The student is expected to:
 
  - ~~(A) — assemble basic professional portfolio components such as basic resume, samples of work, service learning log, assessment results, and mock scholarship applications; and~~
  - ~~(B) — present the portfolio to interested stakeholders.]~~~~

**§127.312. Instructional Practices (Two Credits), Adopted 2015.**

- ~~(a) — General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Principles of Education and Training and Human Growth and Development. Students shall be awarded two credits for successful completion of this course.~~
- ~~(b) — Introduction:
 
  - ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
  - ~~(2) — The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.~~
  - ~~(3) — Instructional Practices is a field based (practicum) internship that provides students with background knowledge of child and adolescent development as well as principles of effective teaching and training practices. Students work under the joint direction and supervision of both a teacher with knowledge of early childhood, middle childhood, and adolescence education and exemplary educators or trainers in direct instructional roles with elementary, middle school, and high school aged students. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, develop materials for educational environments, assist with record keeping, and complete other responsibilities of teachers, trainers, paraprofessionals, or other educational personnel.~~
  - ~~(4) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
  - ~~(5) — Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~~~
- ~~(c) — Knowledge and skills:~~

- ~~(1) — The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
- ~~(A) — demonstrate written communication;~~
  - ~~(B) — perform job appropriate numerical and arithmetic application;~~
  - ~~(C) — practice various forms of communication such as verbal and non-verbal communication skills used in educational and career settings;~~
  - ~~(D) — exhibit teamwork skills;~~
  - ~~(E) — apply decision making skills;~~
  - ~~(F) — implement problem solving techniques;~~
  - ~~(G) — acquire conflict management skills;~~
  - ~~(H) — develop leadership skills;~~
  - ~~(I) — demonstrate professionalism; and~~
  - ~~(J) — develop effective work ethic practices.~~
- ~~(2) — The student explores the teaching and training profession. The student is expected to:~~
- ~~(A) — demonstrate an understanding of the historical foundations of education and training in the United States;~~
  - ~~(B) — determine and implement knowledge and skills needed by teaching and training professionals;~~
  - ~~(C) — demonstrate and implement personal characteristics needed by teaching and training professionals;~~
  - ~~(D) — identify qualities of effective schools;~~
  - ~~(E) — investigate possible career options in the field of education and training;~~
  - ~~(F) — discuss teaching and training in non-traditional setting such as those in corporations, community outreach, nonprofits, and government entities; and~~
  - ~~(G) — formulate a professional philosophy of education based on a personal set of beliefs.~~
- ~~(3) — The student understands the learner and the learning process. The student is expected to:~~
- ~~(A) — relate and implement principles and theories of human development to teaching and training situations;~~
  - ~~(B) — relate and implement principles and theories about the learning process to teaching and training situations;~~
  - ~~(C) — demonstrate and implement behaviors and skills that facilitate the learning process; and~~
  - ~~(D) — explain the relationship between effective instructional practices and learning differences, learner exceptionality, and special needs conditions.~~
- ~~(4) — The student interacts effectively in the role of an educator. The student is expected to:~~
- ~~(A) — demonstrate effective interaction skills with stakeholders such as students, educators, parents/guardians, community members, and other professionals; and~~
  - ~~(B) — demonstrate techniques promoting literacy.~~
- ~~(5) — The student plans and develops effective instruction. The student is expected to:~~
- ~~(A) — explain the role of the Texas Essential Knowledge and Skills in planning and evaluating instruction;~~

- ~~(B) — explain the rationale for having a fundamental knowledge of the subject matter in order to plan, prepare, and deliver effective instruction;~~
- ~~(C) — explain the rationale for and process of instructional planning;~~
- ~~(D) — describe principles and theories that impact instructional planning;~~
- ~~(E) — create clear short-term and long-term learning objectives that are developmentally appropriate for students; and~~
- ~~(F) — demonstrate lesson planning to meet instructional goals.~~
- ~~(6) — The student creates an effective learning environment. The student is expected to:~~
  - ~~(A) — describe and implement a safe and an effective learning environment;~~
  - ~~(B) — demonstrate teacher and trainer characteristics that promote an effective learning environment;~~
  - ~~(C) — identify classroom management techniques that promote an effective learning environment; and~~
  - ~~(D) — demonstrate conflict management and mediation techniques supportive of an effective learning environment.~~
- ~~(7) — The student assesses teaching and learning. The student is expected to:~~
  - ~~(A) — describe the role of assessment as part of the learning process;~~
  - ~~(B) — analyze the assessment process; and~~
  - ~~(C) — use appropriate assessment strategies in an instructional setting.~~
- ~~(8) — The student understands the relationship between school and society. The student is expected to:~~
  - ~~(A) — explain the relationship between school and society;~~
  - ~~(B) — recognize and use resources for professional growth such as family, school, and community resources; and~~
  - ~~(C) — collaborate with stakeholders such as family, school, and community to promote learning.~~
- ~~(9) — The student develops technology skills. The student is expected to:~~
  - ~~(A) — describe the role of technology in the instructional process;~~
  - ~~(B) — use technology applications appropriate for specific subject matter and student needs; and~~
  - ~~(C) — demonstrate skillful use of technology as a tool for instruction, evaluation, and management.~~
- ~~(10) — The student understands the professional, ethical, and legal responsibilities in teaching and training. The student is expected to:~~
  - ~~(A) — describe teacher and trainer characteristics that promote professional and ethical conduct;~~
  - ~~(B) — analyze professional and ethical standards that apply to educators and trainers;~~
  - ~~(C) — analyze situations requiring decisions based on professional, ethical, and legal considerations; and~~
  - ~~(D) — analyze expected effects of compliance and non-compliance with Texas teacher code of conduct.~~
- ~~(11) — The student participates in field-based experiences in education and training. The student is expected to:~~
  - ~~(A) — apply instructional strategies and concepts within a local educational or training facility; and~~

~~(B) — document, assess, and reflect on instructional experiences.~~

~~(12) — The student documents technical knowledge and skills. The student is expected to:~~

~~(A) — update professional portfolio components such as resume, samples of work, service learning log, assessment results, and mock scholarship applications; and~~

~~(B) — present the portfolio to interested stakeholders.]~~

**[§127.313. Practicum in Education and Training (Two Credits), Adopted 2015.]**

~~(a) — General requirements. This course is recommended for students in Grade 12. Prerequisite: Instructional Practices. Recommended prerequisites: Principles of Education and Training and Human Growth and Development. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.~~

~~(b) — Introduction:~~

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

~~(2) — The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.~~

~~(3) — Practicum in Education and Training is a field-based internship that provides students background knowledge of child and adolescent development principles as well as principles of effective teaching and training practices. Students in the course work under the joint direction and supervision of both a teacher with knowledge of early childhood, middle childhood, and adolescence education and exemplary educators in direct instructional roles with elementary, middle school, and high school-aged students. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, assist with record keeping, make physical arrangements, and complete other responsibilities of classroom teachers, trainers, paraprofessionals, or other educational personnel.~~

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

~~(5) — Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~

~~(c) — Knowledge and skills:~~

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

~~(A) — demonstrate written communication;~~

~~(B) — perform job-appropriate numerical and arithmetic application;~~

~~(C) — practice various forms of communication such as verbal and non-verbal communication used in educational and career settings;~~

~~(D) — exhibit teamwork skills;~~

~~(E) — apply decision-making skills;~~

~~(F) — implement problem-solving techniques;~~

~~(G) — acquire conflict management skills;~~

~~(H) — develop leadership skills;~~

~~(I) — demonstrate professionalism; and~~

- ~~(J) — develop effective work ethic practices.~~
- ~~(2) — The student explores the teaching and training profession. The student is expected to:~~
- ~~(A) — analyze current trends and issues that impact education such as political, societal, and economic trends and issues;~~
  - ~~(B) — demonstrate and implement knowledge and skills needed by the teaching and training profession;~~
  - ~~(C) — update assessment of personal characteristics needed to work in the teaching and training profession;~~
  - ~~(D) — explore qualities of effective schools;~~
  - ~~(E) — refine professional philosophy of education based on a personal set of beliefs;~~
  - ~~(F) — explore the educational/academic requirements and possible degree/certifications available in education;~~
  - ~~(G) — refine personal career plan in preparation for a career in the field of education or training;~~
  - ~~(H) — explore teaching and training in non traditional setting such as those in corporations, community outreach, nonprofits, and government entities; and~~
  - ~~(I) — explore educational high needs and teacher shortage areas.~~
- ~~(3) — The student understands the learner and learning process. The student is expected to:~~
- ~~(A) — apply principles and theories of human development appropriate to specific teaching or training situations;~~
  - ~~(B) — apply principles and theories about the learning process to specific teaching or training situations;~~
  - ~~(C) — analyze the dynamics of personal and student behaviors that facilitate the learning process;~~
  - ~~(D) — analyze teaching skills that facilitate the learning process; and~~
  - ~~(E) — demonstrate and evaluate effective instructional practices to accommodate diversity such as learning differences, learner exceptionality, and special needs considerations.~~
- ~~(4) — The student interacts effectively in the role of an educator. The student is expected to:~~
- ~~(A) — demonstrate and evaluate effective interaction skills with stakeholders such as students, educators, parents/guardians, community members, and other professionals; and~~
  - ~~(B) — demonstrate and evaluate techniques promoting literacy.~~
- ~~(5) — The student plans and uses effective instruction. The student is expected to:~~
- ~~(A) — apply principles and theories that impact instructional planning;~~
  - ~~(B) — develop instructional materials that align with the Texas Essential Knowledge and Skills;~~
  - ~~(C) — demonstrate competency in core and non core subject areas;~~
  - ~~(D) — create lessons plans that meet instructional goals;~~
  - ~~(E) — analyze concepts for developing effective instructional strategies;~~
  - ~~(F) — evaluate and analyze effectiveness of lessons plans and instructional strategies; and~~
  - ~~(G) — explain how learner and professional feedback is used to guide selection and adjustment of instructional strategies.~~
- ~~(6) — The student creates and maintains an effective learning environment. The student is expected to:~~
- ~~(A) — create and maintain a safe and an effective learning environment;~~

- ~~(B) — integrate teacher or trainer characteristics that promote an effective learning environment;~~
- ~~(C) — apply classroom management techniques that promote an effective learning environment;  
and~~
- ~~(D) — demonstrate specific conflict management and mediation techniques supportive of an effective learning environment.~~
- ~~(7) — The student assesses instruction and learning. The student is expected to:
  - ~~(A) — develop and apply assessments to foster student learning;~~
  - ~~(B) — use assessment strategies to promote personal growth and teaching or training improvement; and~~
  - ~~(C) — use reflective techniques to promote personal growth and teaching or training improvement.~~~~
- ~~(8) — The student understands the relationship between school and society. The student is expected to:
  - ~~(A) — identify and support learning through advocacy;~~
  - ~~(B) — select family, school, and community resources for professional growth; and~~
  - ~~(C) — promote learning and build support through positive school partnership activities with stakeholders such as families, schools, communities, and business/industry.~~~~
- ~~(9) — The student develops technology skills. The student is expected to:
  - ~~(A) — access and use current technology applications appropriate for specific subject matter and student needs; and~~
  - ~~(B) — integrate the skillful use of technology as a tool for instruction, evaluation, and management.~~~~
- ~~(10) — The student understands the professional, ethical, and legal responsibilities in teaching and training. The student is expected to:
  - ~~(A) — develop teacher and trainer characteristics that promote professional and ethical conduct;~~
  - ~~(B) — analyze professional and ethical standards that apply to educators and trainers;~~
  - ~~(C) — analyze situations requiring decisions based on professional, ethical, and legal considerations; and~~
  - ~~(D) — analyze expected effects of compliance and non-compliance with Texas teacher code of conduct.~~~~
- ~~(11) — The student explores the need and opportunities for continued professional development for educators and trainers. The student is expected to:
  - ~~(A) — identify strategies and resources for the professional development of educators or trainers such as research and assessment;~~
  - ~~(B) — demonstrate teacher or trainer characteristics that promote ongoing professional development and lifelong learning; and~~
  - ~~(C) — plan for professional growth.~~~~
- ~~(12) — The student continues to participate in field-based experiences in education or training. The student is expected to:
  - ~~(A) — apply instructional strategies and concepts within a local educational or training facility;  
and~~
  - ~~(B) — document, assess, and reflect on instructional experiences.~~~~
- ~~(13) — The student documents technical knowledge and skills. The student is expected to:~~

~~(A) — gather artifacts and documentation that support attainment of technical skill competencies;~~

~~(B) — update a professional portfolio to include components such as a resume, samples of work, service learning log, recognitions, awards, scholarship essays, letters of recommendation, certifications, and evaluations; and~~

~~(C) — present the portfolio to interested stakeholders.]~~

## Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career and Technical Education

### Subchapter I. Health Science

#### §127.409. Health Informatics (One Credit), Adopted 2015.

- (a) ~~General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Business Information Management I and Medical Terminology. Students shall be awarded one credit for successful completion of this course.~~
- (b) ~~Introduction.~~
- ~~(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
  - ~~(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.~~
  - ~~(3) The Health Informatics course is designed to provide knowledge of one of the fastest growing areas in both academic and professional fields. The large gap between state of the art computer technologies and the state of affairs in health care information technology has generated demand for information and health professionals who can effectively design, develop, and use technologies such as electronic medical records, patient monitoring systems, and digital libraries, while managing the vast amount of data generated by these systems.~~
  - ~~(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
  - ~~(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~
- (c) ~~Knowledge and skills.~~
- ~~(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
    - ~~(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner;~~
    - ~~(B) demonstrate adaptability skills such as problem solving and creative thinking;~~
    - ~~(C) develop a career plan;~~
    - ~~(D) employ teamwork;~~
    - ~~(E) create a job specific resume; and~~
    - ~~(F) appraise the characteristics desired by employers such as work ethics and professionalism.~~
  - ~~(2) The student interprets fundamental knowledge of concepts of health information systems technology and the tools for collecting, storing, and retrieving health care data. The student is expected to:~~
    - ~~(A) discuss and define the common information systems;~~
    - ~~(B) differentiate between the six types of information systems;~~
    - ~~(C) explain how each of the six information systems support the administrative, financial, clinical, and research needs of a health care enterprise;~~

- ~~(D) — describe the components of an information system; and~~
- ~~(E) — implement the concepts of health informatics by creating a culminating project.~~
- ~~(3) — The student employs the various types of databases in relation to health informatics. The student is expected to:~~
  - ~~(A) — define the function of a database management system;~~
  - ~~(B) — identify the purpose of data modeling;~~
  - ~~(C) — define the customary steps in the data modeling process;~~
  - ~~(D) — differentiate between entities, attributes, and relationships in a data model; and~~
  - ~~(E) — explain various types of organizational databases.~~
- ~~(4) — The student distinguishes between data and information. The student is expected to:~~
  - ~~(A) — discuss the importance of data security, accuracy, integrity, and validity; and~~
  - ~~(B) — demonstrate an understanding of data information concepts for health information systems and electronic health records.~~
- ~~(5) — The student examines the evolution of the health information system. The student is expected to:~~
  - ~~(A) — evaluate the growing role of the electronic health record;~~
  - ~~(B) — review the progress of the development of the electronic health record; and~~
  - ~~(C) — explain functional requirements for electronic health records.~~
- ~~(6) — The student examines the process of medical diagnostic and coding concepts as well as current procedural practices. The student is expected to:~~
  - ~~(A) — examine Health Insurance Portability and Accountability Act (HIPAA) guidelines for confidentiality, privacy, and security of a patient's information within the medical record;~~
  - ~~(B) — differentiate between insurance fraud and insurance abuse;~~
  - ~~(C) — discuss the linkage between current procedural technology (CPT) codes, International Classification of Diseases, 10th revision, clinical modification (ICD-10-CM) codes, and medical necessity for reimbursement for charges billed;~~
  - ~~(D) — search ICD-10-CM code system for correct diagnosis code using patient information;~~
  - ~~(E) — identify the two types of codes in the health care common procedure coding system (HCPCS); and~~
  - ~~(F) — explain how medical coding affects the payment process.~~
- ~~(7) — The student identifies agencies involved in the health insurance claims process. The student is expected to:~~
  - ~~(A) — define Medicaid and Medicare;~~
  - ~~(B) — discuss health care benefit programs such as TRICARE and CHAMPVA;~~
  - ~~(C) — explain how to manage a worker's compensation case;~~
  - ~~(D) — complete a current health insurance claim form such as the Centers for Medicare and Medicaid Service (CMS-1500) form; and~~
  - ~~(E) — identify three ways to transmit electronic claims.]~~

## Chapter 127. Texas Essential Knowledge and Skills for Career Development and Career and Technical Education

### Subchapter O. Science, Technology, Engineering, and Mathematics

#### §127.753. Engineering Design and Problem Solving (One Credit), Adopted 2015.

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Algebra I and Geometry. Recommended prerequisites: two Science, Technology, Engineering, and Mathematics (STEM) Career Cluster credits. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction:
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
  - (2) The STEM Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
  - (3) The Engineering Design and Problem Solving course is the creative process of solving problems by identifying needs and then devising solutions. The solution may be a product, technique, structure, or process depending on the problem. Science aims to understand the natural world, while engineering seeks to shape this world to meet human needs and wants. Engineering design takes into consideration limiting factors or "design under constraint." Various engineering disciplines address a broad spectrum of design problems using specific concepts from the sciences and mathematics to derive a solution. The design process and problem solving are inherent to all engineering disciplines.
  - (4) Engineering Design and Problem Solving reinforces and integrates skills learned in previous mathematics and science courses. This course emphasizes solving problems, moving from well-defined toward more open-ended, with real-world application. Students will apply critical thinking skills to justify a solution from multiple design options. Additionally, the course promotes interest in and understanding of career opportunities in engineering.
  - (5) This course is intended to stimulate students' ingenuity, intellectual talents, and practical skills in devising solutions to engineering design problems. Students use the engineering design process cycle to investigate, design, plan, create, and evaluate solutions. At the same time, this course fosters awareness of the social and ethical implications of technological development.
  - (6) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not scientifically testable.
  - (7) Scientific inquiry is the planned and deliberate investigation of the natural world. Scientific methods of investigation are experimental, descriptive, or comparative. The method chosen should be appropriate to the question being asked.
  - (8) Scientific decision making is a way of answering questions about the natural world. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).
  - (9) A system is a collection of cycles, structures, and processes that interact. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in

~~systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.~~

~~(10) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~

~~(11) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~

~~(c) Knowledge and skills.~~

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

~~(A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;~~

~~(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;~~

~~(C) present written and oral communication in a clear, concise, and effective manner;~~

~~(D) demonstrate time management skills in prioritizing tasks, following schedules, and performing goal relevant activities in a way that produces efficient results; and~~

~~(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.~~

~~(2) The student, for at least 40% of instructional time, conducts engineering laboratory and field activities using safe, environmentally appropriate, and ethical practices. The student is expected to:~~

~~(A) demonstrate safe practices during engineering laboratory and field activities; and~~

~~(B) demonstrate an understanding of the use and conservation of resources and the proper disposal or recycling of materials.~~

~~(3) The student uses scientific methods and equipment during laboratory and field investigations. The student is expected to:~~

~~(A) know the definition of science and understand that it has limitations, as specified in subsection (b)(6) of this section;~~

~~(B) know that hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories;~~

~~(C) know that scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed;~~

~~(D) distinguish between scientific hypotheses and scientific theories;~~

~~(E) plan and implement descriptive, comparative, and experimental investigations, including asking questions, formulating testable hypotheses, and selecting equipment and technology;~~

~~(F) collect and organize qualitative and quantitative data and make measurements with accuracy and precision using tools such as calculators, spreadsheet software, data-collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides, stereoscopes, metric rulers, electronic balances, gel electrophoresis~~

- ~~apparatuses, micropipettors, hand lenses, Celsius thermometers, hot plates, lab notebooks or journals, timing devices, cameras, Petri dishes, lab incubators, dissection equipment, meter sticks, and models, diagrams, or samples of biological specimens or structures;~~
- ~~(G) — analyze, evaluate, make inferences, and predict trends from data; and~~
- ~~(H) — communicate valid conclusions supported by the data through methods such as lab reports, labeled drawings, graphic organizers, journals, summaries, oral reports, and technology-based reports.~~
- ~~(4) — The student uses critical thinking, scientific reasoning, and problem solving to make informed decisions within and outside the classroom. The student is expected to:~~
- ~~(A) — in all fields of science, analyze, evaluate, and critique scientific explanations by using empirical evidence, logical reasoning, and experimental and observational testing, including examining all sides of scientific evidence of those scientific explanations, so as to encourage critical thinking by the student;~~
- ~~(B) — communicate and apply scientific information extracted from various sources such as current events, news reports, published journal articles, and marketing materials;~~
- ~~(C) — draw inferences based on data related to promotional materials for products and services;~~
- ~~(D) — evaluate the impact of scientific research on society and the environment;~~
- ~~(E) — evaluate models according to their limitations in representing biological objects or events; and~~
- ~~(F) — research and describe the history of biology and contributions of scientists.~~
- ~~(5) — The student applies knowledge of science and mathematics and the tools of technology to solve engineering design problems. The student is expected to:~~
- ~~(A) — apply scientific processes and concepts outlined in the Texas essential knowledge and skills (TEKS) for Biology, Chemistry, or Physics relevant to engineering design problems;~~
- ~~(B) — apply concepts, procedures, and functions outlined in the TEKS for Algebra I, Geometry, and Algebra II relevant to engineering design problems;~~
- ~~(C) — select appropriate mathematical models to develop solutions to engineering design problems;~~
- ~~(D) — integrate advanced mathematics and science skills as necessary to develop solutions to engineering design problems;~~
- ~~(E) — judge the reasonableness of mathematical models and solutions;~~
- ~~(F) — investigate and apply relevant chemical, mechanical, biological, electrical, and physical properties of materials to engineering design problems;~~
- ~~(G) — identify the inputs, processes, outputs, control, and feedback associated with open and closed systems;~~
- ~~(H) — describe the difference between open-loop and closed-loop control systems;~~
- ~~(I) — make measurements with accuracy and precision and specify tolerances;~~
- ~~(J) — use appropriate measurement systems, including customary and International System (SI) of units; and~~
- ~~(K) — use conversions between measurement systems to solve real-world problems.~~
- ~~(6) — The student communicates through written documents, presentations, and graphic representations using the tools and techniques of professional engineers. The student is expected to:~~

- ~~(A) — communicate visually by sketching and creating technical drawings using established engineering graphic tools, techniques, and standards;~~
  - ~~(B) — read and comprehend technical documents, including specifications and procedures;~~
  - ~~(C) — prepare written documents such as memorandums, emails, design proposals, procedural directions, letters, and technical reports using the formatting and terminology conventions of technical documentation;~~
  - ~~(D) — organize information for visual display and analysis using appropriate formats for various audiences, including graphs and tables;~~
  - ~~(E) — evaluate the quality and relevance of sources and cite appropriately; and~~
  - ~~(F) — defend a design solution in a presentation.~~
- ~~(7) — The student recognizes the history, development, and practices of the engineering professions. The student is expected to:~~
- ~~(A) — identify and describe career options, working conditions, earnings, and educational requirements of various engineering disciplines such as those listed by the Texas Board of Professional Engineers;~~
  - ~~(B) — recognize that engineers are guided by established codes emphasizing high ethical standards;~~
  - ~~(C) — explore the differences, similarities, and interactions among engineers, scientists, and mathematicians;~~
  - ~~(D) — describe how technology has evolved in the field of engineering and consider how it will continue to be a useful tool in solving engineering problems;~~
  - ~~(E) — discuss the history and importance of engineering innovation on the U.S. economy and quality of life; and~~
  - ~~(F) — describe the importance of patents and the protection of intellectual property rights.~~
- ~~(8) — The student creates justifiable solutions to open-ended real-world problems using engineering design practices and processes. The student is expected to:~~
- ~~(A) — identify and define an engineering problem;~~
  - ~~(B) — formulate goals, objectives, and requirements to solve an engineering problem;~~
  - ~~(C) — determine the design parameters associated with an engineering problem such as materials, personnel, resources, funding, manufacturability, feasibility, and time;~~
  - ~~(D) — establish and evaluate constraints pertaining to a problem, including health, safety, social, environmental, ethical, political, regulatory, and legal;~~
  - ~~(E) — identify or create alternative solutions to a problem using a variety of techniques such as brainstorming, reverse engineering, and researching engineered and natural solutions;~~
  - ~~(F) — test and evaluate proposed solutions using methods such as models, prototypes, mock-ups, simulations, critical design review, statistical analysis, or experiments;~~
  - ~~(G) — apply structured techniques to select and justify a preferred solution to a problem such as a decision tree, design matrix, or cost-benefit analysis;~~
  - ~~(H) — predict performance, failure modes, and reliability of a design solution; and~~
  - ~~(I) — prepare a project report that clearly documents the designs, decisions, and activities during each phase of the engineering design process.~~
- ~~(9) — The student manages an engineering design project. The student is expected to:~~

- ~~(A) — participate in the design and implementation of a real world or simulated engineering project using project management methodologies, including initiating, planning, executing, monitoring and controlling, and closing a project;~~
- ~~(B) — develop a plan and project schedule for completion of a project;~~
- ~~(C) — work in teams and share responsibilities, acknowledging, encouraging, and valuing contributions of all team members;~~
- ~~(D) — compare and contrast the roles of a team leader and other team responsibilities;~~
- ~~(E) — identify and manage the resources needed to complete a project;~~
- ~~(F) — use a budget to determine effective strategies to meet cost constraints;~~
- ~~(G) — create a risk assessment for an engineering design project;~~
- ~~(H) — analyze and critique the results of an engineering design project; and~~
- ~~(I) — maintain an engineering notebook that chronicles work such as ideas, concepts, inventions, sketches, and experiments.]~~

**§127.755. Engineering Science (One Credit), Adopted 2015;**

- ~~(a) — General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Algebra I and Biology, Chemistry, Integrated Physics and Chemistry (IPC), or Physics. Recommended prerequisite: Geometry. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.~~
- ~~(b) — Introduction:~~
  - ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
  - ~~(2) — The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.~~
  - ~~(3) — Engineering Science is an engineering course designed to expose students to some of the major concepts and technologies that they will encounter in a postsecondary program of study in any engineering domain. Students will have an opportunity to investigate engineering and high tech careers. In Engineering Science, students will employ science, technology, engineering, and mathematical concepts in the solution of real world challenge situations. Students will develop problem solving skills and apply their knowledge of research and design to create solutions to various challenges. Students will also learn how to document their work and communicate their solutions to their peers and members of the professional community.~~
  - ~~(4) — Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not scientifically testable.~~
  - ~~(5) — Scientific inquiry is the planned and deliberate investigation of the natural world. Scientific methods of investigation are experimental, descriptive, or comparative. The method chosen should be appropriate to the question being asked.~~
  - ~~(6) — Scientific decision making is a way of answering questions about the natural world. Students should be able to distinguish between scientific decision making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).~~

- ~~(7) — A system is a collection of cycles, structures, and processes that interact. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.~~
- ~~(8) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~
- ~~(9) — Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~
- ~~(e) — Knowledge and skills:~~
- ~~(1) — The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:~~
- ~~(A) — demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;~~
  - ~~(B) — show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;~~
  - ~~(C) — present written and oral communication in a clear, concise, and effective manner;~~
  - ~~(D) — demonstrate time management skills in prioritizing tasks, following schedules, and performing goal relevant activities in a way that produces efficient results; and~~
  - ~~(E) — demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.~~
- ~~(2) — The student, for at least 40% of instructional time, conducts laboratory and field investigations using safe, environmentally appropriate, and ethical practices. The student is expected to:~~
- ~~(A) — demonstrate safe practices during laboratory and field investigations; and~~
  - ~~(B) — demonstrate an understanding of the use and conservation of resources and the proper disposal or recycling of materials.~~
- ~~(3) — The student uses scientific methods and equipment during laboratory and field investigations. The student is expected to:~~
- ~~(A) — know the definition of science and understand that it has limitations, as specified in subsection (b)(4) of this section;~~
  - ~~(B) — know that hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power which have been tested over a wide variety of conditions are incorporated into theories;~~
  - ~~(C) — know scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well-established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed;~~
  - ~~(D) — distinguish between scientific hypotheses and scientific theories;~~
  - ~~(E) — plan and implement descriptive, comparative, and experimental investigations, including asking questions, formulating testable hypotheses, and selecting equipment and technology;~~
  - ~~(F) — collect and organize qualitative and quantitative data and make measurements with accuracy and precision using tools such as spreadsheet software, data collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides;~~

~~stereoscopes, electronic balances, micropipettors, hand lenses, surgical and imaging equipment, thermometers, hot plates, lab notebooks or journals, timing devices, Petri dishes, lab incubators, dissection equipment, and models, diagrams, or samples of biological specimens or structures;~~

~~(G) — analyze, evaluate, make inferences, and predict trends from data; and~~

~~(H) — communicate valid conclusions supported by the data through methods such as lab reports, labeled drawings, graphic organizers, journals, summaries, oral reports, and technology-based reports.~~

~~(4) — The student uses critical thinking, scientific reasoning, and problem-solving to make informed decisions within and outside the classroom. The student is expected to:~~

~~(A) — in all fields of science, analyze, evaluate, and critique scientific explanations by using empirical evidence, logical reasoning, and experimental and observational testing, including examining all sides of scientific evidence of those scientific explanations, so as to encourage critical thinking;~~

~~(B) — communicate and apply scientific information extracted from various sources such as current events, news reports, published journal articles, and marketing materials;~~

~~(C) — draw inferences based on data related to promotional materials for products and services;~~

~~(D) — evaluate the impact of scientific research on society and the environment; and~~

~~(E) — evaluate models according to their limitations in representing objects or events.~~

~~(5) — The student investigates engineering-related fields and career opportunities. The student is expected to:~~

~~(A) — differentiate between engineering and engineering technology;~~

~~(B) — compare the roles or job descriptions for career opportunities in the fields of pure science, engineering, and engineering technology;~~

~~(C) — identify and differentiate between the different engineering disciplines; and~~

~~(D) — demonstrate appropriate oral, written, and visual forms of technical communication.~~

~~(6) — The student demonstrates an understanding of design problems and works individually and as a member of a team to solve design problems. The student is expected to:~~

~~(A) — solve design problems individually and in a team;~~

~~(B) — create solutions to existing problems using a design process;~~

~~(C) — use a design brief to identify problem specifications and establish project constraints;~~

~~(D) — use communication to achieve a desired goal within a team; and~~

~~(E) — work as a member of a team to conduct research to develop a knowledge base, stimulate creative ideas, and make informed decisions.~~

~~(7) — The student understands mechanisms, including simple and compound machines, and performs calculations related to mechanical advantage, drive ratios, work, and power. The student is expected to:~~

~~(A) — explain the purpose and operation of components, including gears, sprockets, pulley systems, and simple machines;~~

~~(B) — explain how components, including gears, sprockets, pulley systems, and simple machines, make up mechanisms;~~

~~(C) — distinguish between the six simple machines and their attributes and components;~~

~~(D) — measure forces and distances related to a mechanism;~~

- ~~(E) — calculate work and power in mechanical systems;~~
- ~~(F) — determine experimentally the efficiency of mechanical systems; and~~
- ~~(G) — calculate mechanical advantage and drive ratios of mechanisms.~~
- ~~(8) — The student understands energy sources, energy conversion, and circuits and performs calculations related to work and power. The student is expected to:~~
  - ~~(A) — identify and categorize energy sources as nonrenewable, renewable, or inexhaustible;~~
  - ~~(B) — define and calculate work and power in electrical systems;~~
  - ~~(C) — calculate power in a system that converts energy from electrical to mechanical; and~~
  - ~~(D) — define voltage, current, and resistance and calculate each quantity in series, parallel, and combination electrical circuits using Ohm's law.~~
- ~~(9) — The student understands system energy requirements and how energy sources can be combined to convert energy into useful forms. The student understands the relationships among material conductivity, resistance, and geometry in order to calculate energy transfer and determine power loss and efficiency. The student is expected to:~~
  - ~~(A) — explain the purpose of energy management;~~
  - ~~(B) — evaluate system energy requirements in order to select the proper energy source;~~
  - ~~(C) — explain how multiple energy sources can be combined to convert energy into useful forms;~~
  - ~~(D) — describe how hydrogen fuel cells create electricity and heat and how solar cells create electricity;~~
  - ~~(E) — measure and analyze how thermal energy is transferred via convection, conduction, and radiation;~~
  - ~~(F) — analyze how thermal energy transfer is affected by conduction, thermal resistance values, convection, and radiation; and~~
  - ~~(G) — calculate resistance, efficiency, and power transfer in power transmission and distribution applications for various material properties.~~
- ~~(10) — The student understands the interaction of forces acting on a body and performs calculations related to structural design. The student is expected to:~~
  - ~~(A) — illustrate, calculate, and experimentally measure all forces acting upon a given body;~~
  - ~~(B) — locate the centroid of structural members mathematically or experimentally;~~
  - ~~(C) — calculate moment of inertia of structural members;~~
  - ~~(D) — define and calculate static equilibrium;~~
  - ~~(E) — differentiate between scalar and vector quantities;~~
  - ~~(F) — identify properties of a vector, including magnitude and direction;~~
  - ~~(G) — calculate the X and Y components given a vector;~~
  - ~~(H) — calculate moment forces given a specified axis;~~
  - ~~(I) — calculate unknown forces using equations of equilibrium; and~~
  - ~~(J) — calculate external and internal forces in a statically determinate truss using translational and rotational equilibrium equations.~~
- ~~(11) — The student understands material properties and the importance of choosing appropriate materials for design. The student is expected to:~~

- ~~(A) — conduct investigative non-destructive material property tests on selected common household products;~~
  - ~~(B) — calculate and measure the weight, volume, mass, density, and surface area of selected common household products; and~~
  - ~~(C) — identify the manufacturing processes used to create selected common household products.~~
- ~~(12) — The student uses material testing to determine a product's function and performance. The student is expected to:~~
- ~~(A) — use a design process and mathematical formulas to solve and document design problems;~~
  - ~~(B) — obtain measurements of material samples such as length, width, height, and mass;~~
  - ~~(C) — use material testing to determine a product's reliability, safety, and predictability in function;~~
  - ~~(D) — identify and calculate test sample material properties using a stress-strain curve; and~~
  - ~~(E) — identify and compare measurements and calculations of sample material properties such as elastic range, proportional limit, modulus of elasticity, elastic limit, resilience, yield point, plastic deformation, ultimate strength, failure, and ductility using stress-strain data points.~~
- ~~(13) — The student understands that control systems are designed to provide consistent process control and reliability and uses computer software to create flowcharts and control system operating programs. The student is expected to:~~
- ~~(A) — create detailed flowcharts using a computer software application;~~
  - ~~(B) — create control system operating programs using computer software;~~
  - ~~(C) — create system control programs that use flowchart logic;~~
  - ~~(D) — select appropriate input and output devices based on the need of a technological system; and~~
  - ~~(E) — judge between open and closed loop systems in order to select the most appropriate system for a given technological problem.~~
- ~~(14) — The student demonstrates an understanding of fluid power systems and calculates values in a variety of systems. The student is expected to:~~
- ~~(A) — identify and explain basic components and functions of fluid power devices;~~
  - ~~(B) — differentiate between pneumatic and hydraulic systems and between hydrodynamic and hydrostatic systems;~~
  - ~~(C) — use Pascal's Law to calculate values in a fluid power system;~~
  - ~~(D) — distinguish between gauge pressure and absolute pressure and between temperature and absolute temperature;~~
  - ~~(E) — calculate values in a pneumatic system using the ideal gas laws; and~~
  - ~~(F) — calculate flow rate, flow velocity, and mechanical advantage in a hydraulic system.~~
- ~~(15) — The student demonstrates an understanding of statistics and applies the concepts to real-world engineering design problems. The student is expected to:~~
- ~~(A) — calculate the theoretical probability that an event will occur;~~
  - ~~(B) — calculate the experimental frequency distribution of an event occurring;~~
  - ~~(C) — apply the Bernoulli process to events that only have two distinct possible outcomes;~~

- (D) — apply AND, OR, and NOT logic to solve complex probability scenarios;
  - (E) — apply Bayes's theorem to calculate the probability of multiple events occurring;
  - (F) — calculate the central tendency of a data array, including mean, median, and mode;
  - (G) — calculate data variation, including range, standard deviation, and variance; and
  - (H) — create a histogram to illustrate frequency distribution.
- (16) — The student demonstrates an understanding of kinematics in one and two dimensions and applies the concepts to real world engineering design problems. The student is expected to:
- (A) — calculate distance, displacement, speed, velocity, and acceleration from data;
  - (B) — calculate experimentally the acceleration due to gravity given data from a free fall device;
  - (C) — calculate the X and Y components of an object in projectile motion; and
  - (D) — determine the angle needed to launch a projectile a specific range given the projectile's initial velocity.]

**§127.761. Fundamentals of Computer Science (One Credit.)**

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

(b) — Introduction:

- (1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) — The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
- (3) — Fundamentals of Computer Science is intended as a first course for those students just beginning the study of computer science. Students will learn about the computing tools that are used every day. Students will foster their creativity and innovation through opportunities to design, implement, and present solutions to real world problems. Students will collaborate and use computer science concepts to access, analyze, and evaluate information needed to solve problems. Students will learn the problem-solving and reasoning skills that are the foundation of computer science. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of the principles of computer science through the study of technology operations and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.
- (4) — Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) — Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) — Knowledge and skills:

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

- ~~(A) — investigate and explore various career opportunities within the computer science field and report findings through various media;~~
  - ~~(B) — create and publish interactive stories, games, and animations;~~
  - ~~(C) — create and publish interactive animations;~~
  - ~~(D) — create algorithms for the solution of various problems;~~
  - ~~(E) — create web pages using a mark up language;~~
  - ~~(F) — use the Internet to create and publish solutions; and~~
  - ~~(G) — design creative and effective user interfaces.~~
- ~~(2) — Communication and collaboration. The student communicates and collaborates with peers to contribute to his or her own learning and the learning of others. The student is expected to:~~
- ~~(A) — seek and respond to advice from peers and professionals in evaluating problem solutions;~~
  - ~~(B) — debug and solve problems using reference materials and effective strategies; and~~
  - ~~(C) — publish information in a variety of ways such as print, monitor display, web pages, and video.~~
- ~~(3) — Research and information fluency. The student locates, analyzes, processes, and organizes data. The student is expected to:~~
- ~~(A) — construct appropriate electronic search strategies; and~~
  - ~~(B) — use a variety of resources, including other subject areas, together with various productivity tools to gather authentic data as a basis for individual and group programming projects.~~
- ~~(4) — Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:~~
- ~~(A) — demonstrate the ability to insert applets into web pages;~~
  - ~~(B) — find, download, and insert scripting code into web pages to enhance interactivity;~~
  - ~~(C) — understand binary representation of data in computer systems, perform conversions between decimal and binary number systems, and count in binary number systems;~~
  - ~~(D) — read and define a problem's description, purpose, and goals;~~
  - ~~(E) — demonstrate coding proficiency in a contemporary programming language by developing solutions that create stories, games, and animations;~~
  - ~~(F) — choose, identify, and use the appropriate data type to properly represent data in a problem solution;~~
  - ~~(G) — demonstrate an understanding of and use variables within a programmed story, game, or animation;~~
  - ~~(H) — demonstrate proficiency in the use of arithmetic operators to create mathematical expressions, including addition, subtraction, multiplication, real division, integer division, and modulus division;~~
  - ~~(I) — demonstrate an understanding of and use sequence within a programmed story, game, or animation;~~
  - ~~(J) — demonstrate an understanding of and use conditional statements within a programmed story, game, or animation;~~
  - ~~(K) — demonstrate an understanding of and use iteration within a programmed story, game, or animation;~~

- ~~(L) — create an interactive story, game, or animation;~~
- ~~(M) — use random numbers within a programmed story, game, or animation; and~~
- ~~(N) — test program solutions by investigating valid and invalid data.~~
- ~~(5) — Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:~~
  - ~~(A) — discuss copyright laws/issues and model ethical acquisition of digital information by citing sources using established methods;~~
  - ~~(B) — demonstrate proper digital etiquette and knowledge of acceptable use policies when using networks, especially resources on the Internet and on intranets;~~
  - ~~(C) — investigate measures such as passwords or virus detection/prevention to protect computer systems and databases from unauthorized use and tampering;~~
  - ~~(D) — understand the safety risks associated with the use of social networking sites;~~
  - ~~(E) — discuss the impact of computing and computing related advancements on society; and~~
  - ~~(F) — determine the reliability of information available through electronic media.~~
- ~~(6) — Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:~~
  - ~~(A) — demonstrate knowledge of the basic computer components, including a central processing unit (CPU), storage, and input/output devices;~~
  - ~~(B) — use operating system tools, including appropriate file management;~~
  - ~~(C) — demonstrate knowledge and appropriate use of different operating systems;~~
  - ~~(D) — demonstrate knowledge and understanding of basic network connectivity;~~
  - ~~(E) — describe, compare, and contrast the differences between an application and an operating system; and~~
  - ~~(F) — compare, contrast, and appropriately use various input, processing, output, and primary/secondary storage devices.]~~

**§127.764. Computer Science III (One Credit).]**

- ~~(a) — General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: Computer Science II, Advanced Placement (AP) Computer Science A, or International Baccalaureate (IB) Computer Science. This course is recommended for students in Grades 11 and 12.~~
- ~~(b) — Introduction:~~
  - ~~(1) — Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.~~
  - ~~(2) — The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.~~
  - ~~(3) — Computer Science III will foster students' creativity and innovation by presenting opportunities to design, implement, and present meaningful programs through a variety of media. Students will collaborate with one another, their instructor, and various electronic communities to solve the problems presented throughout the course. Through data analysis, students will identify task requirements, plan search strategies, and use computer science concepts to access, analyze, and evaluate information needed to solve problems. By using computer science knowledge and skills that support the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create solutions, and evaluate the~~

~~results. Students will learn digital citizenship by researching current laws and regulations and by practicing integrity and respect. Students will gain an understanding of advanced computer science data structures through the study of technology operations, systems, and concepts. The six strands include creativity and innovation; communication and collaboration; research and information fluency; critical thinking; problem solving, and decision making; digital citizenship; and technology operations and concepts.~~

~~(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.~~

~~(5) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.~~

~~(e) Knowledge and skills:~~

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

~~(A) apply data abstraction and encapsulation to manage complexity;~~

~~(B) implement a student created class hierarchy;~~

~~(C) read and write class specifications using visual organizers, including Unified Modeling Language;~~

~~(D) use black box programming methodology;~~

~~(E) design, create, and use interfaces to apply protocols;~~

~~(F) identify, describe, design, create, evaluate, and compare standard sorting algorithms that perform sorting operations on data structures, including quick sort and heap sort;~~

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

~~(H) manage complexity by using a systems approach.~~

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

~~(A) use local area networks (LANs) and wide area networks (WANs), including the Internet and intranets, in research, file management, and collaboration;~~

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

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

~~(D) work in software design teams.~~

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

~~(A) identify and use the structured data type of arrays of objects to traverse, search, modify, insert, and delete data;~~

~~(B) identify and use two dimensional ragged arrays to traverse, search, modify, insert, and delete data;~~

~~(C) identify and use a list object data structure, including vector, to traverse, search, insert, and delete object data;~~

~~(D) understand and trace a linked list data structure;~~

- ~~(E) — create program solutions using a linked list data structure, including unordered single, ordered single, double, and circular linked;~~
- ~~(F) — understand composite data structures, including a linked list of linked lists;~~
- ~~(G) — understand and create program solutions using stacks, queues, trees, heaps, priority queues, graph theory, and enumerated data types;~~
- ~~(H) — understand and create program solutions using sets, including HashSet and TreeSet;~~
- ~~(I) — understand and create program solutions using maps, including HashMap and TreeMap; and~~
- ~~(J) — write and modify text file data.~~
- ~~(4) — Critical thinking, problem solving, and decision making. The student uses appropriate strategies to analyze problems and design algorithms. The student is expected to:~~
  - ~~(A) — develop choice algorithms using selection control statements, including break, label, and continue;~~
  - ~~(B) — demonstrate proficiency in the use of the bitwise operators;~~
  - ~~(C) — develop iterative algorithms using do-while loops;~~
  - ~~(D) — demonstrate proficiency in the use of the ternary operator;~~
  - ~~(E) — create program solutions that use iterators;~~
  - ~~(F) — identify, trace, and appropriately use recursion;~~
  - ~~(G) — understand and create program solutions using hashing;~~
  - ~~(H) — perform pattern recognition using regular expressions;~~
  - ~~(I) — explore common algorithms, including matrix addition and multiplication, fractals, Towers of Hanoi, and magic square;~~
  - ~~(J) — create program solutions that exhibit robust behavior by understanding and avoiding runtime errors and handling anticipated errors;~~
  - ~~(K) — understand object-oriented design concepts of inner classes, outer classes, and anonymous classes;~~
  - ~~(L) — use object reference scope identifiers, including null, this, and super;~~
  - ~~(M) — provide object functionality to primitive data types;~~
  - ~~(N) — write program assumptions in the form of assertions;~~
  - ~~(O) — write a Boolean expression to test a program assertion; and~~
  - ~~(P) — construct assertions to make explicit program invariants.~~
- ~~(5) — Digital citizenship. The student explores and understands safety, legal, cultural, and societal issues relating to the use of technology and information. The student is expected to:~~
  - ~~(A) — model ethical acquisition and use of digital information; and~~
  - ~~(B) — demonstrate proper digital etiquette, responsible use of software, and knowledge of acceptable use policies.~~
- ~~(6) — Technology operations and concepts. The student understands technology concepts, systems, and operations as they apply to computer science. The student is expected to:~~
  - ~~(A) — compare and contrast high-level programming languages;~~
  - ~~(B) — create a small workgroup network;~~
  - ~~(C) — create and apply a basic network addressing scheme; and~~

~~(D) — create discovery programs in a low level language, high level language, and scripting language.]~~

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

### Subchapter J. Human Services

#### §130.277. Child Development (One Credit), Adopted 2015:

- (a) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Human Services. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
  - (2) The Human Services Career Cluster focuses on preparing individuals for employment in career pathways that relate to families and human needs such as counseling and mental health services, family and community services, personal care services, and consumer services.
  - (3) Child Development is a technical laboratory course that addresses knowledge and skills related to child growth and development from prenatal through school-age children, equipping students with child development skills. Students use these skills to promote the well-being and healthy development of children and investigate careers related to the care and education of children.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
  - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
    - (A) apply interpersonal communication skills in business and industry settings;
    - (B) explain and recognize the value of collaboration within the workplace;
    - (C) examine the importance of time management to succeed in the workforce;
    - (D) identify work ethics and professionalism in a job setting; and
    - (E) develop problem-solving and critical thinking skills.
  - (2) The student analyzes roles and responsibilities of parenting. The student is expected to:
    - (A) identify parenting skills and responsibilities;
    - (B) investigate the legal rights and responsibilities of parents;
    - (C) analyze relationship and communication skills needed for parenting; and
    - (D) explore the parental responsibilities of educating children.
  - (3) The student examines the protection and safety of children. The student is expected to:
    - (A) recognize the signs of domestic violence;
    - (B) demonstrate first aid and cardiopulmonary resuscitation skills;
    - (C) evaluate community resources relevant to the care and protection of children, including child-care services, health care services, and organizations;
    - (D) examine appropriate health care for children, including immunizations;

- ~~(E) — assess the safety of children's cribs, toys, clothing, and food; and~~
- ~~(F) — discuss legislation and public policies affecting children.~~
- ~~(4) — The student investigates components of optimal prenatal care and development. The student is expected to:~~
  - ~~(A) — identify signs and stages of pregnancy;~~
  - ~~(B) — analyze the effect of environmental and hereditary factors on fetal development, including prenatal brain development;~~
  - ~~(C) — describe nutritional needs prior to and during pregnancy;~~
  - ~~(D) — analyze appropriate medical care and good health practices prior to and during pregnancy;~~
  - ~~(E) — explore technological advances in prenatal care and development; and~~
  - ~~(F) — analyze the process of labor and delivery.~~
- ~~(5) — The student investigates strategies for optimizing the development of infants, including those with special needs. The student is expected to:~~
  - ~~(A) — explain the physical, emotional, social, and intellectual needs of the infant;~~
  - ~~(B) — investigate the impact of the infant on the family in areas such as roles, finances, responsibilities, and relationships;~~
  - ~~(C) — identify typical growth and development of infants such as brain development;~~
  - ~~(D) — identify appropriate nutritional needs for infants; and~~
  - ~~(E) — discuss the advantages of breast feeding.~~
- ~~(6) — The student investigates strategies for optimizing the development of toddlers, including those with special needs. The student is expected to:~~
  - ~~(A) — analyze the physical, emotional, social, and intellectual needs of the toddler;~~
  - ~~(B) — create play activities such as mathematics, science, physical movement, outdoor play, art, and music that enhance a toddler's growth and development;~~
  - ~~(C) — identify patterns of typical growth and development of toddlers; and~~
  - ~~(D) — prepare snacks or meals that meet appropriate nutritional guidelines for toddlers.~~
- ~~(7) — The student analyzes the growth and development of preschool children, including those with special needs. The student is expected to:~~
  - ~~(A) — analyze the physical, emotional, social, and intellectual needs of the preschool child;~~
  - ~~(B) — describe the role of play in a preschool child's growth and development;~~
  - ~~(C) — develop activities such as physical exercise or group play that meet developmental needs of preschool children;~~
  - ~~(D) — prepare snacks or meals that meet appropriate nutritional guidelines for preschool children; and~~
  - ~~(E) — identify appropriate licensing regulations for preschools.~~
- ~~(8) — The student analyzes the growth and development of school-age children, including those with special needs. The student is expected to:~~
  - ~~(A) — analyze the physical, emotional, social, and intellectual needs of the school-age child;~~
  - ~~(B) — assess the role of the school environment on the growth and development of the school-age child;~~

- ~~(C) — evaluate the importance of individual and group identification to the growth and development of school-age children;~~
- ~~(D) — develop appropriate activities for meeting developmental needs of school-age children such as physical exercise, language development, communication, listening skills, independence, conflict resolution, and self-discipline;~~
- ~~(E) — create recipes for nutritious snacks or meals appropriate for preparation by school-age children;~~
- ~~(F) — explore careers involving school-age children;~~
- ~~(G) — discuss legislation and public policies affecting school-age children; and~~
- ~~(H) — propose short and long-term career goals in child development.]~~

## **Adoption of Review of 19 TAC Chapter 89, Adaptations for Special Populations**

**April 8, 2022**

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

**SUMMARY:** Texas Government Code (TGC), §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 SBOE rules in 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings. The rules being reviewed relate to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings.

**STATUTORY AUTHORITY:** The statutory authority for the rule review is the [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 89, Subchapter A, is Texas Education Code ([TEC](#)), [§29.122](#) and [§48.109\(b\)](#); for Subchapter C is [TEC, §7.111](#); and for Subchapter D is [TEC, §30.003\(d\) and \(g\)](#) and [§30.004](#).

TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §7.111, authorizes the SBOE to adopt rules for the development and delivery of high school equivalency examinations and the provision for the administration of the examinations online, including a procedure for verifying the identity of the person taking the examination and the establishment and required payment of fees

TEC, §29.122, authorizes the SBOE to establish criteria each school district shall use to adopt a process for identifying and serving gifted and talented students in the district and to establish a program for those students in each grade level.

TEC, §30.003(d) and (g), authorizes the SBOE to set a date by rule on which school districts and state institutions shall provide to the commissioner the necessary information to determine the district's share of cost for a student's education at the Texas School for the Blind and Visually Impaired or Texas School for the Deaf and adopt rules as necessary to implement this section of the TEC.

TEC, §30.004, authorizes the SBOE to adopt rules prescribing the information that school districts shall provide to parents or other persons having lawful control of a student about programs and services available at the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf. This information is to include the availability of programs offered by state institutions for which the student may be eligible; the eligibility requirements and admission conditions imposed by each of those state institutions; and the rights of students regarding admission to those state institutions and the appeal of admission decisions.

TEC, §48.109(b), authorizes the SBOE to adopt rules districts must use to account for the expenditure of state funds for the gifted and talented student allotment.

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

**PREVIOUS BOARD ACTION:** The SBOE last adopted the review of 19 TAC Chapter 89, Subchapters A, C, and D, in April 2018, finding that the reasons for initially adopting the rules continued to exist. The proposed review of 19 TAC Chapter 89, Adaptations for Special Populations, was presented to the Committee on Instruction for discussion at the January 2022 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE rules in 19 TAC Chapter 89 are organized as follows: Subchapter A, Gifted/Talented Education; Subchapter C, Texas Certificate of High School Equivalency; and Subchapter D, Special Education Services and Settings. Following is a summary of each subchapter.

*Subchapter A. Gifted/Talented Education*

The rules in this subchapter provide for assessment and services for students; professional development for teachers, counselors, and administrators; and program accountability. The rules have been used as the foundation of the *Texas State Plan for the Education of Gifted/Talented Students* since November 1996.

*Subchapter C. Texas Certificate of High School Equivalency*

The rules in this subchapter provide for high school equivalency testing in the state, including the establishment of testing centers; eligibility requirements for the Texas Certificate of High School Equivalency; and requirements for examinee identification, retesting, testing accommodations for examinees with documented disabilities, and issuance of the certificate.

*Subchapter D. Special Education Services and Settings*

The rules in this subchapter establish procedures for contracting for residential educational placements for students with disabilities, support of students enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf, and instructional arrangements and settings.

If authorized by the SBOE, the TEA will file the adopted review with the *Texas Register* stating that the SBOE finds the reasons for adopting 19 TAC Chapter 89, Subchapters A, C, and D, continue to exist. The filing of the adopted review stating that the reasons for adoption continue to exist would not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

**PUBLIC COMMENTS:** TEA filed the notice of proposed review of 19 TAC Chapter 89, Subchapters A, C, and D, with the *Texas Register* following the January 2022 SBOE meeting. The public comment period on the proposed review began February 25, 2022, and ended at 5:00 p.m. on April 1, 2022. Public comments received will be provided to the SBOE during the April 2022 meeting. The SBOE will take registered oral and written comments on the proposed review at the committee meeting in April 2022 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 89, Adaptations for Special Populations.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Support Services  
Monica Brewer, Statewide Coordinator, Gifted/Talented Education  
Cindee Tonnesen, Assistant Director, Texas Certificate of High School Equivalency, College, Career, and Military Preparation  
Tebbi Bowman, Policy Manager, Special Education Program

**Attachment:**

Text of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, Subchapter C, Texas Certificate of High School Equivalency, and Subchapter D, Special Education Services and Settings

**ATTACHMENT  
Text of 19 TAC**

**Chapter 89. Adaptations for Special Populations**

**Subchapter A. Gifted/Talented Education**

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §29.122 and §42.156(b), unless otherwise noted.*

**§89.1. Student Assessment.**

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

*Source: The provisions of this §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**§89.2. Professional Development.**

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776.*

**§89.3. Student Services.**

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must include:

- (1) instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
- (2) a continuum of learning experiences that leads to the development of advanced-level products and performances;
- (3) in-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

*Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.*

#### **§89.5. Program Accountability.**

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented.

*Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690.*

### **Subchapter C. Texas Certificate of High School Equivalency**

#### **§89.41. Policy.**

The Texas Education Agency shall be the only agency in Texas authorized to issue a certificate of high school equivalency. Tests shall be administered by authorized contracted testing centers under applicable state law and rules of the State Board of Education.

*Statutory Authority: The provisions of this §89.41 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.41 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective December 11, 2011, 36 TexReg 8373.*

#### **§89.42. Official Testing Centers.**

- (a) Entities eligible to serve as official computer-based testing centers include:
  - (1) an accredited school district;
  - (2) an institution of higher education;
  - (3) an education service center;
  - (4) a local workforce development board;
  - (5) a United States Department of Labor One-Stop Career Center;
  - (6) a United States Department of Labor Job Corps Center;
  - (7) a public or private correctional institution;
  - (8) a public or private technical institution or career preparation school;
  - (9) any other public or private postsecondary institution offering academic or technical education or vocational training under a certificate program or an associate degree program; and
  - (10) an independent, stand-alone testing center.
- (b) Entities eligible to serve as official paper-based testing centers include:
  - (1) an accredited school district;
  - (2) an institution of higher education;

- (3) an education service center;
  - (4) an entity approved to provide services under the Adult Education and Family Literacy Act; and
  - (5) a local workforce development board.
- (c) In order for a testing center to administer a paper-based test, the testing center must certify in its application that it will make the following documentation available upon request by the Texas Education Agency (TEA):
- (1) a written description of the testing center management structure and how any instruction provided by the center will be separate from testing, including a certification that tests will be administered and/or proctored by an individual that has not provided direct instruction to the test taker in the previous 12 months;
  - (2) a written narrative and photographs that describe and show:
    - (A) the building;
    - (B) distraction-free testing rooms;
    - (C) a separate but attached registration and admission room;
    - (D) sufficient separation of testing space from classrooms used for instruction; and
    - (E) desk layout that includes partitions or sufficient spacing to separate test takers by at least five feet;
  - (3) a written plan detailing how the testing center will ensure test security, including:
    - (A) a secure area for staff to inventory test material and prepare documents for testing sessions;
    - (B) restricted access to administrator workstations, monitors, and printers;
    - (C) a dedicated locked storage unit for secure test material in a locked room with access only to test administrators; and
    - (D) a secure area for the shipping and receiving of all test materials, answer sheets, and related materials;
  - (4) written procedures for administering the test; and
  - (5) a written detailed emergency plan.
- (d) A testing center that administers a paper-based test must provide to the test vendor for review written procedures for administering the test. In addition, the testing center must notify both the TEA and the test vendor in writing of testing center changes such as testing personnel, testing rooms, storage of secure documentation, the emergency plan, or any other change impacting operations.
- (e) The appropriate official of an eligible entity desiring to provide the testing service to residents in the community must request approval from the TEA to apply for authorization from the authorized testing organization. If the need for a testing center in the location exists, the appropriate entity official, in writing, shall inform the state administrator appointed by the commissioner of education that the establishment of an official testing center is requested at that particular entity. The contract to operate a center shall be between the applicant entity and the authorized testing organization and its partners.
- (f) The authorization to function as an official testing center may be withdrawn by the TEA if the testing center is in violation of State Board of Education rules. Potential violations include neglecting to follow test, vendor, or jurisdictional policies and procedures; unauthorized use or sale of test candidate information; or misrepresentation of the testing center's authority to issue transcripts or credentials on behalf of the TEA.
- (g) A testing center may administer the test by paper, computer, or both, as approved by the TEA, to eligible candidates.

*Statutory Authority: The provisions of this §89.42 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.42 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015; amended to be effective December 25, 2016, 41 TexReg 9929.*

**§89.43. Eligibility for a Texas Certificate of High School Equivalency.**

- (a) An applicant for a certificate of high school equivalency shall meet the following requirements.
  - (1) Residence. The applicant must be a resident of Texas or a member of the United States armed forces stationed at a Texas installation.
  - (2) Age.
    - (A) The applicant must be at least 18 years old.
    - (B) An applicant who is 17 years of age is eligible with parental or guardian consent. An applicant who is 17 years of age must submit permission of the applicant's parent or guardian according to procedures established by the Texas Education Agency (TEA). An applicant who is 17 years of age and married, who has entered military service, who has been declared an adult by the court, or who has otherwise legally severed the child/parent relationship is not required to present parent or guardian permission to be tested.
    - (C) An applicant who is at least 16 years of age may test if recommended by a public agency having supervision or custody under a court order. Recommendations must include the applicant's name and date of birth and must be submitted according to procedures established by the TEA by an official of the public agency having supervision or custody of the person under a court order. An applicant who is at least 16 years old may also test if:
      - (i) required to take the examination under a court order issued under the Texas Family Code, §65.103(a)(3);
      - (ii) enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 United States Code, §§2801 et seq.) and its subsequent amendments; or
      - (iii) enrolled in the Texas Military Department's Texas ChalleNge Academy program.
  - (3) Educational status. The applicant must not have received a high school diploma from an accredited high school in the United States. The applicant must not be enrolled in school, unless the applicant is enrolled in a High School Equivalency Program (HSEP) approved by the TEA. A student who is 17 years of age is eligible to test if the student is enrolled in an HSEP approved by the TEA. The student must comply with the provisions of the HSEP.
  - (4) Minimum test scores. An applicant must achieve the appropriate minimum standard scores in effect at the time the applicant tested as established by the TEA or the designated test organization, as appropriate.
- (b) Verification that any person being tested meets the eligibility requirements in this section will be provided according to procedures established by the TEA.

*Statutory Authority: The provisions of this §89.43 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.43 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015.*

#### **§89.44. Identification.**

Test centers shall require each examinee to present a driver's license or Texas Department of Public Safety identification card, or a government issued identification card (both national and foreign), provided that the identification includes date of birth, photograph, address, and signature. The examinee must also meet the age, residency, and other requirements of this subchapter.

*Statutory Authority: The provisions of this §89.44 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.44 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373.*

#### **§89.45. Retesting.**

An examinee may retest in accordance with retest policies of the examination provider.

*Statutory Authority: The provisions of this §89.45 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.45 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective August 20, 2014, 39 TexReg 6225.*

#### **§89.46. Accommodations.**

- (a) Reasonable and appropriate accommodations shall be provided to applicants with documented disabilities that prevent fair access to the high school equivalency examinations.
- (b) Requests for accommodations must:
  - (1) be submitted in writing for approval from the examination provider; and
  - (2) include appropriate documentation of disability and rationale for each modification requested.
- (c) No fees or prepayments may be charged to the applicant to evaluate an accommodation request.
- (d) No additional fees may be charged to the applicant for the administration of the examinations with approved accommodations.

*Statutory Authority: The provisions of this §89.46 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.46 adopted to be effective August 20, 2014, 39 TexReg 6225; amended to be effective August 21, 2016, 41 TexReg 6015.*

#### **§89.47. Issuance of the Certificate.**

- (a) A nonrefundable state administrative fee, calculated by dividing \$25 by the number of tests in the battery, will be assessed for each individual test upon registration. A permanent file shall be maintained for all certificates issued.
- (b) Duplicate certificates will be issued upon request from the client. The client is required to pay a nonrefundable fee of \$5.00 for each request for a duplicate certificate. An additional convenience fee of no more than \$2.00 per transaction shall be charged to cover the cost of printing certificates online.
- (c) The certificate of high school equivalency shall indicate the language, format, and provider of each test taken by the applicant.
- (d) The state administrator appointed by the commissioner of education may disapprove issuance of a certificate or may cancel a certificate under the following conditions:
  - (1) an applicant does not meet eligibility requirements under §89.43 of this title (relating to Eligibility for a Texas Certificate of High School Equivalency);
  - (2) the applicant in any way violates security of the restricted test material;
  - (3) the applicant presents fraudulent identification or is not who he or she purports to be;

- (4) the applicant uses another person's certificate or test scores in an attempt to defraud; or
  - (5) the applicant willingly allows another person to use his or her certificate or test scores in an attempt to defraud.
- (e) In the case of nonissuance or cancellation of a certificate, the applicant shall be notified in writing by the state administrator that the certificate will not be issued or may be canceled. A decision by the state administrator appointed by the commissioner is final and may not be appealed.

*Statutory Authority: The provisions of this §89.47 issued under the Texas Education Code, §7.111.*

*Source: The provisions of this §89.47 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective September 1, 1999, 24 TexReg 386; amended to be effective April 18, 2002, 27 TexReg 3061; amended to be effective June 6, 2004, 29 TexReg 5343; amended to be effective October 15, 2006, 31 TexReg 8361; amended to be effective December 11, 2011, 36 TexReg 8373; amended to be effective October 10, 2013, 38 TexReg 6914; amended to be effective August 21, 2016, 41 TexReg 6015.*

## **Subchapter D. Special Education Services and Settings**

### **§89.62. Support of Students Enrolled in the Texas School for the Blind and Visually Impaired and Texas School for the Deaf.**

- (a) For each student enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf, the school district responsible for providing appropriate special education and related services to the student shall share the cost of the student's education (excluding the summer programs) as provided under the Texas Education Code, §30.003.
  - (1) The information required in accordance with the Texas Education Code, §30.003(d), must be submitted in a form prescribed by the commissioner of education within 30 calendar days after the student enrolls in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.
  - (2) School districts required to remit their shares to the Texas Education Agency in accordance with the Texas Education Code, §30.003(d), shall do so within 60 days of notification by the commissioner of education.
- (b) School districts shall provide, annually, in writing to each parent or legal guardian of an eligible student with visual or auditory impairments, the information specified in the Texas Education Code, §30.004(a)(1-3), before considering the student's placement for special education services.

*Statutory Authority: The provisions of this §89.62 issued under the Texas Education Code, §§30.003, 30.004, and 42.151.*

*Source: The provisions of this §89.62 adopted to be effective September 1, 1996, 21 TexReg 5690.*

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

**Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing,  
Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide  
(First Reading and Filing Authorization)**

**April 8, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: 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 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG).

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.055(b)(32), 7.102(c)(32), 44.001(a) and (b), 44.007(a)-(d), and 44.008(b).

TEC, §7.055(b)(32), requires the commissioner to perform duties in connection with the public school accountability system as prescribed by TEC, Chapters 39 and 39A.

TEC, §7.102(c)(32), requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal accounts as required under TEC, Chapter 44, Subchapter A.

TEC, §44.001(a), requires the commissioner to establish advisory guidelines relating to the fiscal management of a school district. TEC, §44.001(b), requires the commissioner to report annually to the SBOE the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

TEC, §44.007(a), requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. TEC, §44.007(b), requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor. TEC, §44.007(c), requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE. TEC, §44.007(d), requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.

TEC, §44.008(b), requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

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 2023-2024 school year. The earlier effective date will ensure the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools as soon as possible.

**PREVIOUS BOARD ACTION:** The current FASRG, Version 17.0, was adopted by reference in §109.41 effective June 21, 2021. At the January 2022 SBOE meeting, the committee discussed the proposed amendment to §109.41 and the proposed updates to the FASRG modules to be adopted by reference in the rule.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. The proposed amendment to §109.41 would adopt Version 18.0 of the FASRG. Revisions to the FASRG would align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and charter school accounting systems shall use the accounting code structure presented in the Account Code section of the FASRG (Module 1). Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of the FASRG (Module 1).

The following changes would be made to Modules 1-6 of the FASRG.

#### Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Module 1 would align with current governmental accounting standards. Proposed Module 1 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).

#### Module 2, Special Supplement - Charter Schools

Module 2 would align with current financial and accounting reporting standards. Proposed Module 2 would include the following significant changes. The proposed module would establish financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed module would also include current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and*

*Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements facilitate preparation of financial statements that conform to GAAP established by the FASB.

#### Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts

Module 3 would align with current governmental accounting standards. Proposed Module 3 would include the following significant changes. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the Texas Student Data Systems (TSDS) PEIMS. In addition, charter schools would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the FASB.

#### Module 4, Auditing

Module 4 would align with current governmental auditing standards. Proposed Module 4 would include the following significant changes. The proposed module would establish auditing requirements for Texas public school districts and charter schools and include current requirements from TEC, §44.008, as well as Title 2, Code of Federal Regulations, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the GASB.

#### Module 5, Purchasing

Module 5 would align with current purchasing laws and standards. Proposed Module 5 would include the following significant changes. School districts and charter schools would be required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

#### Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Module 6 would align with current governmental accounting standards. Proposed Module 6 would include the following significant changes. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide current information to assist local school officials' understanding of the numerous options for use of the state compensatory education allotment and provide current guidance for compliance.

**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. During the first five years the proposed rulemaking would be in effect, it would expand and limit an existing regulation. The proposal would amend requirements and provide updated governmental accounting and auditing standards. In some instances, the proposed changes would add information, and in some instances, information would be removed.

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 proposal would ensure that the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2022 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 May 6, 2022.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide.

**Staff Members Responsible:**

Leo Lopez, Associate Commissioner, School Finance  
David Marx, Senior Director, Financial Compliance

**Attachment I:**

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

**Attachment II:**

Proposed FASRG Module 1, Financial Accounting and Reporting (FAR)

**Attachment III:**

Proposed FASRG Module 1, FAR Appendices

**Attachment IV:**

Proposed FASRG Module 2, Special Supplement - Charter Schools

**Attachment V:**

Proposed FASRG Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts

**Attachment VI:**

Proposed FASRG Module 4, Auditing

**Attachment VII:**

Proposed FASRG Module 5, Purchasing

**Attachment VIII:**

Proposed FASRG Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Due to the size of Attachments II-VIII, the FASRG modules are available electronically on the TEA website at <https://tea.texas.gov/finance-and-grants/financial-accountability/financial-accountability-system-resource-guide>.

**ATTACHMENT**  
**Text of Proposed New 19 TAC**

**Chapter 109. Budgeting, Accounting, and Auditing**

**Subchapter C. Adoptions By Reference**

**§109.41. Financial Accountability System Resource Guide.**

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication Financial Accountability System Resource Guide, Version 18.0 [~~dated June 2021~~], which is adopted by this reference as the agency's official rule. A copy is available on the TEA website with information related to financial compliance.

**Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s  
Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year  
Ending August 31, 2021**

**April 7, 2022**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for representatives of the State Auditor’s Office (SAO) to make a presentation regarding the Audit of the Permanent School Fund’s Financial Statements and the certification of the Bond Guarantee Program for the fiscal year ending August 31, 2021.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC) [§45.053\(b\)](#).

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, §45.053(b) requires the SAO analyze the status of guaranteed bonds and certify that the amount of such bonds is within limits prescribed by law.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** Pursuant to TEC, §45.053, each year, the state auditor shall analyze the status of guaranteed bonds as compared to the cost value and market value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of the guaranteed bonds is within the limit prescribed by this section.

**Staff Member Responsible:**

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

**Report on Permanent School Fund Securities Transactions and the Investment Portfolio and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**

**April 8, 2022**

**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 receive a report on Permanent School Fund (PSF) Securities Transactions and the Investment Portfolio and consider approval of purchases and sales of investments executed in the portfolio of the PSF for the months of December 2021 and January 2022.

**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.

19 TAC Chapter 33 codifies administrative rules that 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 January 2022 meeting, the board approved purchases in the amount of \$1,339,173,674 and sales in the amount of \$1,393,350,017 conducted in the investment portfolio of the Permanent School Fund for the months of October and November 2021.

**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 PSF. 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.

**Staff Member Responsible:**

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

**Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of December 2021 and January 2022**

**April 8, 2022**

**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 receive a status update report on the liquid account and consider approval of the purchases and sales of investments executed in the liquid account for the months of December 2021 and January 2022.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Natural Resources Code ([NRC](#)), [§51.414](#), as repealed by SB 1232, 87th Legislature, Regular Session, 2021; 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, §51.414, created the Liquid Account within the Permanent School Fund to be managed by the SBOE.

19 TAC Chapter 33 codifies administrative rules that 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 January 2022 meeting, the board approved purchases in the amount of \$852,114,516 and sales in the amount of \$248,607,620 for the Permanent School Fund Liquid Account for the period October 1, 2021, through November 30, 2021.

**Staff Member Responsible:**

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

## **Adoption of an Annual Report on the Status of the Bond Guarantee Program**

**April 8, 2022**

### **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 adopt an annual report on the status of the Bond Guarantee Program.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC) [§45.053\(c\)](#).

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, §45.053(c) requires the SBOE to adopt an annual report on the status of the guaranteed bond program.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** Pursuant to Texas Education Code (TEC), §45.053(c), the commissioner shall prepare, and the board shall adopt an annual report on the status of the guaranteed bond program.

**Staff Member Responsible:**

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

## Fourth Quarter 2021 Permanent School Fund Performance Report

April 7, 2022

### COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

**SUMMARY:** The performance measurement consultant to the Permanent School Fund (PSF), BNY Mellon Asset Servicing, will report on the investment performance during the fourth calendar quarter 2021 and the cumulative investment performance of various portfolios of the Fund. This item provides the opportunity for the committee to discuss in depth, various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

19 TAC Chapter 33 codifies administrative rules that 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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** An in-depth performance review at the committee level is intended to allow committee members to review not only total return information for each managed portfolio, but to gain a more thorough understanding of the risk characteristics, portfolio attributes, and portfolio structures of each portfolio that all contribute to return.

**Staff Member 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**

April 7, 2022

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The Permanent School Fund (PSF) 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.

19 TAC Chapter 33 codifies administrative rules that 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.

**Staff Member Responsible:**

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

# **COMMITTEE ON SCHOOL INITIATIVES**

**Recommendation for One Reappointment to the Boys Ranch  
Independent School District Board of Trustees**

**April 8, 2022**

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

**SUMMARY:** This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for special purpose ISDs created under its authority to establish certain special purpose school districts. Trustees so appointed hold office for two years and until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley’s Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumés and other documents verifying that the individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Mark Strother, interim president and CEO of Cal Farley’s Boys Ranch, has notified the commissioner that the term of office of one board member is expiring. Mr. Mark Strother has requested that Mr. George Owen be reappointed for a two-year term. Supporting documentation for the recommended candidate is attached.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Based on Mr. Mark Strother’s recommendation, approve the reappointment of Mr. George Owen to serve a two-year term of office, from April 8, 2022, to April 7, 2024, on the Boys Ranch ISD Board of Trustees.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability  
Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Correspondence from Mr. Mark Strother, interim president and CEO of Cal Farley’s Boys Ranch ISD that includes supporting material for the nominee



**BOYS RANCH**  
FOUNDED BY CAL FARLEY

February 7, 2022

Mr. Mike Morath  
Commissioner  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer (interim) of Cal Farley's Boys Ranch, I request that the State Board of Education, at its April 2022 meeting, reappoint **George Owen** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Owen is qualified under Texas law and meets all requirements.

The following documents are attached for Mr. Owen: resume, signed statement expressing willingness to accept the appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct, and background check information.

I understand that the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power (as President and Chief Officer interim) of Cal Farley's Boys Ranch is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with provisions of the Texas Education Code, section 11.352. I further certify that the role of BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-683-5479 or via email at [markstrother@calfarley.org](mailto:markstrother@calfarley.org).

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,

Mark Strother  
President And Chief Executive Officer (interim)

Enclosures

STATEMENT TO ACCOMPANY  
BOYS RANCH INDEPENDENT SCHOOL DISTRICT  
SCHOOL BOARD TRUSTEE RE-APPOINTMENT REQUEST  
FOR  
**GEORGE OWEN**

I, **George Owen**, verify that I am qualified under the general school laws of Texas to be a Boys Ranch Independent School District School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the re-appointment as Boys Ranch Independent School District School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.

  
\_\_\_\_\_  
George Owen

10-27-2021  
(Date)

**George R. Owen**  
**P. O. Box 68**  
**Boys Ranch, Texas 79010**

Work Experience

Director Environmental Services Department  
Boys Ranch, Texas  
October 2005 – Present

Primary Houseparent – Anderson Home  
Boys Ranch, Texas  
July 2001 – October 2005

Alternate Houseparent – Jefferies Home  
Boys Ranch, Texas  
May 1999 – July 2001

Store Manager – Van Winkles IGA  
Artesia, Alamogordo and Belen, New Mexico  
June 1995 – May 1999

Assistant Store Manager – Van Winkles IGA  
Portales, New Mexico  
August 1989 – June 1995

Grocery Department Manager – Jaynes Group (Quality Plus)  
Clovis, New Mexico  
January 1988 – August 1989

Produce Department Manager – Jaynes Group (Quality Plus)  
Clovis, New Mexico  
November 1987 – January 1989

Milk Plant Employee – Safeway Milk Plant  
Clovis, New Mexico  
April 1987 – November 1987

Store Manager – Roden-Smith, Inc. (Drug/Gift Store)  
Clovis, New Mexico  
June 1985 – April 1987

Owner/Manager – Hometown Foods, Inc.  
Portales, New Mexico  
September 1979 – May 1985

Assistant Manager – Safeway Stores, Inc.  
Clovis, New Mexico  
June 1973 – September 1979

Stocker/Clerk – Safeway Stores, Inc.  
Clovis, New Mexico  
December 1972 – June 1973



# TEXAS

## Health and Human Services

12/10/2021

Michelle Maikoetter  
PO BOX 5  
BOYS RANCH, Texas 79010-0005

Operation # 1639  
Cal Farley's Boys Ranch

Dear Michelle Maikoetter:

Your operation requested a background check for **George Robert Owen**, born in 1954. The following alternate names for this person were also checked: Gerorge Robert Owen. The results of the check are based on the identification information that your operation submitted for this individual. It is your responsibility to ensure the accuracy of the identifying data by reviewing supporting documents.

Based on a review of the background check results, the Centralized Background Check Unit (CBCU) determined that this person is **ELIGIBLE** to be present at your operation in the role of **Staff/Employee**.

All background check types required for this role have been completed, and no further action is required at this time. The CBCU will notify you if this person's background check determination changes.

The CBCU has conducted this background check in compliance with, and as required by Child Care Licensing minimum standards, rules, and other Texas and federal law.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or otherwise associated with your operation, you must inactivate this person on the Background Check History webpage of your online provider account. If you do not have an online provider account or are unable to access it, notify your CBCU representative of the change in status.

If this person continues to be associated with your operation, you must submit a renewal background check for this person on or before **12/01/2026**.

If you have questions, please contact your CBCU representative or visit the CBCU webpage at [http://www.dfps.state.tx.us/Background\\_Checks](http://www.dfps.state.tx.us/Background_Checks). If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage or contact the CBCU Support Line at: 1-800-645-7549.

For your information, our records indicate that the following child care operations have submitted a background check request on this person:

- Cal Farley's Boys Ranch on 12/01/2021
- Cal Farley's Boys Ranch on 01/05/2018
- Cal Farley's Boys Ranch on 01/06/2016
- Cal Farley's Boys Ranch on 01/08/2014
- Cal Farley's Boys Ranch on 04/26/2013
- Cal Farley's Boys Ranch on 04/28/2011
- Cal Farley's Boys Ranch on 04/30/2009
- Cal Farley's Boys Ranch on 05/02/2007
- Cal Farley's Boys Ranch on 05/05/2005
- Cal Farley's Boys Ranch on 05/14/2003

Thank you,

The Centralized Background Check Unit

**Recommendation for One Reappointment and One Appointment to the  
Fort Sam Houston Independent School District Board of Trustees**

**April 8, 2022**

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

**SUMMARY:** This item provides an opportunity for the board to consider one reappointment and one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member and the appointment is necessary due to the retirement of another board member.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) 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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed 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, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352. Vacancies are widely advertised through base newspapers, email, and other electronic methods. Interested individuals submit resumés and other documents verifying that they are qualified 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 one nomination to the SBOE for each vacancy. All nominees must be qualified under the general school laws of Texas and live or be employed on the military reservation.

Colonel, United States Army, Shane R. Cuéllar, Commander of the 502d Force Support Group, has notified the commissioner that the term of one current trustee of the Fort Sam Houston ISD is expiring, and one trustee has retired. Colonel Cuéllar recommends the reappointment of Mr. Richard G. Kling III and the appointment of Ms. LaToya E. Sizer to the Fort Sam Houston ISD Board of Trustees.

**MOTION TO BE CONSIDERED:** The State Board of Education:

Based on Colonel Shane R. Cuéllar's recommendation, approve the reappointment of Mr. Richard G. Kling III and the appointment of Ms. LaToya E. Sizer to serve terms of office from April 8, 2022, to April 7, 2024, on the Fort Sam Houston ISD Board of Trustees.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Correspondence from Colonel Shane R. Cuéllar that 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

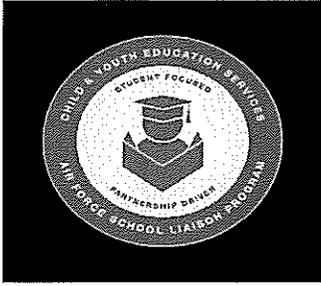
FROM: 502 FSG/CC  
2330 Stanley Road, Suite A  
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: The Reappointment of Mr. Richard G. Kling III and the appointment of Ms. LaToya E. Sizer to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees

1. I would like to respectfully request reappointment for Mr. Richard G. Kling III and appointment of Ms. La Toya E. Sizer to the FSHISD Board of Trustees. Enclosed are the resumes for the positions, as required by Texas Administrative Code Section 61.2a (1), along with signed statements expressing their willingness to accept the appointments and serve in full adherence to the established state standards for school board members.
2. The nominees are qualified under the general school laws of Texas, and the nominees either live or works on Joint Base San Antonio-Fort Sam Houston. The nominees are well qualified and 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.
3. I recognize the power of the Board of Trustees to govern and manage the operations of 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.
4. Thank you for your support of our school district. If you have any questions, please contact Ms. Nita Ford-Hightower at (210) 221-8782 or [nita.j.fordhightower.1@us.af.mil](mailto:nita.j.fordhightower.1@us.af.mil).

SHANE R. CUÉLLAR, Colonel, USA  
Commander, 502d Force Support Group

Attachments:  
Mr. Richard G. Kling III  
Ms. La Toya E. Sizer



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Richard G. Kling III

Residential Address: 10909 Forest Breeze

Live Oak

Texas

78233

Physical Address of Employer:

2450 Connell Road

JBSA - Fort Sam Houston

Texas

78234

Board of Trustees Location Applying For: Fort Sam Houston ISD

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

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

KLING.RICHARD.GOR  
DON.III.1018607197

Digitally signed by  
KLING,RICHARD,GORDON,III,1018607197  
Date: 2022.01.11 11:20:04 -06'00'

Signature of Applicant

Richard G. Kling III

Printed Name of Applicant

01/11/2022

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](mailto:Richard.kling6@gmail.com)

[www.linkedin.com/in/richard-klings](http://www.linkedin.com/in/richard-klings)

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### **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.

- Awarded two Army Civilian Service Commendation Medals for exceptional protocol support, planning and execution of the Army Medicine Senior Leader and Readiness Forums comprised of over 50 General Officers and Senior Leaders at each event.
- Selected as a member of the distinguished "Order of Military Medical Merit" for significant and exemplary contributions to Army Medicine and as volunteer board member of the Fort Sam Houston Independent School District.
- Received performance awards in conjunction with "outstanding" ratings for each appraisal. Duties involved planning and executing flag setup, seating, meal arrangements and entertainment for over 62 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.

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

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**

**2013-2014**

**Fort Belvoir Community Hospital, Fort Belvoir, Virginia**

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**

**2012-2013**

**421<sup>st</sup> Multifunctional Medical Battalion, Baumholder, Germany**

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**

**2010-2012**

**557<sup>th</sup> Area Support Medical Company, Wiesbaden, Germany**

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.

**Senior Instructor and Training Development Supervisor**  
**Echo Company, 232<sup>nd</sup> Medical Battalion, Fort Sam Houston, Texas**

**2008-2010**

Oversaw the training, discipline, health, and welfare of approximately 1.5K personnel for three 16 week training cycles annually; supervised and responsible for leader development and training;

- Supervised counseling, logistics, administrative support, building maintenance, and upkeep of facilities and equipment valued at \$1.5 million.
- Received a superior rating for the company's Equal Opportunity program during a formal inspection.
- Maintained 100% accountability of all assigned equipment valued at over \$1.5 million; set the standard among peers.
- Invested numerous personal hours to ensure personnel were focused on academics; department won the weekly high GPA recognition nine times.

**Healthcare Manager**

**2006-2007**

**Task Force Odin, Containment Operations Base Speicher, Tikrit, Iraq**

Established, managed, and maintained an Echelon I aid station and aviation medicine clinic that provided comprehensive primary, emergency, and aviation medicine support for its military and civilian members. Supervised a medical team consisting of one medical team leader and two combat medics.

- Maintained 100% accountability of all assigned personnel and equipment valued in excess of \$468K while in support of hostile overseas operations.
- Created and implemented a new medical operations policy for a counter IED Task Force which is the first of its kind in the Department of Defense and in the Army
- Identified a shortage of assigned medical personnel and conducted six Combat Lifesaver Courses resulting in qualification of over 50 Combat Lifesavers as health force multipliers.
- Established innovative tracking systems which enabled his medical team to meet its challenging and overwhelming task load with mastery and unrivaled success.

**EDUCATION**

Bachelor of Science in Health Science (Honors: Magna Cum Laude, GPA 3.66), Trident University, Cypress, CA;

Graduation Date, Jan-2019

Joint Medical Executive Skills (Military Health System Leader)

Army Command Level Course

Army Senior Leader Course

**CERTIFICATIONS**

National Registry of Emergency Medical Technicians

Government Purchase Card

Billing Official

Lean Six Sigma Orientation

**DISTINGUISHED AWARDS**

Dean's List- Nov 2018-Jan 2019

Defense Meritorious Service Award

Meritorious Service Award (2)

Civilian Service Commendation Medal (2)

Humanitarian Service Award (2)

Order of the Military Medical Merit

Honorary Member of the AMEDD Regiment

## REFERENCE LIST

1. Greg Canty  
U.S. Army Office of the Surgeon General  
Executive Services Director  
[gregory.l.canty.civ@mail.mil](mailto:gregory.l.canty.civ@mail.mil)  
(571) 201-6420
2. Nancy Popejoy  
OPTUM Serve  
Chief of Staff and Director Strategic Engagements/Initiatives and Communications  
[Popejoynancy@gmail.com](mailto:Popejoynancy@gmail.com)  
(703) 261-5922
3. Dr. Gloria Hajat  
Department of Defense Education Activity (Europe)  
RAF Lakenheath Middle School Principal  
[Gloria.m.hajat.civ@mail.mil](mailto:Gloria.m.hajat.civ@mail.mil)  
(+44) 7884-581467
4. Lieutenant General (Ret) Patricia Horoho  
Former Army Surgeon General  
[armysg43@gmail.com](mailto: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](mailto:donna.brock51@gmail.com)  
(254) 289-9650

Debbie Kramme  
*Human Resource Coordinator*



**Fort Sam Houston Independent School District**

4005 Winans Road  
San Antonio, TX 78234  
210-368-8713  
Fax 210-368-8741  
dkramme@fshisd.net

January 11, 2022

To Whom This May Concern:

A Criminal History Record Check through the Texas Department of Public Safety was processed on January 11, 2022, for the election of the following nominee for the Fort Sam Houston ISD Board of Trustees.

Nominee:

Richard Kling, III

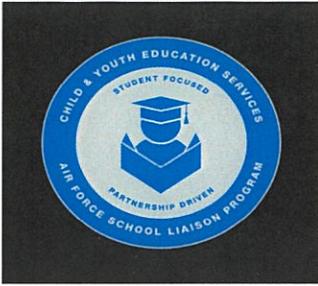
The criminal history on the above candidate is clear.

If you have any questions, please feel free to contact me at 210-368-8713.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Kramme".

Debbie Kramme  
Human Resources Coordinator



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: LaToya Evett Sizer

Residential Address: 2280 Signal Road #4022

Fort Sam Houston TX 78234

Physical Address of Employer:

2280 Signal Road #4022

Fort Sam Houston TX 78234

Board of Trustees Location Applying For: Fort Sam Houston ISD

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

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

SIZER.LATOYA.EVET  
T.1089783344

Digitally signed by  
SIZER.LATOYA.EVETT.1089783344  
Date: 2022.02.02 13:55:09 -06'00'

2 February 2022

Signature of Applicant

Date

LaToya Evett Sizer

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.***

LaToya Evett Sizer  
3202 Black Elk, San Antonio, TX 78261  
[Latoya.e.sizer.civ@mail.mil](mailto:Latoya.e.sizer.civ@mail.mil)  
210-556-4163 (personal); 210-466-1005 (work)

### PROFESSIONAL SUMMARY

Transformational leader with more than 30 years of military and civilian experience in leadership, management, training, education, strategic communication, human resources and financial management, and public affairs in the U.S. Army. Accomplished measurable goals while cultivating teams in dynamic, fast-paced environments. Maintains high emotional intelligence. Adept at identifying problems and applying the right resources/intellect for successful resolution. Embodies the executive competencies of orchestrating change, influencing people, applying results-driven approaches, business acumen, and building coalitions. Proficient in developing policies, procedures, and guidance in order to improve leader development, operations and planning, and human capital strategies. Possesses a comprehensive background in managing multiple tasks simultaneously while shaping high-performing teams. Creative and innovative leader who easily translates conceptual ideas, policies, strategic plans and budgets into timely accomplishment of objectives and missions. Performs highest under stressful and complex situations. Proven high personal integrity.

### WORK EXPERIENCE

Chief, Institutional Training, GS-1701-14  
Headquarters, Installation Management Command, Fort Sam Houston, Texas  
04/2019 to Present

Directly supervises a staff of seven DA Civilians ranging in grades GS12-14. Plans their work, establishes priorities and ensures quality work is pursuant to established schedules and milestones. Evaluates performance and provides advice, counsel and guidance to subordinates. Responsible for independently planning, designing and executing the command's education and training program for its 75k-plus global employees across 97 garrisons in three time zones. Performs long- and short-range planning in conjunction with forecasted changes in the missions and programs. Establishes annual goals and measures to ensure mission accomplishment based on organization objectives and DA training policies. Manages graduate-level courses such as the General Officer Senior Commander Course for Army Senior Commanders; the Garrison Pre-Command Course for all newly selected Garrison Commanders, Garrison Command Sergeants Major, and Deputy Garrison Commanders; the Supervisors Leaders Course; and IMCOM Operation Excellence course for customer service providers. Coordinates with Army Management Staff College for Mobile Training Teams to teach all levels of CES to Fort Sam Houston civilian employees. Manages \$2.5-million state-of-the-art training facility.

**Director, School for Installation Management, GS-1701-14**  
**Headquarters, Installation Management Command, Fort Sam Houston, Texas**  
**07/2015 to 04/2016; 11/2016 to 03/2019**

Directed an organization responsible for planning and implementing programs designed to educate, train, and develop IMCOM military and civilian leaders Army-wide. Served as the academic leader and chief executive agent for the school's continuing education courses to provide education and training in decision making, leadership, management, administration, Civilian and Military personnel management and supervision, safety and security, and contracting. Oversaw school's administrative, logistical and information technology support functions. Led change by guiding operational planning teams to identify opportunities for streamlining service delivery. Collaborated with Headquarters subject matter experts to develop rigorous courses that incorporated the Adult Learning Model. Managed course/program analysis, design, development, implementation, delivery and evaluation of educational effectiveness. Ensured professional instructor staff obtained and maintained required certifications. Identified needs for faculty development in the areas of teaching, lesson development, and academic subject matter expertise. Supervised a subordinate staff up to seven professional educators and more than 150 adjunct professors.

**Interim Dean, College for Installation Management, GS-1701-15**  
**Headquarters, Installation Management Command, Fort Sam Houston, Texas**  
**05/2016 to 10/2016**

Hand-selected over peers by General Officer to serve as interim Dean, College of Installation Management, GS-1701-15, for 90 days; of a 55-person staff at the College for Installation Management (CIM) that consisted of three schools: School for Installation Management, School for Family and Morale, Welfare, and Recreation; and School for Service Culture. Supervised staff of 52 APF and NAF/MWR employees consisting of senior Army civilians in grades GS-14, NAF 4-5, GS-13, GS-12, and contract personnel supporting the college. Performed under the guidance of the 3-star Commanding General, Installation Management Command. Exercised independent professional skill and judgment in assuring development and execution of the college's missions to educate, train, and develop Army leaders. Managed a \$3 million training budget and \$2.5-million training facility. Served as academic leader and chief executive agent for the Army Civilian Education System courses, and the college's continuing education courses. Directed the educational mission in support of the Army mission and requirements for military and civilian leader development.

**Supervisory Public Affairs Specialist / Senior Strategic Communication Officer, GS-1035-14**  
**US Army IMCOM, Fort Sam Houston, Texas**  
**06/2010 to 09/2013**

Served as Senior Strategic Communication Officer/Supervisory Public Affairs Specialist and as Deputy Director. Led a staff of twelve (12) Army Civilian employees, grades GS-09 to GS-13. Managed, planned, directed and executed the command's Strategic Communication and Planning Program to inform and educate general and specialized groups about the organization's programs, activities and services. Developed and communicated strategies to further IMCOM goals. Facilitated the strategic planning process command-wide. Prepared for and participated in command-level meetings. Conducted briefings on command's direction and strategic initiatives. Often hand-selected by command to escort General Officer and SES-level leaders. Served as primary course designer for IMCOM's Strategic Communication/Public Affairs Signature Course. Provided communications and planning assistance to Public Affairs Directorate. Advised the Strategic Communication Chief on strategic plans, initiatives, communications goals and objectives. Communicated the intent and rationale for command's short- and long-term goals. Produced command messages in support of an effective veteran transition and employment assistant process to aid in reducing unemployment rate of veterans.

**Senior Radio and Television Network Advisor**  
**US Army American Forces Network, Mannheim, Germany (Overseas)**  
**06/2005 to 10/2009**

Served as Senior Advisor at the American Forces Network Europe (AFN Europe) within the Defense Media Activity. AFN Europe is a broadcast network of more than 300 Army, Air Force, Navy, Department of Defense Civilians and German Local Nationals spread across 12 television and radio stations in Germany, Italy, Belgium, Iraq and Afghanistan that provides electronic, web and print products to more than 500,000 customers in 56 countries. Directed, managed, planned, organized and oversaw the day-to-day production and distribution of electronic and print news products, photos and videos. Served as primary communication link between the organization and its various publics. Conducted high-level coordination with General Officers and Senior Executive Service Members throughout the European Region and Department of Defense. Conducted and managed recruitment for various military and civilian positions across the organization in a cost- and time-effective manner. Oversaw network's administrative, logistical and information technology support functions. Developed and evaluated work performance plans of Army, Air Force, Navy service members and Department of Defense Civilian subordinates, and provided recommended ratings of records. Consummate honest broker who promoted organization teamwork, cohesion and professionalism by planning and executing training and professional development programs, and team building events. Managed a \$25 million state-of-the art network facility.

### EDUCATION

Doctor of Philosophy, Educational Leadership (Magna Cum Laude)  
Trident University International, Cypress, CA (2018)

Master in Business Administration, Human Resource Management (Magna Cum Laude)  
Trident University, Cypress, CA (2005)

University of Virginia Darden School of Business Executive Education Program (2016)

### TRAINING AND CERTIFICATIONS

Leadership Federal Executive Board; Army Supervisor Development Course; Human Resource Training for Supervisors; Conflict Management and Resolution; US Army Faculty Development; US Army Garrison Pre-Command Course; Supervisor Development Course; Staff Officer Orientation Course; Continuing Education for Senior Leaders Civilian Education System Advanced, Intermediate and Basic courses; Brigade/Battalion Pre-Command Course, Fort Leavenworth, KS; Budgeting and Accounting for Non-Financial Personnel; Army Command Sergeants Major Course; Army Sergeants Major Academy; Army First Sergeants Course; Equal Opportunity Representatives Course; Facilitator Training Course; Army Instructor; Army specialized training in management, supervision, training, instruction, facilitation, equal opportunity, prevention of sexual harassment, conflict and resolution, public affairs, fitness and nutrition.

### VOLUNTEER SERVICE

Several planning teams for Army Installation Management Command (since 2010)  
Johnson High School Junior ROTC Program (since 2010)  
Veterans 2 Government Jobs website moderator (since 2020)  
WoW: Worthy of your Worth website administrator (since 2019)  
DODEA Disciplinary Board, Mannheim, Germany (2005-2009)

### AWARDS AND MEDALS

Meritorious Civilian Service Award; Commanders Award for Civilian Service; Defense Meritorious Service Medal; Army Meritorious Service Medals; Joint Service Commendation Medals; Army Commendation Medals; Various Department of the Army Journalism Awards (1988-1995)  
US Army Physical Fitness for Excellence Badge; San Antonio Rock and Roll Half Marathon Medals.

References provided upon request

Debbie Kramme  
Human Resource Coordinator



Fort Sam Houston Independent School District

4005 Winans Road  
San Antonio, TX 78234  
210-368-8713  
Fax 210-368-8741  
dkramme@fshisd.net

February 7, 2022

To Whom This May Concern:

A Criminal History Record Check through the Texas Department of Public Safety was processed on February 7, 2022, for the election of the following nominee for the Fort Sam Houston ISD Board of Trustees.

**Nominee:**

Lotoya Sizer

The criminal history on the above candidate is clear.

If you have any questions, please feel free to contact me at 210-368-8713.

Sincerely,

A handwritten signature in blue ink that reads "Debbie Kramme". The signature is written in a cursive, flowing style.

Debbie Kramme  
Human Resources Coordinator

**Rule Review of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts**

**April 7, 2022**

**COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION  
STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** Texas Government Code (TGC), §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 proposed review of 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts. The rules being reviewed relate to continuing education for school board members, nomination of trustees for military reservation school districts and Boys Ranch Independent School District, applicability of state law for special-purpose school districts, and applicability of state law to Boys Ranch Independent School District.

**STATUTORY AUTHORITY:** The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 61, Subchapter A, is the Texas Education Code (TEC), §11.159, as amended by House Bill (HB) 690, 87th Texas Legislature, 2021, and TEC, §§11.185, 11.186, and 11.352; and for Subchapter B, is TEC, §11.351 and §11.352.

TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §11.159, as amended by HB 690, 87th Texas Legislature, 2021, requires the SBOE to provide a training course for independent school district trustees.

TEC, §11.185 and §11.186, 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.

TEC, §11.351, authorizes the SBOE to establish special-purpose school districts for the education of students in special situations whose educational needs are not adequately met by regular school districts.

TEC, §11.352, authorizes the SBOE to adopt rules for the governance of special-purpose school districts, including the appointment of school board trustees. Absent a rule adopted under §11.352, the laws applicable to independent school districts apply to special-purpose districts

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 61, Subchapters A and B, is scheduled to be presented to the SBOE for adoption at the June 17, 2022 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE rules in 19 TAC Chapter 61 are organized as follows: Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts. Following is a summary of each subchapter.

*Subchapter A. Board of Trustees Relationship*

The rule in §61.1 describes the continuing education requirements for school district boards of trustees.

The rule in §61.2 describes the requirements for nominations to the boards of trustees of special-purpose districts.

*Subchapter B. Special Purpose School Districts*

The rule in §61.101 establishes the applicability of state laws to the special-purpose school districts operated by the University of Texas at Austin and Texas Tech University.

The rule in §61.111 establishes the applicability of state laws to Boys Ranch Independent School District.

**ANTICIPATED REVISIONS TO RULES:** No changes to rules in 19 TAC Chapter 61, Subchapters A and B, are anticipated at this time.

**PUBLIC COMMENTS:** TEA will file the notice of proposed review of 19 TAC Chapter 61, Subchapters A and B, with the Texas Register following the April 2022 SBOE meeting. TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 61, Subchapters A and B continue to exist. The public comment period on the proposed rule review begins May 6, 2022, and ends at 5:00 p.m. on June 10, 2022. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in June 2022 in accordance with the SBOE operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reason for adoption continues to exist would not preclude any amendments that may be proposed at the same time or at different dates through a separate rulemaking process.

**Staff Members Responsible:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Text of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, and Subchapter B, Special Purpose School Districts

**ATTACHMENT  
Text of 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.
  - (1) Each school board member of an independent school district shall complete a local district orientation.
    - (A) The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.
    - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
    - (C) The orientation shall be at least three hours in length.
    - (D) The orientation shall address local district practices in the following, in addition to topics chosen by the local district:
      - (i) curriculum and instruction;
      - (ii) business and finance operations;
      - (iii) district operations;
      - (iv) superintendent evaluation; and
      - (v) board member roles and responsibilities.
    - (E) Each board member should be made aware of the continuing education requirements of this section and those of the following:
      - (i) open meetings act in Texas Government Code, §551.005;
      - (ii) public information act in Texas Government Code, §552.012; and
      - (iii) cybersecurity in Texas Government Code, §2054.5191.
    - (F) The orientation shall be open to any board member who chooses to attend.
  - (2) Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.
    - (A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.
    - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member

who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

- (C) The orientation shall be at least three hours in length.
  - (D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).
  - (E) The orientation shall be provided by a regional education service center (ESC).
  - (F) The orientation shall be open to any board member who chooses to attend.
  - (G) The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.
  - (H) The ESC 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.
- (3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.
- (A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.
  - (B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
  - (C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.
  - (D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
  - (E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (4) The entire board shall participate with their superintendent in a team-building session.
- (A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.
  - (B) The session shall be held annually.
  - (C) The session shall be at least three hours in length.
  - (D) The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership described in subsection (a) of this section.
  - (E) The assessment of needs shall be based on the framework for governance leadership described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.

- (F) The team-building session shall be provided by an ESC or a registered provider as described in subsection (c) 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.
- (5) In addition to the continuing education requirements in paragraphs (1) through (4) of this subsection, each board member shall complete additional continuing education based on the framework for governance leadership described in subsection (a) of this section.
- (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) In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs.
  - (D) Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.
  - (E) A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.
  - (F) At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.
  - (G) The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
  - (H) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
  - (I) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (6) Each school board member shall complete continuing education 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) 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.
  - (D) The continuing education shall be completed every two years.
  - (E) The training shall be at least three hours in length.

- (F) The continuing education required by this subsection shall include, at a minimum:
    - (i) instruction in school board behaviors correlated with improved student outcomes with emphasis on:
      - (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; 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 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) 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) of this section, the training may serve to meet a school board member's obligation to complete training under subsection (b)(4) and (6) of this section, as long as the training complies with the Texas Open Meetings Act.
- (7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).
- (A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
  - (B) The training shall be completed every two years.
  - (C) The training shall be at least one hour in length.
  - (D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §61.1051 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).
  - (E) The training required by this subsection shall include, at a minimum:
    - (i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
    - (ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
    - (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
  - (F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.
  - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess

learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

- (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section.
  - (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
  - (2) An updated registration shall be required of a provider of continuing education every three years.
  - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
  - (4) An ESC is not required to register under this subsection.
- (d) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
  - (1) A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
  - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
  - (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
  - (4) An updated authorization shall be required of a provider of training every three years.
- (e) 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) 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) A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- (h) For each training described in this section, 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.
- (i) To the extent possible, the entire board shall participate in continuing education programs together.
- (j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of

his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

- (k) Annually, the SBOE shall commend those local board-superintendent teams that complete at least eight hours of the continuing education specified in subsection (b)(4) and (5) 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.
- (m) This section will be implemented May 1, 2020. This section as it read prior to adoption by the SBOE at its January 2020 meeting controls continuing education for school board members until May 1, 2020.

*Statutory Authority: The provisions of this §61.1 issued under the Texas Education Code, §§11.159, 11.185, and 11.186.*

*Source: The provisions of this §61.1 adopted to be effective March 1, 1996, 21 TexReg 875; amended to be effective May 7, 2003, 28 TexReg 3718; amended to be effective December 20, 2010, 35 TexReg 11223; amended to be effective August 25, 2014, 39 TexReg 6224; amended to be effective June 13, 2018, 43 TexReg 3783; amended to be effective March 24, 2020, 45 TexReg 1984.*

#### **§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 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 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 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, with a signature by the nominee attesting truth to the contents of the biographical vita;
  - (4) submit a statement from each nominee that 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 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 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 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 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 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.

*Statutory Authority: The provisions of this §61.2 issued under the Texas Education Code, §11.352.*

*Source: The provisions of this §61.2 adopted to be effective September 1, 1996, 21 TexReg 3705; amended to be effective December 20, 2010, 35 TexReg 11223; amended to be effective March 7, 2012, 37 TexReg 1510; amended to be effective March 24, 2020, 45 TexReg 1984.*

## **Subchapter B. Special Purpose School Districts**

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

- (a) This section applies only to the special purpose school districts operated by the University of Texas at Austin and Texas Tech University.
- (b) The special purpose school districts operated by the University of Texas at Austin and Texas Tech University are public schools of this state fulfilling the mission of the Texas public education system to ensure that Texas students receive a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.
- (c) Each special purpose school district shall be governed by the board of regents of the parent university, which has the authority and responsibilities of a school district board of trustees with

respect to the operation of the special purpose school district but has no authority to levy a tax. The board of regents may delegate authority and responsibilities.

- (d) Each special purpose school district shall have an advisory board consisting of at least five members that, along with the superintendent, reports to the board of regents regarding the operation of the district. The president of the university may designate a person to report on the management, operations, and accountability of the special purpose school district to the board of regents. The following requirements apply to each special purpose school district.
  - (1) The advisory board shall hold public meetings that comply with appropriate notice requirements for governmental bodies.
  - (2) The president of the university shall appoint the superintendent of the special purpose school district.
  - (3) The university shall submit nominees for approval by the State Board of Education (SBOE) to serve as special purpose school district advisory board members. The superintendent may not participate in the nomination process for the advisory board.
  - (4) The superintendent and advisory board shall ensure information required to be made available to the public is made available on the special purpose school district's website.
  - (5) The university shall develop an advisory board training program that provides the relevant board training required under Texas Education Code (TEC), §11.159, and shall submit to the SBOE the training requirements by September 1 of each odd-numbered year.
- (e) Students who are eligible to enroll in a Texas independent or common school district are eligible to enroll in a special purpose school district, and each special purpose school district:
  - (1) shall establish an initial enrollment window for each academic semester that uses a lottery to fill open spots not filled by previously enrolled students. After the initial enrollment window closes, enrollment may be based on a first come first served basis;
  - (2) shall develop an outreach program targeted at underserved student populations;
  - (3) may admit students at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma in accordance with TEC, §25.001. For purposes of TEC, §25.001(b-2), the term "classroom setting" does not include a virtual classroom that has no physical proximity; and
  - (4) is neither required nor prohibited from providing a student with home computer equipment or internet access.
- (f) Except as provided elsewhere in this section, each special purpose school district operates as a public school of Texas, and the laws applicable to Texas public schools, per TEC, §11.352(c), apply, including:
  - (1) providing for equal education opportunity, in accordance with the TEC and constitutions of Texas and the United States;
  - (2) charging fees, holding funding in trust for the education of students, and spending funding to achieve the educational purposes listed in this section;
  - (3) complying with student records retention, transmission, and other related requirements;
  - (4) having access to other school resources such as regional education service centers under TEC, Chapter 8 and §11.003; commissioner of education waiver authority under TEC, §7.056; school immunity under TEC, Chapter 22, Subchapter B; and relevant grant programs;
  - (5) certification requirements under TEC, §§21.003, 21.055, and 21.057, and continuing education requirements under TEC, §21.054, with employment practices to include provisions substantially similar to TEC, §21.0031 and §21.058;

- (6) complying with the health, safety, and welfare provisions such as reporting of misconduct under TEC, §§21.006, 21.0061, 21.009, 21.057, 21.058, 21.0581, and 21.062, and background checks under TEC, Chapter 22, Subchapters C and C-1;
- (7) parental and student rights such as those provided for in TEC, Chapter 26.
  - (A) The special purpose school district shall establish a grievance process for complaints.
  - (B) If the special purpose school district determines that releasing a copy of an assessment would jeopardize the security of the assessment because it has not been published and is not publicly available, in place of releasing a copy of the assessment, the special purpose school district shall provide information regarding the standards and concepts for which the student failed to demonstrate proficiency or, using appropriate security protocols, make the assessment available for personal review by the student and parent without releasing a copy;
- (8) creditable years of service;
- (9) curriculum and graduation requirements under TEC, Chapter 28;
- (10) the instructional materials allotment and the provisions of TEC, Chapter 31; and
- (11) accreditation, assessment of academic skills, academic accountability, and interventions and sanctions under TEC, §11.001 and Chapters 39 and 39A.
- (g) Each special purpose school district shall develop a policy regarding when a student is deemed absent and has excessive absences under its program.
  - (1) If the student has excessive absences under the policy, the special purpose school district shall notify both the student and the school district the student would otherwise be entitled to attend that the student has been disenrolled from the special purpose school district.
  - (2) By September 1 of each odd-numbered school year, the special purpose school district shall submit its absence policy to the SBOE, including any modifications made since the previous submission.
- (h) If a special purpose school district seeks a waiver under commissioner authority for more than three consecutive years, the special purpose school district shall submit the issue to the SBOE for consideration as a possible permanent exemption.
- (i) As a special purpose school district is designed to provide education statewide through digital learning methodologies, the following special requirements and modifications are in effect.
  - (1) TEC, Chapter 12A, does not apply.
  - (2) TEC, Chapter 22, Subchapter A, does not apply.
  - (3) The superintendent shall make personnel decisions for the special purpose school district.
    - (A) Employee grievances shall be covered by the parent university's human resources practices.
    - (B) The parent university's human resources requirements and practices shall apply to employees, unless otherwise indicated by law or rule.
  - (4) The special purpose school district shall operate in the time and accounting manner necessary to comply with the funding model established by the commissioner for access to Foundation School Program (FSP) funds.
  - (5) The special purpose school district shall adopt a student code of conduct that aligns with the provisions of TEC, Chapter 37, but is not required to include the use of disciplinary alternative education programs or juvenile justice alternative education programs.

- (6) The special purpose school district shall annually submit to the SBOE a report on disciplinary actions made to the district and a report on complaints made to the special purpose school district.
- (7) TEC, §§11.1542, 11.1543, and 11.155, do not apply.
- (8) The special purpose school district is not required to have the membership compositions for committees under TEC, §§11.251, 11.252, 11.253, or 11.255, but must develop plans and policies that comply with those provisions.
- (9) Educator contract requirements under TEC, Chapter 21, Subchapters C, D, E, F, and G; appraisal system requirements under TEC, Chapter 21, Subchapter H; duties and benefits requirements under TEC, Chapter 21, Subchapter I; and staff development requirements under TEC, Chapter 21, Subchapter J, do not apply, and the special purpose school district shall develop an appraisal system that contains the items in TEC, §21.351(a).
- (10) TEC, §§25.08111 and 25.111-25.114, do not apply.
- (11) The requirements of TEC, §28.004, to have a school health advisory council do not apply, but the special purpose school district shall:
  - (A) comply with the provisions of TEC, §28.004, with regard to the parameters of health education and curriculum materials; posting, notice, and grievance provisions; and consideration of related issues; and
  - (B) require that the advisory board solicit community and parental input and develop recommendations regarding the subject matter of TEC, §28.004(c)(1), (2)(A) and (D)-(H), and (3)-(6).
- (12) Financial accountability and fiscal management under TEC, Chapters 39 and 44, shall apply as if the special purpose school district were a university charter school, and the special purpose school district's public funds must be maintained in a manner that allows auditing of the public funds separate from other funds.
- (j) The provisions of this section apply to each special purpose school district's operation for educating students eligible for enrollment in Texas public schools who enroll in the state-funded special purpose school district. This section does not apply to a tuition-based program operated in tandem with the state-funded program. However, the school operations that include Texas students are subject to subsection (l) of this section.
  - (1) A parent of a Texas student may voluntarily decide to enroll a student in the tuition-based program.
  - (2) The special purpose school district shall biannually report student attendance in its state-funded school and Texas student attendance in its tuition-supported school. Information shall be provided to ensure that student participation does not disadvantage any student group from access to the state-funded school.
- (k) Each special purpose school district shall submit to the SBOE by September 1 of each odd-numbered year an updated list by section of the TEC, Title I and Title II, with recommendations regarding which sections of the code should apply or not apply to the operations of its schools. The submission must compare the recommendations to the list last provided to the SBOE.
- (l) If the special purpose school district declines FSP payment, the special purpose school district is authorized to charge tuition and is subject to:
  - (1) accreditation, academic assessment, academic and financial accountability, and interventions under TEC, Chapters 39 and 39A; and
  - (2) reporting requirements imposed by the Texas Education Agency.
- (m) The parent university of each special purpose school district shall submit nominations for and establish an advisory board as soon as practicable, and the provisions of this section that require the special purpose school district to develop a policy apply beginning with the 2021-2022 school year.

*Statutory Authority: The provisions of this §61.101 issued under the Texas Education Code, §11.351.*

*Source: The provisions of this §61.101 adopted to be effective October 25, 2020, 45 TexReg 7420.*

**§61.111. Applicability of State Law to Boys Ranch Independent School District.**

- (a) This section applies only to Boys Ranch Independent School District.
- (b) Boys Ranch Independent School District, a special purpose school district operated by Cal Farley's Boys Ranch, is a public school of this state fulfilling the mission of the Texas public education system to ensure that Texas students receive a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.
- (c) Except as provided by subsection (d) of this section, the laws applicable to Texas public schools apply to Boys Ranch Independent School District in accordance with Texas Education Code (TEC), §11.352(c).
- (d) The following sections of the TEC do not apply to Boys Ranch Independent School District:
  - (1) TEC, §25.0811, related to the first day of instruction; and
  - (2) TEC, §25.0812, related to the last day of school.

*Statutory Authority: The provisions of this §61.111 issued under the Texas Education Code, §11.351 and §11.352.*

*Source: The provisions of this §61.111 adopted to be effective June 13, 2021, 46 TexReg 3519.*

**Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship,  
§61.3, School Safety Training for School Board Members  
(Second Reading and Final Adoption)**

**April 8, 2022**

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

**SUMMARY:** This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members. The proposed new rule would reflect changes made by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021, to the State Board of Education's (SBOE's) duty to provide training courses for independent school district trustees. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

TEC, §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021, obligates the SBOE to require trustees to complete training on school safety. The SBOE, in coordination with the Texas School Safety Center, was required to develop the curriculum and materials for the training by January 1, 2022.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date is necessary to allow school districts to begin preparing for implementation of the new section.

**PREVIOUS BOARD ACTION:** The SBOE approved the school safety training curriculum and materials developed by the Texas School Safety Center at its November 2021 meeting. A discussion item regarding a new rule related to the school safety training was presented to the Committee on School Initiatives at its November 2021 meeting. At its January 2022 meeting, the SBOE approved proposed new 19 TAC §61.3 for first reading and filing authorization.

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Chapter 61, Subchapter A, 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, training on evaluating student academic performance, and training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

HB 690, 87th Texas Legislature, Regular Session, 2021, added new TEC, §11.159(b-1), which required that the SBOE, in coordination with the Texas School Safety Center, develop the curriculum and materials for school safety training by January 1, 2022. At the September 2021 SBOE meeting, the board

discussed an outline of the school safety training curriculum proposed by the Texas School Safety Center and provided feedback on the outline. The SBOE approved the school safety training curriculum and materials developed by the Texas School Safety Center at its November 2021 meeting.

New TEC, §11.159(b-1), also obligates the SBOE to require trustees to complete training on school safety. Proposed new §61.3 would codify the school safety training requirement in rule.

No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation by adding training on school safety to the existing required trustee training. The school safety training is required by TEC, §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not

increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

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

The proposal would implement legislation by describing the requirements for a new school safety training for school district trustees established by TEC, §11.159(b-1), as added by HB 690, 87th Texas Legislature, Regular Session, 2021. 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 January 2022 SBOE meeting, notice of proposed new 19 TAC §61.3 was filed with the Texas Register, initiating the public comment period. The public comment period began February 25, 2022, and ended at 5:00 p.m. on April 1, 2022. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE during the April 2022 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2022 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 new 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members, 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:**

Jeffrey Cottrill, Deputy Commissioner, Governance and Accountability

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

**Attachment:**

Text of Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members

**ATTACHMENT**  
**Text of Proposed New 19 TAC**

**Chapter 61. School Districts**

**Subchapter A. Board of Trustees Relationship**

**§61.3. School Safety Training for School Board Members.**

- (a) The continuing education required under Texas Education Code, §11.159(b-1), applies to each member of an independent school district board of trustees.
- (b) Each member of an independent school district board of trustees shall complete the training on school safety adopted by the State Board of Education (SBOE).
  - (1) The purpose of the training is to provide research-based information to trustees on ensuring a safe learning environment conducive to improving student outcomes.
  - (2) 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 trustee who did not complete the training under this section in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
  - (3) The training requirement shall be fulfilled by completing the online course adopted by the SBOE and made available by the commissioner of education.
  - (4) The training shall be completed every two years.
  - (5) Each school district shall maintain verification of completion for each trustee.

## Open-Enrollment Charter School Generation 27 Application Updates

April 7, 2022

### **COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The director of the Division of Charter School Authorizing and Administration will discuss updates regarding the Generation 27 Open-Enrollment Charter Application cycle.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 27 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). The Generation 27 application and required attachments are accessible on that page.

#### **Staff Members Responsible:**

Kelvey Oeser, Deputy Commissioner, Educator Support

Marian Schutte, Director, Charter School Authorizing and Administration

## Open-Enrollment Charter School Generation 28 Application Updates

April 7, 2022

### **COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** The director of the Division of Charter School Authorizing and Administration will discuss updates regarding the Generation 28 Open-Enrollment Charter Application cycle.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§12.101](#).

TEC, §12.101 requires the commissioner to notify the State Board of Education (SBOE) of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 28 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>).

#### **Staff Members Responsible:**

Kelvey Oeser, Deputy Commissioner, Educator Support

Marian Schutte, Director, Charter School Authorizing and Administration

**Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training**

**April 8, 2022**

**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 an amendment to 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training. The proposed amendments would implement Senate Bills (SBs) 226 and 1590 and House Bills (HBs) 139 and 159, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would allow educator preparation programs (EPPs) the flexibility to conduct certain required formal observations virtually; would provide for training requirements for all educators with regard to students with disabilities and virtual instruction and virtual learning; and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter §§228.2, 228.10, 228.30 and 228.35 is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (2); 21.044, as amended by HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021; 21.0442(c); 21.0443, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.045(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0453, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.0454; 21.0455; 21.046(b), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021; 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.049(a); 21.0491; 21.050(a)–(c); and 21.051, as amended by HB 159 and SB 1590, 87th Texas Legislature, Regular Session, 2021; and the Texas Occupations Code (TOC), §55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session; and §55.007.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC 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.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.044, as amended by HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.0442(c), requires the SBEC to ensure that an EPP requires at least 80 hours of instruction for a candidate seeking a Trade and Industrial Workforce Training certificate.

TEC, §21.0443, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to establish rules for the approval and renewal of EPPs, including requiring programs to incorporate proactive instructional planning techniques in their coursework, and to integrate inclusive practices, evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching.

TEC, §21.045(a), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to establish standards to govern the approval and continuing accountability of all educator preparation programs.

TEC, §21.0453, as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, states that the SBEC may propose rules as necessary to ensure that all EPPs provide the SBEC with accurate information.

TEC, §21.0454, requires the SBEC to develop a set of risk factors to assess the overall risk level of each EPP and use the set of risk factors to guide the Texas Education Agency (TEA) in conducting monitoring, inspections, and evaluations of EPPs.

TEC, §21.0455, requires the SBEC to propose rules necessary to establish a process for complaints to be directed against an EPP.

TEC, §21.046(b), as amended by HB 159, 87th Texas Legislature, Regular Session, 2021, states that 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.

TEC, §21.048(a), states the SBEC shall propose rules prescribing the comprehensive examinations for each class of certificate issued by the board.

TEC, §21.0485, states the issuance requirements for certification to teach students with visual impairments.

TEC, §21.0487(c), states that because an effective principal is essential to school improvement, the SBEC shall ensure that each candidate for certification as a principal is of the highest caliber and that 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.

TEC, §21.0489(c), states the eligibility for an Early Childhood: Prekindergarten–Grade 3 certificate.

TEC, §21.049(a), authorizes the SBEC to adopt rules providing for educator certification programs as an alternative to traditional EPPs.

TEC, §21.0491, requires the SBEC to create a probationary and standard trade and industrial workforce training certificate.

TEC, §21.050(a), states that a person who applies for a teaching certificate for which board rules require a

bachelor's degree must possess a bachelor's degree with an academic major that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

TEC, §21.050(b), states that the SBEC may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate.

TEC, §21.050(c), states that 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 the TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

TEC, §21.051, as amended by HB 159 and SB 1590, 87th Texas Legislature, Regular Session, 2021, provides a requirement that before a school may employ a certification candidate as a teacher of record, the candidate must have completed at least 15 hours of field-based experience in which the candidate was actively engaged at an approved school in instructional or educational activities involving a diverse student population under supervision, and gives SBEC rulemaking authority to propose rules providing flexible options for field-based experiences or internships required for certification that involve interaction with a diverse student population and options for candidate observations.

TOC, §55.004, as amended and added by HB 139, 87th Texas Legislature, Regular Session, 2021, requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure.

TOC, §55.007, provides that verified military service, training, and education be credited toward licensing requirements.

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 SBEC rules in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, establish the requirements for EPPs in the preparation of candidates for Texas educator certification. The proposed amendments to Chapter 228 would implement SBs 1590 and 226 and HBs 139 and 159, 87th Texas Legislature, Regular Session, 2021. The following is a description of the proposed amendments included in the attachments.

*§228.2. Definitions.*

The proposed new §228.2(34) would implement HB 159, 87th Texas Legislature, Regular Session, 2021, to add *students with disabilities* for purposes of EPP requirements in preparing candidates for educator certification and to parallel its definition with that of *student with a disability* in TEC, §21.001(4), as added by HB 159.

A technical edit would renumber §228.2(34) and (35) to §228.2(35) and (36).

*§228.10. Approval Process.*

The proposed new §228.10(a)(1)(J) would implement HB 159, 87th Texas Legislature, Regular Session, 2021, by conditioning EPP approval and renewal of approval on the program, proving that it has met the requirements prescribed in TEC, §21.0443(b)(1) and (2), by showing that it has incorporated proactive

instructional planning techniques throughout course work and across content areas, and that it has integrated inclusive practices for all students, including students with disabilities. The rule references TEC, §21.0443(b)(1) and (2), to incorporate by reference the statute's specific requirements for instructional planning techniques and inclusive practices.

Figure: 19 TAC §228.10(b)(1)

Under Component II: Admission, the proposed amendment to the figure would reflect the current requirement in §227.10(a)(5) that an EPP has informed non-teacher applicants in writing of any certificate issuance deficiencies prior to admission by specifying the evidence that an EPP must provide during a continuing approval review to demonstrate compliance. The proposed amendments would also reflect a technical edit to update the figure to match the current §227.10(a)(6)–(9). A technical edit that would renumber the figure to match the renumbering of §228.35(g)(1)–(9) is proposed in these amendments.

Proposed new Component X: Candidate Training and Support on Inclusive Practices for Students with Disabilities in Figure: 19 TAC §228.10(b)(1) would implement HB 159, 87th Texas Legislature, Regular Session, 2021, by specifying the evidence that an EPP must provide during a continuing approval review to demonstrate compliance with §228.30(c)(9) and §228.35(e)(2)(A)(iii), (e)(2)(B)(ix), and (e)(8), which set out requirements for EPPs related to candidate training and support on instruction regarding students with disabilities, to the use of proactive instructional planning techniques and to evidence-based inclusive instructional practices.

#### §228.30. Educator Preparation Curriculum.

The proposed amendment to §228.30(c)(8) would implement SB 226, 87th Texas Legislature, Regular Session, 2021, by adding virtual instruction and virtual learning to the list of topics that EPPs must include in their curriculum. The proposed amendment specifically references TEC, §21.001, to clarify that the definitions of *virtual instruction*, *virtual learning*, *digital literacy*, and *digital learning* are the same in the rule as in the statute.

The proposed new §228.30(c)(9) would implement HB 159, 87th Texas Legislature, Regular Session, 2021, by specifying that EPP curriculum must include subject matter related to educating students with disabilities, including the use of proactive instructional planning techniques and evidence-based instructional practices. The rule references TEC, §21.044(a-1), to incorporate by reference the statute's specific requirements for the training an educator candidate must receive regarding teaching students with disabilities, including proactive instructional techniques and evidence-based instructional practices.

Two technical edits that are proposed in §228.30(d)(4) and (e) would further define the cross reference to commissioner of education rules in 19 TAC Chapter 149.

#### §228.35. Preparation Program Coursework and/or Training.

The proposed amendment to §228.35(a)(5)(A) would implement HB 139, 87th Texas Legislature, Regular Session, 2021, by adding "clinical and professional experience" training to the list of appropriate credit toward certification requirements that EPPs must develop criteria and procedures to allow. HB 139 allows state licensing agencies to give military service members, spouses, and veterans credit toward certification requirements for clinical and professional experience.

SB 1590, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules allowing options for candidate observations that require EPPs to provide for no fewer than three in-person observations, or two in-person observations and two virtual observations that are equivalent in rigor to in-person observations. The proposed amendment to §228.35(g) would implement SB 1590’s requirement that virtual observations be equivalent in rigor to in-person options for formal observations by ensuring that virtual and in-person observations are similar in procedure and documentation. The proposed amendment would clarify that for each formal observation, whether face-to-face or virtual, the field supervisor at the EPP must participate in an individualized pre-observation conference with the candidate; document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor.

Proposed new §228.35(g)(2) and proposed amendment to §228.35(g)(1)–(9) would implement SB 1590 by providing for flexible options for EPPs to conduct some formal observations virtually for educator candidates. The proposed amendment to §228.35(g)(1) and the proposed addition of new §228.35(g)(2) would maintain the current requirements for formal in-person observations and would ensure the virtual observations are as rigorous as in-person observations, as required by SB 1590. The proposed amendment would include renumbering paragraphs (2)–(8) to paragraphs (3)–(9) in §228.35(g) to accommodate the addition of proposed new §228.35(g)(2). In addition, the text in renumbered paragraphs (4)(A), (5)(A), (6)(A) and (B), (7)(A), and (9)(A) reflect the same text as in rule but was formatted with underlined text to meet *Texas Register* requirements.

Proposed amendment to renumbered §228.35(g)(5)–(8), where the rules currently require three in-person observations, would allow EPPs to conduct two in-person observations and two virtual observations instead. This would implement the provision of SB 1590 that requires the options for candidate observations to provide for at least two observations to occur in person and two additional observations to occur in virtual settings that are equivalent in rigor to in-person observations, or three observations to occur in person.

Proposed amendment to renumbered §228.35(g)(4) and (9) would provide that where the rules currently require EPPs to provide four or five in-person formal observations, EPPs could conduct two of those formal observations virtually. The proposed amendment would not increase the total number of required formal observations. The proposed amendment to §228.35(g)(4) and (9) would align SBEC rules with SB 1590 while still requiring EPPs to provide first-year teacher candidates in the classroom with five formal observations to support them in their teaching positions. The table below reflects the implications of the proposed rule for EPPs conducting formal observations.

### **Implications of Proposed Rule Changes for EPPs Conducting Formal Observations**

<b>Candidate Population</b>	<b>If EPPs Conduct Only In-Person Observations</b>	<b>If EPPs Conduct In-Person and Virtual Observations</b>
• Intern Certificate Holders	*5	3 in-person and 2 virtually
• 28 Week Clinical Teaching	4	2 in-person and 2 virtually
• Probationary Certificate Holders	*3	2 in-person and 2 virtually
• 14 Week Clinical Teaching		

*\*Individuals who are seeking more than one certificate field are required to receive more observations based on the total number of certificate fields being sought.*

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. TEA staff has determined that there are potential fiscal implications to state and local governments and small businesses as a result of the proposal. The proposed amendments allowing EPPs to conduct virtual candidate observations are likely to create cost savings for each year of the first five years the proposed rule is in effect for the EPPs run by state or local government entities or small businesses from reduced staff travel time and expenses. TEA staff estimates that virtual observations will save EPPs approximately \$50 per observation in EPP staff travel time and expenses when compared to the cost of in-person observations. However, it is impossible to estimate the total cost savings because it is unknowable how many EPPs will choose to offer virtual observations. The proposed new requirements for EPPs to include curriculum regarding virtual instruction, virtual learning, and educating students with disabilities are likely to increase costs for EPPs run by state or local government entities associated with developing that curriculum for each year of the first five years the proposed amendment is in effect, but that impact is created by the statutory requirement from HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021, and not the agency regulation. There are no additional costs or savings to entities required to comply with the proposal beyond that which the authorizing statute requires.

**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), §2001.022.

**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 TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposed new requirements for EPPs to include curriculum regarding virtual instruction, virtual learning, and educating students with disabilities are likely to increase costs for EPPs, including those run by state or local government entities, associated with developing that curriculum for each year of the first five years the proposed rule is in effect. However, these costs are necessary to implement legislation, specifically HB 159 and SB 226, 87th Texas Legislature, Regular Session, 2021. The proposal, 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 TEA staff has determined that the proposed amendments would create a new regulation that requires EPPs to include curriculum regarding virtual instruction, virtual learning, and educating students with disabilities, but that impact is created by the statutory requirements of HB 159 and SB 226, 87th Texas Legislature, Regular

Session, 2021. The proposed amendments would also limit an existing regulation by allowing EPPs to conduct some candidate observations virtually rather than in-person.

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 proposal would be clear guidance to EPPs on requirements for providing preparation to an individual seeking certification as an educator. The TEA staff has determined there is no anticipated cost to persons 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 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 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Jessica McLoughlin, Director, Educator Standards, Testing, and Preparation

**Attachment I:**

Text of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.2, Definitions, §228.10, Approval Process, §228.30, Educator Preparation Curriculum, and §228.35, Preparation Program Coursework and/or Training

**Attachment II:**

Text of Proposed Figure: 19 TAC §228.10(b)(1)

**ATTACHMENT I**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 228. Requirements for Educator Preparation Programs**

**§228.2. 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) 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.
- (4) Benchmarks--A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.
- (5) Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern.
- (6) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (7) Candidate coach--A person as defined in §228.33(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.
- (8) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (9) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.
- (10) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (11) Clinical teaching--A supervised educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (12) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited institution of higher education is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.

- (13) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (14) Cooperating teacher--For a clinical teacher candidate, an educator who is collaboratively assigned by the educator preparation program (EPP) and campus administrator; who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed cooperating teacher training, including training in how to coach and mentor teacher candidates, by the EPP within three weeks of being assigned to a clinical teacher; who is currently certified in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification; who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.
- (15) 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.
- (16) Entity--The legal entity that is approved to deliver an educator preparation program.
- (17) Field-based experiences--Introductory experiences for a classroom teacher certification candidate involving, at the minimum, reflective observation of Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.
- (18) Field supervisor--A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators. A field supervisor shall have at least three years of experience and current certification in the class in which supervision is provided. A field supervisor shall be an accomplished educator as shown by student learning. A field supervisor with experience as a campus-level administrator and who holds a current certificate that is appropriate for a principal assignment may also supervise classroom teacher, master teacher, and reading specialist candidates. A field supervisor with experience as a district-level administrator and who holds a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates. If an individual is not currently certified, an individual must hold at least a master's degree in the academic area or field related to the certification class for which supervision is being provided and comply with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) [§] ~~§232.13 of this title (relating to Number of Required Continuing Professional Education Hours by Classes of Certificates),~~ and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities). A field supervisor shall not be employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum. A mentor, cooperating teacher, or site supervisor, assigned as required by §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a candidate's field supervisor.
- (19) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (20) Head Start Program--The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.
- (21) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved educator preparation program.
- (22) Intensive Pre-Service--An educator assignment supervised by an educator preparation program accredited and approved by the State Board for Educator Certification prior to a candidate meeting the requirements for issuance of intern and probationary certificates.
- (23) Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing initial requirements for certification through an approved educator preparation program.

- (24) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (25) Late hire--An individual who has not been accepted into an educator preparation program before the 45th day before the first day of instruction and who is hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.
- (26) Mentor--For an internship candidate, an educator who is collaboratively assigned by the campus administrator and the educator preparation program (EPP); who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed mentor training, including training in how to coach and mentor teacher candidates, by an EPP within three weeks of being assigned to the intern; who is currently certified in the certification category in which the internship candidate is seeking certification; who guides, assists, and supports the candidate during the internship in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.
- (27) Pedagogy--The art and science of teaching, incorporating instructional methods that are developed from scientifically-based research.
- (28) 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 and are seeking an additional degree.
- (29) Practicum--A supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.
- (30) Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved educator preparation program.
- (31) School day--If not referring to the school day of a particular public or private school, a school day shall be at least seven hours (420 minutes) each day, including intermissions and recesses.
- (32) School year--If not referring to the school year of a particular public or private school, a school year shall provide at least 180 days (75,600 minutes) of instruction for students.
- (33) Site supervisor--For a practicum candidate, an educator who has at least three years of experience in the aspect(s) of the certification class being pursued by the candidate; who is collaboratively assigned by the campus or district administrator and the educator preparation program (EPP); who is currently certified in the certification class in which the practicum candidate is seeking certification; who has completed training by the EPP, including training in how to coach and mentor candidates, within three weeks of being assigned to a practicum candidate; who is an accomplished educator as shown by student learning; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's field supervisor.
- (34) Students with disabilities--A student who is eligible to participate in a school district's special education program under Texas Education Code, §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or is covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).
- (35) [~~34~~] 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.

(36) ~~(35)~~ Texas Essential Knowledge and Skills (TEKS)--The kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

### §228.10. Approval Process.

- (a) New entity approval. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter, Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification). The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre-approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved. A post-approval site visit will be conducted after the first year of the EPP's operation.
- (1) The proposal shall include the following program approval components:
- (A) ownership and governance of the EPP;
  - (B) criteria for admission to the EPP;
  - (C) EPP curriculum;
  - (D) EPP coursework and/or training, including ongoing support during clinical teaching, internship, and practicum experiences;
  - (E) certification procedures;
  - (F) assessment and evaluation of candidates for certification and EPP improvement;
  - (G) professional conduct of EPP staff and candidates;
  - (H) EPP complaint procedures; and
  - (I) required submissions of information, surveys, and other accountability data ; and [ ]
  - (J) as required under Texas Education Code (TEC), §21.0443(b)(1) and (2), proactive instructional planning techniques throughout the course work for candidates and across content areas and inclusive practices for all students, including students with disabilities, throughout coursework and clinical experience for candidates.
- (2) The proposal shall also include identification of the classes and categories of certificates proposed to be offered by the entity.
- (b) Continuing entity approval. An entity approved by the SBEC under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of the TEA staff.
- (1) At the time of the review, the entity shall submit to the TEA staff a status report regarding its compliance with existing standards and requirements for EPPs. An EPP is responsible for establishing procedures and practices sufficient to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Evidence of compliance is described in the figure provided in this paragraph.
- Figure: 19 TAC §228.10(b)(1) [Figure: 19 TAC §228.10(b)(1)]
- (2) Unless specified otherwise, the entity must retain evidence of compliance described in the figure in paragraph (1) of this subsection for a period of five years.
- (3) TEA staff shall, at the minimum, use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:
- (A) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:

- (i) the seriousness of any violation of a rule, standard, or procedure;
    - (ii) whether the violation resulted in an action being taken against the program;
    - (iii) whether the violation was promptly remedied by the program;
    - (iv) the number of alleged violations; and
    - (v) any other matter considered to be appropriate in evaluating the program's compliance history;
  - (B) whether the program meets the accountability standards under TEC [Texas Education Code] , §21.045; and
  - (C) whether a program is accredited by other organizations.
- (c) Approval of clinical teaching for an alternative certification program. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff on an application in a form developed by the TEA staff that shall include, at a minimum:
- (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
  - (2) selection criteria for clinical teachers;
  - (3) selection criteria for cooperating teachers;
  - (4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;
  - (5) description of program supervision; and
  - (6) description of how candidates are evaluated.
- (d) Addition of certificate categories and classes.
- (1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate categories be approved by TEA staff, by submitting an application in a form developed by the TEA staff that shall include, at a minimum, the curriculum matrix; a description of how the standards for Texas educators are incorporated into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification category being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress.
  - (2) An EPP rated "accredited" and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels by submitting an application in a form developed by the TEA staff that shall include, at a minimum, a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate categories must be within the classes of certificates for which the EPP has been previously approved by the SBEC.
  - (3) An EPP that is not rated "accredited" may not apply to offer additional certificate categories or classes of certificates.
  - (4) An EPP that is rated "accredited" may request the addition of a certificate class that has not been previously approved by the SBEC, but must present a full proposal on an application in a form developed by the TEA staff for consideration and approval by the SBEC.
- (e) Addition of program locations. An EPP that is rated "accredited," may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations

must operate in accordance with the program components under which the program has been approved to operate.

- (f) Contingency of approval. Approval of an EPP by the SBEC, including each specific certificate class and category, is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees. Continuing EPP approval is contingent upon compliance with superseding state and federal law.
- (g) Notwithstanding any other provisions of this section, a program that is approved to offer certificates that the SBEC has replaced with new certificates, which require a science of teaching reading assessment, may be approved to offer the certificates by submitting on or before December 1, 2020, a request to offer the new certificates in a form developed by the TEA staff. This request must include at a minimum an attestation signed by the program's legal authority of the program's intent to modify its curriculum by January 1, 2021, as necessary to prepare candidates for the new certificate. Programs may be approved to offer the new certificates only for the route(s) for which they are approved to offer the existing certificates. A program that does not file a request for approval to offer the new certificates on or before December 1, 2020, may apply for authorization using the process described in subsection (d) of this section. The eligible certificates are as follows:
  - (1) a program approved to offer Core Subjects: Early Childhood-6 may request to offer Core Subjects with Science of Teaching Reading: Early Childhood-6;
  - (2) a program approved to offer Core Subjects: Grades 4-8 may request to offer Core Subjects with Science of Teaching Reading: Grades 4-8;
  - (3) a program approved to offer English Language Arts and Reading: Grades 4-8 may request to offer English Language Arts and Reading with Science of Teaching Reading: Grades 4-8; and
  - (4) a program approved to offer English Language Arts and Reading/Social Studies: Grades 4-8 may request to offer English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

### **§228.30. Educator Preparation Curriculum.**

- (a) The educator standards adopted by the State Board for Educator Certification shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program shall rely on scientifically-based research to ensure educator effectiveness.
- (c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:
  - (1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics), which include:
    - (A) professional ethical conduct, practices, and performance;
    - (B) ethical conduct toward professional colleagues; and
    - (C) ethical conduct toward students;
  - (2) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b);
  - (3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in the TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;

- (4) 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;
  - (5) the importance of building strong classroom management skills;
  - (6) the framework in this state for teacher and principal evaluation;
  - (7) appropriate relationships, boundaries, and communications between educators and students; ~~and~~
  - (8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
    - (A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;
    - (B) provide effective, evidence-based strategies to determine a person's degree of digital literacy; and
    - (C) include resources to address any deficiencies identified by the digital literacy evaluation ; and [;]
  - (9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC, §21.044(a-1).
- (d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
    - (1) the relevant TEKS, including the English Language Proficiency Standards;
    - (2) reading instruction, including instruction that improves students' content-area literacy;
    - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
    - (4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).
  - (e) For candidates seeking certification in the principal certification class, the curriculum shall include the skills and competencies as prescribed in Chapter 241 of this title (relating to Certification as Principal) and captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).
  - (f) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:
    - (1) Child Development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;
    - (2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and
    - (3) Science of Teaching Reading Standards.

**§228.35. Preparation Program Coursework and/or Training.**

- (a) Coursework and/or training for candidates seeking initial certification in any certification class.
  - (1) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.

- (2) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and performance-based.
- (3) All coursework and/or training shall be completed prior to EPP completion and standard certification.
- (4) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of training may be provided by a school district and/or campus that is an approved Texas Education Agency (TEA) continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in the Texas Education Code (TEC), §21.451 (Staff Development Requirements) and must be directly related to the certificate being sought.
- (5) Each EPP must develop and implement specific criteria and procedures that allow:
  - (A) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought; and
  - (B) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought.
- (6) Coursework and training that is offered online must meet, or the EPP must be making progress toward meeting, criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:
  - (A) Accreditation or Certification by the Distance Education Accrediting Commission;
  - (B) Program Design and Teaching Support Certification by Quality Matters;
  - (C) Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or
  - (D) Part 1, Chapter 7 of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).
- (b) Coursework and/or training for candidates seeking initial certification in the classroom teacher certification class. An EPP shall provide each candidate with a minimum of 300 clock-hours of coursework and/or training. An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:
  - (1) a minimum of 30 clock-hours of field-based experience. Up to 15 clock-hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and
  - (2) 150 clock-hours of coursework and/or training as prescribed in §228.30(d)(4) of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency in:
    - (A) designing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for diverse learners and encourage higher-order thinking, persistence, and achievement;
    - (B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;

- (C) ensuring high levels of learning, social-emotional development, and achievement for all students through knowledge of students, proven practices, and differentiated instruction;
  - (D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;
  - (E) organizing a safe, accessible, and efficient classroom;
  - (F) establishing, communicating, and maintaining clear expectations for student behavior;
  - (G) leading a mutually respectful and collaborative class of actively engaged learners;
  - (H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;
  - (I) reflect on his or her practice; and
  - (J) effectively communicating with students, families, colleagues, and community members.
- (c) Coursework and/or training for candidates seeking initial certification in a certification class other than classroom teacher. An EPP shall provide coursework and/or training to ensure that the educator is effective in the assignment. An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class.
- (d) Late hire provisions. A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements of subsection (b) of this section, but shall complete these requirements within 90 school days of assignment.
- (e) Educator preparation program delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
- (1) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock-hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching.
- (A) Field-based experiences must include 15 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities that include:
    - (i) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;
    - (ii) instruction by content certified teachers;
    - (iii) actual students in classrooms/instructional settings with identity-proof provisions;
    - (iv) content or grade-level specific classrooms/instructional settings; and
    - (v) written reflection of the observation.
  - (B) Up to 15 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method. Field-based experience provided by use of electronic transmission or other video or technology-based method must include:
    - (i) direction of the EPP;
    - (ii) authentic school settings in an accredited public or private school;
    - (iii) instruction by content certified teachers;
    - (iv) actual students in classrooms/instructional settings with identity-proof provisions;

- (v) content or grade-level specific classrooms/instructional settings; and
  - (vi) written reflection of the observation.
- (C) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute. A long-term substitute is an individual who has been hired by a school or district to work at least 30 consecutive days in an assignment as a classroom teacher. Experience may occur after the candidate's admission to an EPP or during the two years before the date the candidate is admitted to the EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for the purpose by the TEA.
- (2) For initial certification in the classroom teacher certification class, each EPP shall also provide at least one of the following.
- (A) Clinical Teaching. A candidate must have a clinical teaching assignment for each subject area in which the candidate is seeking initial certification.
- (i) For a candidate seeking initial certification in only one subject area, the following provisions apply.
    - (I) Clinical teaching must meet one of the following requirements:
      - (-a-) a minimum of 14 weeks (no fewer than 70 full days), with a full day being 100% of the school day; or
      - (-b-) a minimum of 28 weeks (no fewer than 140 half days), with a half day being 50% of the school day.
    - (II) A clinical teaching assignment as described in subclause (I)(-a-) of this clause shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods.
  - (ii) For a candidate seeking initial certification in more than one subject area, the primary teaching assignment must meet the requirements of clause (i)(I)(-a-) of this subparagraph. Additional clinical teaching assignments in other subject areas may be less than an average of four hours each day during the 14 weeks of clinical teaching if:
    - (I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
    - (II) the EPP is approved to offer preparation in the certification category required for the additional assignment;
    - (III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;
    - (IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
    - (V) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.
  - (iii) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.

(iv) An EPP may permit a full day clinical teaching assignment up to 5 full days fewer than the minimum and a half day clinical teaching assignment up to 10 half days fewer than the minimum if due to maternity leave, military leave, illness, or bereavement.

(B) Internship. An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(i) An EPP may permit an internship of up to 30 school days fewer than the minimum if due to maternity leave, military leave, illness, bereavement, or if the late hire date is after the first day of the school year.

(ii) The beginning date for an internship for the purpose of field supervision is the first day of instruction with students in the school or district in which the internship takes place.

(iii) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day if:

(I) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(II) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(III) the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;

(IV) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and

(V) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required.

(iv) A candidate must hold an intern or probationary certificate while participating in an internship. A candidate must meet the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates) to be eligible for an intern or probationary certificate.

(v) An EPP may recommend an additional internship if:

(I) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional internship; or

(II) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.

(vi) An EPP must provide ongoing support to a candidate as described in subsection (g) of this section for the full term of the initial and any additional internship, unless, prior to the expiration of that term:

(I) a standard certificate is issued to the candidate during any additional internship under a probationary certificate;

(II) the candidate resigns, is non-renewed, or is terminated by the school or district; or

- (III) the candidate is discharged or is released from the EPP; or
  - (IV) the candidate withdraws from the EPP; or
  - (V) the internship assignment does not meet the requirements described in this subparagraph.
- (vii) If the candidate leaves the internship assignment for any of the reasons identified in clause (vi)(II)-(V) of this subparagraph:
    - (I) the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment; and
    - (II) TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate's last day of the assignment in a format determined by TEA.
  - (viii) The EPP must communicate the requirements in clause (vii) of this subparagraph to candidates and campus or district personnel prior to the assignment start date.
  - (ix) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.
  - (x) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).
- (3) An EPP may request an exception to the clinical teaching option described in this subsection.
- (A) Submission of Exception Request. The request for an exception must include an alternate requirement that will adequately prepare candidates for educator certification and ensure the educator is effective in the classroom. The request for an exception must be submitted in a form developed by the TEA staff that shall include:
    - (i) the rationale and support for the alternate clinical teaching option;
    - (ii) a full description and methodology of the alternate clinical teaching option;
    - (iii) a description of the controls to maintain the delivery of equivalent, quality education; and
    - (iv) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.
  - (B) Review, Approval, and Revocation of Exception Request.
    - (i) Exception requests will be reviewed by TEA staff, and the TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved. The SBEC may:
      - (I) approve the request;
      - (II) approve the request with conditions;

- (III) deny approval of the request; or
  - (IV) defer action on the request pending receipt of further information.
  - (ii) If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.
  - (iii) If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. If the EPP does not timely submit the report, the approval is revoked.
  - (iv) If the SBEC does approve the exception or an approval is revoked, an EPP must wait at least six months from the date of the denial or revocation before submitting a new request.
- (4) Candidates participating in an internship or a clinical teaching assignment need to experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.
- (5) An internship or clinical teaching experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:
- (A) a certified teacher is available as a trained mentor;
  - (B) the Head Start program is affiliated with the federal Head Start program and approved by the TEA;
  - (C) the Head Start program teaches three- and four-year-old students; and
  - (D) the state's prekindergarten curriculum guidelines are being implemented.
- (6) An internship or clinical teaching experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
- (7) An internship or clinical teaching experience shall not take place in a setting where the candidate:
- (A) has an administrative role over the mentor or cooperating teacher; or
  - (B) is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (8) For certification in a class other than classroom teacher, each EPP shall provide a practicum for a minimum of 160 clock-hours whereby a candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
- (A) A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.
  - (B) A practicum may not take place exclusively during a summer recess.
  - (C) A practicum shall not take place in a setting where the candidate:
    - (i) has an administrative role over the site supervisor; or
    - (ii) is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
  - (D) An intern or probationary certificate may be issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title and §230.37 of this title.

- (i) A candidate for an intern or probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.
  - (ii) An EPP may recommend an additional practicum under a probationary certificate if:
    - (I) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional practicum; or
    - (II) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.
  - (E) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.
- (9) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.
- (A) All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field-based experience, internship, clinical teaching, and/or practicum.
  - (B) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience. The application shall be in a form developed by the TEA staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.
  - (C) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching or practicum required by this chapter.
    - (i) The clinical teaching or practicum site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:
      - (I) military assignment of candidate or spouse;
      - (II) illness of candidate or family member for whom the candidate is the primary caretaker;
      - (III) candidate becomes the primary caretaker for a family member residing out of state; or
      - (IV) candidate or spouse transfer of employment.

- (ii) The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the state of Texas and be in a form developed by the TEA staff and shall include, at a minimum:
    - (I) the accreditation(s) held by the school;
    - (II) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;
    - (III) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
    - (IV) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (D) An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching or a practicum required by this chapter.
  - (i) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:
    - (I) military assignment of candidate or spouse;
    - (II) illness of candidate or family member for whom the candidate is the primary caretaker;
    - (III) candidate becomes the primary caretaker for a family member residing out of country; or
    - (IV) candidate or spouse transfer of employment.
  - (ii) The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the United States and be in a form developed by the TEA staff and shall include, at a minimum, the same provisions required in subparagraph (C)(ii) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.
- (f) Mentors, cooperating teachers, and site supervisors. In order to support a new educator and to increase educator retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a mentor during the candidate's internship, assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, or site supervisor is not available, the EPP and campus or district administrator shall assign an individual who most closely meets the criteria and document the reason for selecting an individual that does not meet the criteria. The EPP is responsible for providing mentor, cooperating teacher, and/or site supervisor training that relies on scientifically-based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented.
- (g) Ongoing educator preparation program support for initial certification of teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. For each formal observation, whether in-

person or virtual, the field supervisor shall participate in an individualized pre-observation conference with the candidate, document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. Neither the pre-observation conference nor the post-observation conference need to be onsite. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience. For an internship, the field supervisor shall collaborate with the candidate, mentor, and supervising campus administrator throughout the internship.

- (1) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
- (2) Each formal virtual observation must be:
  - (A) at least 45 minutes in length;
  - (B) conducted by the field supervisor;
  - (C) followed by a post-observation conference within 72 hours of the educational activity;  
and
  - (D) conducted through use of an unedited electronic transmission, video, or technology-based method.
- (3) ~~(2)~~ An EPP must provide the first formal observation within the first third of all clinical teaching assignments and the first six weeks of all internship assignments.
- (4) ~~(3)~~ For an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section : ~~[an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship.]~~
  - (A) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and
  - (B) at least three of the minimum formal observations must be in-person.
- (5) ~~(4)~~ For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section : ~~[an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.]~~
  - (A) an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment;
  - (B) at least two of the minimum formal observations must be in-person; and
  - (C) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations.
- (6) ~~(5)~~ If an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day : ~~[an EPP must provide a minimum of three observations in each assignment. For each assignment, the EPP must provide at~~

~~least two formal observations during the first half of the internship and one formal observation during the second half of the internship.]~~

- (A) ~~an EPP must provide a minimum of three observations in each assignment;~~
- (B) ~~for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;~~
- (C) ~~at least two of the minimum formal observations must be in-person for each assignment; and~~
- (D) ~~if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.~~

(7) ~~(6)~~ For a first-year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day : ~~[an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment.]~~

- (A) ~~an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment;~~
- (B) ~~at least two of the minimum formal observations must be in-person for each assignment; and~~
- (C) ~~if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.~~

(8) ~~(7)~~ For a 14-week, full-day clinical teaching assignment, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment. For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of the assignment and a minimum of one formal observation must be provided during the second half of the assignment. For either of these assignments:

- (A) ~~at least two of the minimum formal observations must be in-person for each assignment; and~~
- (B) ~~if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.~~

(9) ~~(8)~~ For a 28-week, half-day clinical teaching assignment or a full-day clinical teaching assignment that exceeds 14 weeks and extends beyond one semester : ~~[an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment.]~~

- (A) ~~an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment; and~~
- (B) ~~at least two of the minimum formal observations must be in-person for each assignment.~~

- (h) Ongoing educator preparation program support for certification in a certification class other than classroom teacher. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's site supervisor. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.
- (1) An EPP must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.
  - (2) The three required formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
  - (3) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
- (i) Coursework and/or training for candidates seeking Early Childhood: Prekindergarten-Grade 3 certification.
- (1) In support of the educator standards that are the curricular basis of the Early Childhood: Prekindergarten-Grade 3 certificate, an EPP shall integrate the following concepts and themes throughout the coursework and training:
    - (A) using planning and teaching practices that support student learning in early childhood, including:
      - (i) demonstrating knowledge and skills to support child development (birth-age eight) in the following areas:
        - (I) brain development;
        - (II) physical development;
        - (III) social-emotional learning; and
        - (IV) cultural development;
      - (ii) demonstrating knowledge and skills of effective, research supported, developmentally appropriate instructional approaches to support young students' learning, including, but not limited to:
        - (I) intentional instruction with clear learning goals;
        - (II) project-based learning;
        - (III) child-directed inquiry;
        - (IV) learning through play; and
        - (V) integration of knowledge across content areas;
      - (iii) demonstrating knowledge and skills in implementing instruction tailored to the variability in learners' needs, including, but not limited to, small group instruction;

- (iv) demonstrating knowledge and skills in early literacy development and pedagogy, including:
  - (I) demonstrating effective ways to support language development, particularly oral language development, including, but not limited to, growth in academic vocabulary, comprehension, and inferencing abilities; and
  - (II) demonstrating effective ways to support early literacy development, including letter knowledge, phonological awareness, early writing, and decoding;
- (v) demonstrating knowledge and skills in early mathematics and science development and pedagogy;
- (vi) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who are English learners and/or bilingual; and
- (vii) demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who have or are at risk for developmental delays and disabilities;
- (B) assessing the success of instruction and student learning through developmentally appropriate assessment, including:
  - (i) demonstrating knowledge of multiple forms of assessment, the information that each form of assessment can provide about a student's learning and development, and how to conceive, construct, and/or select an assessment aligned to standards that can demonstrate student learning to stakeholders;
  - (ii) demonstrating knowledge in how to use assessments to inform instruction to support student growth; and
  - (iii) demonstrating knowledge and application of children's developmental continuum in the analysis of assessment results utilizing a variety of assessment types to gain a full understanding of students' current development and assets;
- (C) creating developmentally appropriate learning environments, including:
  - (i) demonstrating knowledge and skills in supporting learners' development of self-regulation and executive function (e.g., behavior, attention, goal setting, cooperation);
  - (ii) demonstrating knowledge and skills in designing, organizing, and facilitating spaces for learning, particularly small group learning, in both indoor and outdoor contexts; and
  - (iii) demonstrating knowledge and skills in developing learning environments that support English learners' development, including structures to support language development and communication;
- (D) working with families, students, and the community through:
  - (i) teacher agency and teacher leadership;
  - (ii) research-based family engagement practices;
  - (iii) understanding the capabilities of students through parent and community input; and
  - (iv) the development and modeling of responsive relationships with children; and
- (E) using a diversity and equity framework, such as:

- (i) demonstrating knowledge and skills in creating early learning communities that capitalize on the cultural knowledge and strengths children bring to the classroom;
  - (ii) demonstrating knowledge and skills in creating an early learning environment that reflects the communities in which they work; and
  - (iii) demonstrating knowledge and skills in how to access the knowledge children and families bring to school.
- (2) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title (relating to Elementary School Certificate Standards and that is based on the concepts and themes specified in subsection (i)(1) of this section. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.
- (3) An EPP shall provide each candidate who holds a valid standard, provisional, or one year classroom teacher certificate specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in subsections (a) and (b) of this section that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title and that is based on the concepts and themes specified in subsection (i)(1) of this section, a clinical experience as specified in subsection (e)(2) of this section, a mentor or cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section.
- (j) Coursework and/or training for candidates seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certification.
  - (1) An EPP must provide a minimum of 300 hours of coursework and/or training related to the educator standards for that certificate adopted by the SBEC.
  - (2) An EPP shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the TEA or other school approved by the TEA for this purpose. A TVI certification candidate must demonstrate proficiency in each of the educator standards for the certificate being sought during the clinical experience. A clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.
    - (A) An EPP will provide guidance, assistance, and support for the TVI certification candidate by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
    - (B) An EPP will collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.
    - (C) An EPP will provide ongoing support for the TVI certification candidate. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; and provide written feedback through an individualized,

synchronous, and interactive post-observation conference with the candidate. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate.

- (i) Formal observations must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
- (ii) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.
- (iii) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.

(k) Candidates employed as certified educational aides.

- (1) Clinical Teaching Assignment. Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirements through their instructional duties.
  - (A) If an EPP permits candidates employed as certified educational aides, as defined by Chapter 230, Subchapter E, of this title (relating to Educational Aide Certificate), to satisfy the clinical teaching assignment requirements through their instructional duties, the clinical teaching assignment must be for a minimum of 490 hours (14-week equivalent).
  - (B) An EPP may permit an educational aide employed in a clinical teaching to be excused from up to 35 of the required hours due to maternity leave, military leave, or illness.
  - (C) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.
- (2) Coursework and Training. An EPP must provide coursework and/or training as specified in subsections (a) and (b) of this section, a clinical experience as specified in subsection (e) of this section, a cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section. An EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.

(l) Exemptions.

- (1) Under the TEC, §21.050(c), a candidate 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 the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, or clinical teaching.
- (2) Under the TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an EPP or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, or field-based experience program requirement.

**ATTACHMENT II**  
**Text of Proposed Amendment to**

**Figure: 19 TAC §228.10(b)(1) [~~Figure: 19 TAC §228.10(b)(1)~~]**

<b>Component I: Governance</b>	<b>Evidence</b>
19 TAC §228.20(b): The representative nature of an advisory committee.	Records of advisory committee membership reflecting at least three of the groups listed in this subsection; and Advisory committee meeting attendance records.
19 TAC §228.20(b): Input provided by an advisory committee.	Advisory committee member input reflected in the advisory committee minutes.
19 TAC §228.20(b): EPP informed advisory committee members of their roles and responsibilities.	Advisory committee training materials, date(s), attendance records; or Advisory committee handbook with acknowledgement of receipt by advisory committee member; or Letter of invitation with roles and responsibilities outlined and acknowledged by invitee as to accept or decline; or Bylaws acknowledged receipt by advisory committee member.
19 TAC §228.20(b): Advisory committee meeting.	Dated minutes of each advisory committee meeting.
19 TAC §228.20(e): The EPP provided notice of amendments to its approved program.	Record of notification to TEA.
19 TAC §228.20(f): The EPP provided notice and received approval of amendments to its approved program.	Record of approval or denial from TEA.
19 TAC §228.20(g): The EPP published a calendar of activities.	Calendar posted on EPP website.
19 TAC §228.10(a): The EPP has met the requirements for approval.	EPP accreditation status on file with TEA.
19 TAC §228.10(b): The EPP has met the requirements for continuing approval.	EPP accreditation status on file with TEA.
19 TAC §228.10(c): The EPP has met the requirements to offer clinical teaching.	EPP clinical teaching status on file with TEA.
19 TAC §228.10(d): The EPP has met the requirements to offer a certification class and/or category.	EPP certification class and/or category status on file with TEA.
19 TAC §228.10(e): The EPP provided notice of an additional location.	Record of letter(s) on letterhead signed by an EPP's legally authorized agent or representative sent by email or regular mail.
19 TAC §228.15: The EPP has met the requirements for consolidation or closure.	EPP notice of consolidation or closure; and EPP notification of candidates; and EPP completion of required SBEC and TEA actions. If closing, EPP notification of representative.
19 TAC §228.17: The EPP has met the requirements for changing ownership.	EPP notice of change of ownership.

<b>Component II: Admission</b>	<b>Evidence</b>
19 TAC §227.1(c): The EPP has informed applicants of the required information.	Website; or Recruitment information; or Orientation materials; or Admission material.
19 TAC §227.10(a)(1) and (2): Candidates have met the required institution of higher education (IHE) enrollment or degree requirements.	Original transcripts.
19 TAC §227.10(e): Out-of-country candidates have met the required degree requirement.	Official transcript evaluated by approved entity with equivalent report issued.
19 TAC §227.10(a)(3)(A): Candidates have met the minimum grade point average (GPA) requirement.	Official transcripts; and Documentation of calculations to determine GPA in the last 60 hours.
19 TAC §227.10(a)(3)(B) and (D): Candidates that have been admitted with a GPA less than the 2.5 minimum have met the requirements for the GPA exception.	Program policy; and Documentation signed by the director that certifies each applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and Pre-Admission Content Test score report.
19 TAC §227.10(a)(4): Applicants demonstrated content knowledge prior to admission.	Official transcripts; and Record of calculation of content hours by course; and Score report for a comparable examination approved by TEA; or Score report for Pre-Admission Content Test.
<u>19 TAC §227.10(a)(5): The EPP has informed non-teacher applicants in writing of any certificate issuance deficiencies prior to admission.</u>	<u>Letter, email, or completed form identifying deficient areas</u>
19 TAC §227.10(a) <del>(6)</del> <del>(5)</del> : Applicants demonstrated basic skills prior to admission.	Score reports; or Official transcripts bearing TSI requirements.
19 TAC §227.10(a) <del>(7)</del> <del>(6)</del> : Applicants demonstrated proficiency in English language skills prior to admission.	Official transcripts with degree from U.S. university or college; or A letter from the out-of-country institution stating the language of instruction is English; or Official TOEFL scores.
19 TAC §227.10(a) <del>(8)</del> <del>(7)</del> : A screening device has been used to determine applicant admission.	Completed application; and Interview with standard questions and evaluated with a cut score or rubric that includes descriptions of levels of performance quality based on a coherent set of criteria; or Other screening instrument evaluated with a cut score or a rubric that includes descriptions of levels of performance quality based on a coherent set of criteria.
19 TAC §227.10(a) <del>(9)</del> <del>(8)</del> : Applicants have met other academic criteria for admission.	Application for admission; and Records of academic requirements; and Academic requirements are published on website, or catalogues, or brochures, or orientation materials.
19 TAC §227.10(b): Applicants have met additional admission requirements.	Records of admission requirements; and Documentation of published requirements in candidate records; and Admission requirements are published on website, or catalogues, or brochures, or orientation materials.
19 TAC §227.10(c): The EPP has appropriately admitted applicants who have transferred from other EPPs.	Transfer form; and Application for admission; and Official transcripts.

19 TAC §227.10(d): Career and Technical Education applicants have been admitted with the required documentation of licensure and experience.	License and/or other supporting documentation of work experience; and Statement of qualifications; and Diploma or Transcript.
19 TAC §227.17(a): Applicants have been formally admitted to the EPP.	Required admission documents; and Written formal admission offer letter; and Written and dated formal admission acceptance letter.
19 TAC §227.17(e) and (f): Candidates were admitted prior to beginning coursework and training or receiving approval to test.	Written and dated formal admission acceptance letter; and Coursework record with start and completion dates; and Testing history.
19 TAC §227.15(a): Applicants admitted on a contingency basis met all admission requirements relating to contingency admission.	Written contingency admission offer letter; and Written and dated contingency admission acceptance letter; and Required admission documents; and Official transcripts; and Information from university confirming date of graduation; and Program records indicating which semester admission applies.
19 TAC §241.5(c), Principal, and 19 TAC §242.5(c), Superintendent: Candidates admitted met all admission requirements.	Screening instrument with rubric and cut score.
19 TAC §242.5(a): Superintendent applicants were admitted with required degree requirements.	Official transcript.

<b>Component III: Curriculum</b>	<b>Evidence</b>
19 TAC §228.30(a): The curriculum is based on approved educator standards.	Charts identifying alignment of educator standards in curriculum; and Application of educator standards identified in syllabi/course outlines; or Application of educator standards identified in course/training lesson plans.
19 TAC §228.30(a): The curriculum addresses the relevant Texas Essential Knowledge and Skills (TEKS).	Charts identifying alignment of educator standards in curriculum; and Syllabi/course outlines identifying training in using TEKS to inform instruction and assessment; or Instructor lesson plans reflecting instruction and use of TEKS.
19 TAC §228.40(a): The EPP uses assessments to measure candidate progress.	Syllabi/course outlines reflecting assessments of knowledge and skills; and Assessments that measure mastery of educator standards.
19 TAC §228.30(b): The curriculum is research-based.	Syllabi/course outlines with bibliographies/references.
19 TAC §228.30(c)-(e): The required subject matter has been included in the curriculum for candidates seeking initial certification in any certification class.	Charts identifying alignment of educator standards in curriculum; and Syllabi/course outlines; or Coursework.

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(a)(1): The EPP provides candidates with adequate preparation and training.	Candidate testing history; and Syllabi/course outlines; and Program benchmarks; and Degree plan/transcripts.
19 TAC §228.35(a)(2): Coursework and/or training meets requirements.	Syllabi/course outline; or Coursework.
19 TAC §228.35(a)(3): Candidates complete coursework and training prior to EPP completion and standard certification.	Program benchmarks; and Attendance records or attendance policies that require a certain level of attendance for a passing grade; and Program schedule of courses/modules; and Degree plan/transcripts for each candidate reviewed.
19 TAC §228.35(a)(4): Late hire candidates may receive a portion of the required coursework and training by their school district or campus.	Certificate of attendance; or Sign-in sheet; or Other written school district verification.
19 TAC §228.35(a)(5)(A): The EPP has procedures for allowing relevant military experiences.	Policies and procedures in handbooks; and Advisory committee minutes; or Admission information; or Orientation material; or Website information.
19 TAC §228.35(a)(5)(B): The EPP has procedures for allowing prior experience, education, or training.	Policies and procedures in handbooks; and Advisory committee minutes; or Admission information; or Orientation material; or Website information.
19 TAC §228.35(a)(6): Coursework and training that is offered online meets standards.	Accreditation documentation; or Quality assurance documentation; or THECB compliance documentation.
19 TAC §228.35(b): Candidates for initial teacher certification receive the required number of hours of coursework and training.	Document tracking hours for courses; or Degree plans; or Transcripts; or Program Course/Module Schedule; or Benchmarks.
19 TAC §228.35(b)(1): Candidates have completed the field-based experience requirements prior to clinical teaching or internship.	Start date of clinical teaching or internship; and Field-based experience observation log reflecting date, subject area, grade level, campus, district, time in and time out, and interaction with students; verifying signatures of observed teacher; and Written or videotaped reflections of observation.
19 TAC §228.35(b)(2): Candidates have completed the required coursework and/or training prior to clinical teaching or internship.	Start date of clinical teaching or internship; and Document tracking hours for courses; or Degree plans; or Transcripts; or Program Course/Module Schedule; or Benchmarks.
19 TAC §228.35(c): Candidates seeking initial certification in a class other than classroom teacher have completed the required clock hours of coursework and/or training.	Document tracking hours for courses; or Degree plans; or Transcripts; or Program Course/Module Schedule; or Benchmarks.

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(d): Late hire candidates have completed the pre-internship requirements.	Record of coursework completed (start and end dates); and Field-based experience observation log reflecting date, subject area, grade level, campus, district, time in and time out, and interaction with students; verifying signatures of observed teacher; and Reflections of observation; and Record of assignment date.
19 TAC §228.35(e)(1)(A): Teacher candidates complete required field-based experiences.	Field-based experience observation log reflecting date, subject area, grade level, campus, district, time in and time out, and interactions with students; verifying signatures of observed teacher; and Reflections of observation.
19 TAC §228.35(e)(1)(B): Field-based experience via electronic transmission or other video or technology-based method meets requirements.	Field-based observation log reflecting date, subject area, and grade level; verifying signatures of program staff; and Reflections of observation.
19 TAC §228.35(e)(2)(A) and (B): Candidates seeking initial teacher certification have completed clinical teaching.	Clinical teaching placement lists with placement information including start and end dates, start and end time; grade level, subject area, cooperating teacher name, and field supervisor assigned; and Clinical teaching log including dates, start and end times each day; verified by cooperating teacher.
19 TAC §228.35(e)(2)(C)(i): Candidates seeking initial teacher certification have completed an internship.	Completed statement of eligibility; and Internship placement lists with placement information including tests passed, start and end dates, start and end times, district, campus, grade level, subject area, mentor, and field supervisor assigned. If more than 30 days of internship are missed: <ul style="list-style-type: none"> <li>• Request letter from candidate; and</li> <li>• Approval by appropriate program staff; and</li> <li>• Identified start date and end date of internship; and</li> <li>• Make-up plan if more than thirty days; and</li> <li>• Documentation of make-up time.</li> </ul>
19 TAC §228.35(e)(2)(C)(iii): Candidates complete additional internship assignments that meet requirements for an internship and are appropriately supervised by the EPP.	Record of coursework completed; and Completed statement of eligibility; and Internship placement lists with placement information including tests passed, start and end dates, start and end times, district, campus, grade level, subject areas, mentor, and field supervisor assigned; and Intern or probationary certificates; and Field supervisor observation logs; and Letter from school district.
19 TAC §228.35(e)(2)(C)(iv): Candidates hold probationary or intern certificates while completing internship assignments.	Intern or probationary certificate.
19 TAC §228.35(e)(2)(C)(v): Additional internships recommended by the EPP have met the requirements for allowing candidates to complete additional internships.	Record of successful or unsuccessful internship; and Deficiency plan; and Benchmarks.

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(e)(2)(C)(vi)(I): The EPP supports the candidate during an additional internship unless the internship is ended early due to issuance of a standard certificate.	Standard certificate.
19 TAC §228.35(e)(2)(C)(vi)(II) The EPP supports the candidate during an additional internship unless the internship is ended early because the candidate is non-renewed by, resigns from, or is terminated by the employer.	Written notice from candidate; and Written notice to candidate; and Written notice to TEA.
19 TAC §228.35(e)(2)(C)(vi)(III): The EPP supports the candidate during an additional internship unless the internship is ended early because the candidate is released from the EPP.	Written notice to candidate; and Written notice to school or district; and Written notice to TEA.
19 TAC §228.35(e)(2)(C)(vi)(IV): The EPP supports the candidate during an additional internship unless the internship is ended early because the candidate withdraws from the EPP.	Written notice to program; and Written notice to candidate; and Written notice to school or district; and Written notice to TEA.
19 TAC §228.35(e)(2)(E): The EPP requested and was approved for an exception to the clinical teaching option.	Record of approval from SBEC.
19 TAC §228.35(e)(2)(F): Candidate training included experiences with a full range of professional responsibilities including the start of the school year.	Documentation of field-based experiences and/or clinical teaching experiences.
19 TAC §228.35(e)(3): An internship or clinical teaching experience was completed at a Head Start Program that meets requirements.	Teacher certification and mentor training records; and Federal and TEA approval records; and Records documenting Head Start student population; and Head Start curriculum.
19 TAC §228.35(e)(4) and (5): The internship or clinical teaching experiences take place in setting that meets requirements.	Internship or clinical teaching placement lists with placement information including tests passed, start and end dates, start and end times, district, campus, grade level, subject areas, mentor, and field supervisor assigned; and Statement of eligibility (only required for internship).
19 TAC §228.35(e)(6)(A) and (B): Candidates seeking certification in a class other than classroom teacher complete a practicum that meets the requirements.	Field supervisor observation logs reflecting educator standards based activities; and Practicum information with start and end dates, district, campus, site, and field supervisor assigned.
19 TAC §228.35(e)(6)(C)(i): An intern or probationary certificate has been issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions.	Statement of eligibility; and Program requirements; and Testing history.
19 TAC §228.35(e)(6)(C)(ii): Additional practicums recommended by the EPP have met the requirements for allowing candidates to complete additional practicums.	Record of successful or unsuccessful practicum; and Deficiency plan; and Benchmarks.
19 TAC §228.35(e)(7): The EPP applied and received approval for a candidate to complete field-based experience, clinical teaching, internship, or practicum in an out-of-state or out-of-country placement.	Record of approval from TEA.

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(f): Candidates placed in clinical teaching, internship, or practicum assignments were assigned cooperating teachers, mentors, or site supervisors as appropriate.	Candidate placement information showing date of placement, name of candidate, name of cooperating teacher/mentor/site supervisor, subject area, grade level, supervising administrator name, campus name, and district name.
19 TAC §228.2(12) and (23): The cooperating teachers and mentors were trained and held the required credentials.	<p>Service record and teaching certificate; or  A form signed by the campus or district administrator attesting that the cooperating teachers and mentors meet the certification, experience, and accomplishment as an educator criteria; and  Evidence of training; and  Evidence of accomplishment as an educator includes:</p> <ul style="list-style-type: none"> <li>• Evaluations that include evidence of student learning; or</li> <li>• Campus or district reports that include evidence of student learning; or</li> <li>• Letters of recommendation that include evidence of student learning.</li> </ul> <p>Documentation from EPP and campus or district administrator is required if an individual with the required credentials is not available.</p>
19 TAC §228.2(30): The site supervisors were trained and held the required credentials.	<p>Service record and educator certificate; or  A form signed by the campus or district administrator attesting that the cooperating teachers and mentors meet the certification, experience, and accomplishment as an educator criteria; and  Evidence of training; and  Evidence of accomplishment as an educator includes:</p> <ul style="list-style-type: none"> <li>• Evaluations that include evidence of student learning; or</li> <li>• Campus or district reports that include evidence of student learning; or</li> <li>• Letters of recommendation that include evidence of student learning.</li> </ul> <p>Documentation from EPP and campus or district administrator is required if an individual with the required credentials is not available.</p>
19 TAC §228.35(f): The EPP provided scientifically-based training to cooperating teachers, mentors, and site supervisors.	<p>Training materials and dated attendance records with signatures; or  School district/ESC certificate of completion; or  Cooperating teacher/mentor/site supervisor handbook acknowledgement; or  Training materials and dated attendance information for online training.</p>
19 TAC §228.35(g): Candidates have been assigned to field supervisors who held the required credentials.	<p>Candidate placement information showing date of placement and field supervisor assigned; or  Field supervisor logs; and  Records of field supervisor certification, degree, experience, and/or continuing professional education.</p>

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(g) and (h): Field supervisors have been trained.	Training material and dated attendance records with signature of field supervisor; or Handbook acknowledged with field supervisor signature; or Training materials and dated attendance information for online training. After 9/1/2017, certificate of completion of TEA-approved observation training.
19 TAC §228.35(g): Field supervisors made the required initial contact.	Field supervisor log; or Emails; or Phone records; or Other electronic communication; or Course syllabi with first contact class noted with attendance records.
19 TAC §228.35(g): For each observation, the field supervisor has held the required conferences with each candidate. Each candidate has received written feedback that meets the requirements.	Documentation verifying pre-conference and individualized post-conference; and Observation documents signed by candidate and field supervisor with date, start and stop time, subject, and grade level with record of instructional strategies observed.
19 TAC §228.35(g): The field supervisor has provided a copy of the written observation feedback to the required individuals.	Observation instrument with cooperating teacher, mentor, and/or campus supervisor signature; or Email with delivery/read receipt; or Dated copy of letter on program letterhead sent with observation results.
19 TAC §228.35(g): The candidate receives informal observations and ongoing coaching as appropriate.	Field supervisor log; or Email records with delivery/read receipts; or Phone records; or Observation forms; or Other electronic records of observation and coaching.
19 TAC §228.35(g): The field supervisor collaborates with the required individuals.	Field supervisor log; or Email records with delivery/read receipts; or Phone records; or Signed observation forms.
19 TAC §228.35(g)(1)-(9) <del>(8)</del> : Formal observations conducted by field supervisors meet the requirements for duration, frequency, and format.	Observation forms signed by candidate and field supervisor with date, start and stop time, subject, and grade level with record of instructional strategies observed.
19 TAC §228.35(h): Candidates seeking certification in a class other than Classroom Teacher are assigned to field supervisors who have the required education and credentials.	Candidate placement information showing date of placement and field supervisor assigned; and Records of field supervisor certification, degree, experience, and continuing professional education.
19 TAC §228.35(h): Field supervisors make required initial contact with candidates.	Field supervisor log; or Emails; or Phone records; or Other electronic communication; or Course syllabi with first contact class noted with attendance records.
19 TAC §228.35(h): For each observation, the field supervisor has held the required conferences with each candidate. Each candidate has received the required written feedback.	Documentation verifying pre-conference and individualized post-conference; and Observation documents signed by candidate and field supervisor with date, start and stop time, subject, and grade level with record of instructional strategies observed.

<b>Component IV: Coursework, Training, Program Delivery, and Ongoing Support</b>	<b>Evidence</b>
19 TAC §228.35(h): The field supervisor has provided a copy of the written observation feedback to the candidate's site supervisor.	Field supervisor log; or Email records with delivery/read receipts; or Signed observation forms.
19 TAC §228.35(h): The field supervisor provides informal observations and coaching as appropriate.	Field supervisor log; or Email records with delivery/read receipts; or Phone records; or Observation forms; or Other electronic records of observation and coaching.
19 TAC §228.35(h): The field supervisor collaborates with the candidate and site supervisor throughout the practicum experience.	Field supervisor log; or Email records with delivery/read receipts; or Phone records; or Signed observation forms.
19 TAC §228.35(h)(1)-(4): Observations conducted by field supervisors meet the requirements for duration, frequency, and format.	Observation forms signed by candidate and field supervisor with date, start and stop time, subject, and grade level, with record of instructional strategies observed; and/or Field supervisor contact log with date and signatures.
19 TAC §228.35(i): A candidate seeking certification as a teacher has been exempt from completing field-based experience, clinical teaching or internship by meeting requirements.	Record from the THECB documenting exemption eligibility.
19 TAC §228.35(i)(2): A candidate that currently is or was a JROTC instructor has been exempt from completing field-based experience, clinical teaching, or internship by meeting requirements.	Service record; or Record of current employment.
19 TAC §241.10(b), Principal; 19 TAC §242.10(b), Superintendent; 19 TAC §239.10(b), Counselor; 19 TAC §239.50(a), Librarian; 19 TAC §239.82(a), Educational Diagnostician; 19 TAC §239.92(a), Reading Specialist; and 19 TAC §239.100(c), Master Teachers: During the practicum, candidates demonstrate proficiency in the standards.	Field supervisor logs of educator standards based activities with verifying signatures; or Candidate journals which reflect standards; or Completed educator standards based projects and activities.

<b>Component V: Assessment and Evaluation of Candidates and Program</b>	<b>Evidence</b>
19 TAC §228.40(a): The EPP has established benchmarks to measure candidate progress.	Benchmarks.
19 TAC §228.40(b): The EPP has processes to ensure candidates are prepared to be successful on their content examinations.	Candidate document(s) reflecting meeting criteria for testing with date; and Syllabi/course outlines; or Benchmarks.
19 TAC §228.40(c): A candidate who is prepared in different certification in which the candidate was admitted.	Written request of candidate.
19 TAC §228.40(d): The EPP has a process for determining that formally admitted candidates are prepared to take certification examinations.	Criteria for testing published; and Dated record verifying criteria met.

<b>Component V: Assessment and Evaluation of Candidates and Program</b>	<b>Evidence</b>
19 TAC §228.40(e): The EPP uses information from a variety of sources to evaluate program design and delivery.	Evaluation plan detailing the activity, timeline, person responsible; and Data results from internal and external sources; and Dated evaluation reports; and Advisory committee minutes.

<b>Component VI: Professional Conduct</b>	<b>Evidence</b>
19 TAC §228.50: EPP staff and candidates adhere to the Educators' Code of Ethics.	Signed statement by staff and candidates of reading, understanding and abiding.

<b>Component VII: Complaints Procedures</b>	<b>Evidence</b>
19 TAC §228.70(b)(1): The EPP has sent a copy of the EPP complaint procedure to TEA.	Complaint process on file with TEA.
19 TAC §228.70(b)(2): The EPP has posted on its website the complaint policy and a link to the TEA complaints website.	Web posting.
19 TAC §228.70(b)(3): The EPP complaint policy is posted on-site.	Notification posting at physical site.
19 TAC §228.70(b)(4): The EPP provides written information about filing complaints.	Written information for candidate available.

<b>Component VIII: Certification Procedures</b>	<b>Evidence</b>
19 TAC §230.13(a)(1): The candidate has met the appropriate degree and/or experience requirements.	Official transcripts; and/or Documentation of experience.
19 TAC §230.13(b)(2): The candidate has met the appropriate preparation, experience, and/or licensure certification, or registration requirements.	Documentation of preparation, experience, and/or licensure certification, or registration requirements.
19 TAC §230.13(a)(2) and (b)(3): The candidate has completed an EPP.	Record of EPP completion.
19 TAC §230.13(a)(3) and (b)(4): The candidate has passing scores on required certification examinations.	Testing history.
19 TAC §241.20, Principal; 19 TAC §242.20, Superintendent; 19 TAC §239.20, Counselor; 19 TAC §239.60, Librarian; 19 TAC §239.84, Educational Diagnostician; 19 TAC §239.93, Reading Specialist; and 19 TAC §239.100, Master Teachers: Candidates have passed appropriate certification examinations.	Testing history.
19 TAC §241.20, Principal; 19 TAC §242.20, Superintendent; 19 TAC §239.20, Counselor; 19 TAC §239.60, Librarian; 19 TAC §239.84, Educational Diagnostician; and 19 TAC §239.93, Reading Specialist: Candidates have met the degree requirement.	Official transcripts.
19 TAC §241.20, Principal, and 19 TAC §239.84, Educational Diagnostician; Candidates have met the certification requirement.	Valid classroom teaching certificate.
19 TAC §242.20, Superintendent: Candidates have met the certificate requirement.	Principal certificate or equivalent.
19 TAC §241.20, Principal; 19 TAC §239.20, Counselor; 19 TAC §239.60, Librarian; 19 TAC	Service records.

§239.84, Educational Diagnostician; and 19 TAC §239.93, Reading Specialist: Candidates have met the creditable years of teaching experience requirement.	
19 TAC §241.20, Principal; 19 TAC §242.20, Superintendent; 19 TAC §239.20, Counselor; 19 TAC §239.60, Librarian; 19 TAC §239.84, Educational Diagnostician; and 19 TAC §239.93, Reading Specialist: Candidates have successfully completed an EPP.	Record of EPP completion.
19 TAC §239.101, Master Reading Teacher: Candidates either 1) hold the Reading Specialist Certificate & complete an EPP; OR 2) hold a valid teaching certificate with the required creditable years of service, and complete an EPP.	Reading Specialist Certificate; and Record of EPP completion; or Valid teaching certificate; and Official service records; and Record of EPP completion.
19 TAC §239.102, Master Mathematics Teacher: Candidates hold a valid teaching certificate, the required creditable years teaching experience, and complete an EPP.	Valid teaching certificate; and Official service records; and Record of EPP completion.
19 TAC §239.103, Master Technology Teacher: Candidates either 1) hold the Technology Applications Certificate or the Technology Education Certificate, and complete an EPP; OR 2) hold a valid teaching certificate with the required creditable years of teaching experience and complete an EPP.	Technology Application or Technology Education Certificate; and Record of EPP completion; or Valid teaching certificate; and Official service records; and Record of EPP completion.
19 TAC §239.104, Master Science Teacher: Candidates hold a valid teaching certificate with the required creditable years of teaching experience, and complete an EPP.	Valid teaching certificate; and Official service records; and Record of EPP completion.

<b>Component IX: Integrity of Data Submission</b>	<b>Evidence</b>
19 TAC §229.3(f)(1): The EPP has reported required data in an accurate and timely manner.	Met timeline for reporting; and Accuracy of ASEP reports.

<b><u>Component X: Candidate Training and Support on Inclusive Practices for Students with Disabilities</u></b>	<b><u>Evidence</u></b>
<u>19 TAC §228.30(c)(9): The curriculum includes instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under Texas Education Code, §21.044(a-1).</u>	<u>Charts identifying alignment of educator standards in curriculum; and</u> <u>Application of educator standards identified in syllabi/course outlines; or</u> <u>Application of educator standards identified in course/training lesson plans.</u>
<u>19 TAC §228.35(e)(2)(A)(iii), (e)(2)(B)(ix), and (e)(8): Candidates have successfully completed clinical teaching, internship, or practicum when the candidate demonstrates proficiency in each of the educator standards for the assignment.</u>	<u>Observation forms signed by candidate and field supervisor with date, start and stop time, subject, and grade level, with record of educational practices observed.</u>

**Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States**

**April 8, 2022**

**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 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, which serves as a foundation for the practices and procedures related to issuance of Texas certification to individuals licensed in other states. The proposed amendments would provide clarification and updates to requirements for individuals licensed in other states to obtain a standard Texas educator certificate.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 230, Subchapter H, is the [TEC, §§21.040\(4\); 21.041\(a\), \(b\)\(1\), \(4\), and \(5\), and \(c\); 21.048; and 21.052\(a\), \(b\), \(c\), \(d\), and \(e\).](#)

TEC, §21.040(4), allows the SBEC authority to develop and implement policies that define responsibilities of the SBEC.

TEC, §21.041(a), allows the SBEC to adopt rules as necessary for its own procedures.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to propose rules that 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 the TEC, §21.052.

TEC, §21.041(c), requires the SBEC to 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.

TEC, §21.048, states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination.

TEC, §21.052(a), states that the SBEC may issue a certificate to an educator who submits an application for certification and holds a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board, or a degree issued by an

institution located in a foreign country, if the degree is equivalent to a bachelor's degree issued in the United States, or holds an appropriate certificate or other credential issued in another state or country and has met all certification requirements for issuance of the credential.

TEC, §21.052(b), states that for purposes of §21.052(a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.

TEC, §21.052(c), states that the SBEC may issue a temporary certificate under this section to an educator who holds a degree required by §21.052(a)(1) and a certificate or other credential required by §21.052(a)(2) but who has not satisfied the requirements prescribed by §21.052(a)(3). Subject to subsections (d) and (d-1), the SBEC may specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d), states that a temporary certificate issued under §21.052(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 SBEC completes the review of the educator's credentials and informs the educator of the examination or examinations under the TEC, §21.048, on which the educator must perform successfully to receive a standard certificate.

TEC, §21.052(e), states that an educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by subsection (c) has one year to successfully complete examination requirements identified in the review of credentials and specified in Section 21.048 to receive a standard certificate.

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 SBEC rules in 19 TAC Chapter 230, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, outline the process for individuals already certified to teach in other states who are interested in obtaining Texas certification.

Following is a description of the proposed amendments included in the attachment.

§230.111. General Provisions.

The proposed amendment to §230.111(d) would remove the outdated reference to a "certificate entitlement card" because that is not a document that has been presented recently by any individuals certified outside the state who submit applications for the review of their out-of-state credentials.

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

The proposed amendment to §230.113(b) would add the word "Legacy" to align with the correct title of Chapter 239, Student Services Certificates, Subsection E, that has been renamed Legacy Master Teacher Certificate, effective December 27, 2020. The title of Chapter 241 would also be updated in subsection (b) to align with the correct title.

The proposed amendment to §230.113(e) would clarify that the current process requires applicants issued the temporary, one-year certificate to obtain a Texas standard classroom teacher certificate prior to adding a supplemental certificate area to their record of certification. This is not a change in the process, only a clarification of current rule and procedures.

*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 Texas Education Agency (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.

**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), §2001.022.

**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 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, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, 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 benefit anticipated as a result of the proposal would be clearly defined rules and requirements for individuals to obtain Texas certification based on already being licensed to teach in other states or territories of the United States. 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 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 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 proposed amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Marilyn Cook, Director, Educator Certification

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

**ATTACHMENT**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 230. Professional Educator Preparation and Certification**

**Subchapter H. Texas Educator Certificates Based on Certification and College Credentials  
from Other States or Territories of the United States**

**§230.111. General Provisions.**

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an acceptable certificate or credential issued by the authorized licensing agency in another state or territory of the United States and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and elsewhere in this subchapter.
- (b) The degree held by an applicant from another state or territory of the United States must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education.
- (c) The certificate or other credential issued by the authorized licensing agency in another state or territory of the United States may not be a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic deficiencies.
- (d) A statement [  ] or approval letter [ or ~~certification entitlement card~~] issued by the authorized licensing agency in another state or territory of the United States specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.
- (e) The certificate and areas of certification issued by the authorized licensing agency in another state or territory of the United States must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificates submitted with the application for review of credentials, the Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.
- (f) If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

**§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.**

- (a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must:
  - (1) pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment);
  - (2) achieve an acceptable level of performance on an examination(s) that has been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States; or
  - (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).

- (b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. An applicant who holds only a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Certification as Principal [Certificate]); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.
- (c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).
- (d) An applicant issued a one-year certificate under this section who does not complete the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate, is not eligible for any type of certificate or permit authorizing employment for the same certificate until he or she has satisfied the appropriate examination requirements. If examination requirements are not met during the validity period of the one-year certificate due to circumstances beyond the control of the educator, the employing school district may request an extension not to exceed one calendar year in length.
- (e) An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate and may not be added to a one-year certificate.
- (f) An applicant issued a one-year certificate under this section who, during or subsequent to the validity of the certificate, establishes eligibility for a standard certificate may apply for:
  - (1) a new one-year certificate in another certification area based on an acceptable certificate from another state or territory of the United States; or
  - (2) a second one-year certificate in an area previously authorized on a one-year certificate provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

**Review of Proposed Amendments to 19 TAC Chapter 245, Certification of  
Educators from Other Countries**

**April 8, 2022**

**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 245, Certification of Educators from Other Countries. The proposed amendments would update the requirements for certification of educators from other countries.

**STATUTORY AUTHORITY:** The statutory authority for the proposed amendments to 19 TAC Chapter 245 is the Texas Education Code (TEC), §§21.041(b)(1), (4), and (5); 21.048; and 21.052(a), (b), (c), (d), and (e).

TEC, §21.041(b)(1), states the SBEC must propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(4), states the SBEC must propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), states the SBEC must propose rules that 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 the TEC, §21.052.

TEC, §21.048, states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination.

TEC, §21.052(a), states that the SBEC may issue a certificate to an educator who submits an application for certification and holds a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board, or a degree issued by an institution located in a foreign country, if the degree is equivalent to a bachelor's degree issued in the United States, or holds an appropriate certificate or other credential issued in another state or country and has met all certification requirements for issuance of the credential.

TEC, §21.052(b), states that for purposes of §21.052(a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.

TEC, §21.052(c), states that the SBEC may issue a temporary certificate under this section to an educator who holds a degree required by §21.052(a)(1) and a certificate or other credential required by §21.052(a)(2) but who has not satisfied the requirements prescribed by §21.052(a)(3). Subject to subsections (d) and (d-1), the SBEC may specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d), states that a temporary certificate issued under §21.052(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 SBEC completes the review of the educator's credentials and informs the educator of the examination or examinations under the TEC, §21.048, on which the educator must perform successfully to receive a standard certificate.

TEC, §21.052(e), states that an educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by subsection (c) has one year to successfully complete examination requirements identified in the review of credentials and specified in Section 21.048 to receive a standard certificate.

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 SBEC is statutorily authorized to regulate and oversee all aspects of certification of public school educators. The SBEC is also statutorily authorized to ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse population of this state.

At the July 2021 SBEC meeting, the SBEC and Texas Education Agency (TEA) staff discussed the current pathway in which an individual certified in another country must comply to obtain a Texas educator certificate. Following is a description of the proposed amendments included in attachment that incorporates feedback received by the SBEC as well as technical clean-up to update current cross-references.

#### §245.1. General Provisions.

The proposed amendment to §245.1(d) would remove the outdated reference to a "certificate entitlement card" as it is not a document that has been presented by individuals certified outside the state who submit applications for the review of out of state credentials. Candidates must submit other documents referenced in rule (statement or approval letter) that are sufficient proof of an individual's completion of requirements for licensure to teach in another state.

#### §245.5. Requirements for Issuance of a Texas Certificate Based on Certification from Another Country.

Proposed new §245.5(a)(3) would add a reference to the provisions in Chapter 152, Commissioner's Rules Concerning Examination Requirements, that may qualify an individual for exemption from required state examinations leading to issuance of the Texas standard certificate.

The proposed amendment to §245.5(b) would clarify that demonstration of English language proficiency is required prior to issuance of a Texas one-year certificate and would add the word "legacy" to align with the correct title to Chapter 239, Student Services Certificates, Subchapter E, that has been renamed, Legacy Master Teacher Certificate, effective December 27, 2020. The title of Chapter 241 would also be updated in subsection (b) to align with the correct title.

The proposed amendment to §245.5(e) would clarify that the current process requires applicants issued the temporary, one-year certificate to obtain a Texas standard classroom teacher certificate prior to adding a supplemental certificate area to their record of certification. This is not a change in the certification process, only a clarification of current rule and procedures.

#### §245.10. Application Procedures.

The proposed amendment to §245.10(a) would delete the requirement in paragraph (3) that individuals licensed in other countries must obtain an original written statement, provided by the authorizing licensing agency in the issuing country, that the educator's certificate is in good standing, and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action. The proposed amendment would reduce duplicative efforts and barriers for educators. The original written statements from foreign licensing agencies have been difficult for some foreign educators to obtain and difficult for TEA staff to verify. With the proposed amendment, educators licensed in other countries would still be required to successfully complete Foreign Credential Evaluation and Texas background check and fingerprinting processes, which are the verifiable safeguards to ensure an educator applying for issuance of a Texas certificate is in good standing. These safeguards are sufficient to ensure that an applicant licensed by another country is qualified to be an educator in Texas.

The proposed amendment in §245.10(a) would provide technical edits to renumber paragraphs (4)–(6) to paragraphs (3)–(5).

#### §245.15. Evaluation of College Credentials.

The proposed amendment would add the phrase "Requests for" to the title of §245.15, which is the section that covers all requests to have college credentials reviewed by TEA staff, to match the title of §230.115, Requests for Evaluation of College Credentials, which is the rule specific to individuals certified in other states or territories of the United States. The proposed amendment would also establish the acronym "EPP" to align with *Texas Register* style requirements.

#### 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.

**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), §2001.022.

**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 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 amendment to §245.10 would repeal an existing regulation by removing the requirement that individuals must obtain a letter of professional standing by the issuing licensing country.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be clearly defined rules and requirements for individuals to obtain Texas certification based on already being licensed to teach in other states or territories of the United States. 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 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 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 proposed amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Marilyn Cook, Director, Educator Certification

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries

**ATTACHMENT**  
**Text of Proposed Amendments to 19 TAC**

**Chapter 245. Certification of Educators from Other Countries**

**§245.1. General Provisions.**

- (a) A Texas educator certificate may be issued to an individual who holds a college degree and an acceptable certificate or other credential issued by the authorized licensing agency in another country and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and in this chapter.
- (b) The degree held by an applicant from another country must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education in the United States accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board or by the U.S. Department of Education.
- (c) The certificate(s) or other credential(s) issued by the authorized licensing agency in another country may not be a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. Specific examination or renewal requirements shall not be considered academic or program deficiencies.
- (d) A statement [ ] or approval letter [~~or certification entitlement card~~] issued by the authorized licensing agency in another country specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.
- (e) The certificate(s) or other credential(s) and areas of certification issued by the authorized licensing agency in another country must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificate(s) submitted with the application for review of credentials, the Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.
- (f) If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

**§245.5. Requirements for Issuance of a Texas Certificate Based on Certification from Another Country.**

- (a) The appropriate standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), may be issued to an applicant holding an acceptable certificate or other credential and college degree as specified in §245.1 of this title (relating to General Provisions). The applicant must:
  - (1) pass the appropriate examination(s) prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment); [~~or~~]
  - (2) achieve an acceptable score on an examination(s) similar to and at least as rigorous as the requirements prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered under the authority of another country. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another country ; or [ ]
  - (3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (b) If all certification requirements are met, except successful completion of the appropriate certification examination(s), the applicant who has demonstrated English language proficiency as specified in §230.11 of this title (relating to General Requirements) may request issuance of a one-year certificate in one or more

of the certification areas authorized by the certificate(s) or other credential(s) from another country. An applicant who holds only a credential that is equivalent to a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Certification as Principal [Certificate]); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of public or private school experience, as defined in Chapter 153, Subchapter CC, of Part 2 of this title (relating to Commissioner's Rules on Creditable Years of Service) and the TEC, §5.001(2), in the specific student services or administrative area sought.

- (c) After satisfying all certification requirements, including all appropriate examination requirements, the applicant is eligible to apply for issuance of the standard certificate issued under Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued).
- (d) An applicant issued a one-year certificate under Chapter 230, Subchapter D, of this title and this chapter who does not satisfy the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate is not eligible for any type of certificate or permit authorizing employment for the same certification level or area until he or she has satisfied the examination requirements. If, due to extenuating circumstances beyond the control of the educator, examination requirements are not met during the validity period of the one-year certificate, the district may request an extension of the one-year certificate, not to exceed one calendar year in length.
- (e) An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate and may not be added to a one-year certificate.
- (f) An applicant issued a one-year certificate under subsection (d) of this section who, during or subsequent to the validity of the one-year certificate, satisfies the appropriate examination requirements and establishes eligibility for a standard certificate may apply for:
  - (1) a new one-year certificate in another certification area based on a certificate or other credential issued by another country; or
  - (2) a second one-year certificate in an area previously authorized on a one-year certificate, provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

#### **§245.10. Application Procedures.**

- (a) An individual who has been issued an appropriate certificate or other credential by the authorized licensing agency in another country as specified in §245.1 of this title (relating to General Provisions) may apply for a review of credentials by submitting the following items to the Texas Education Agency (TEA) staff:
  - (1) a completed application;
  - (2) the original detailed report or course-by-course evaluation for professional licensing of all college-level credits prepared by a foreign credential evaluation service recognized by the TEA staff. The evaluation must verify that the individual:
    - (A) holds, at a minimum, the equivalent of a baccalaureate degree issued by an accredited institution of higher education in the United States as specified in §245.1(b) of this title, including the date that the degree was conferred; and
    - (B) has completed an educator preparation program, including a teaching practicum;
  - ~~(3) an original written statement, provided by the authorized licensing agency in the issuing country, that the educator certificate(s) or other credential(s) specified in §245.1 of this title is currently in good standing and has not been revoked, suspended, or sanctioned for misconduct and is not pending disciplinary or adverse action. The statement must be written in the English language or~~

~~must be accompanied by a translation in the English language from a foreign credential evaluation service recognized by the TEA staff or an accredited translation service;~~

- (3) ~~(4)~~ official transcripts of any additional college credits and/or degrees earned in the United States;
  - (4) ~~(5)~~ copies of any standard certificates issued by another state department of education; and
  - (5) ~~(6)~~ a nonrefundable review fee as specified in Chapter 230, Subchapter G, of this title (relating to Certificate Issuance Procedures).
- (b) Pursuant to §245.5(b) of this title (relating to Requirements for Issuance of a Texas Certificate Based on Certification from Another Country) , an applicant may apply for a one-year certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
  - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.
- (c) Pursuant to §245.5(a) of this title, an applicant may apply for a standard certificate by submitting the following items to the TEA staff:
- (1) a completed application; and
  - (2) the appropriate fee as specified in Chapter 230, Subchapter G, of this title.

**§245.15. Requests for Evaluation of College Credentials.**

- (a) A request to evaluate an applicant's credentials for areas of certification that are not identified on the certificate(s) or other credential(s) issued in accordance with §245.1 of this title (relating to General Provisions) must be directed to a State Board for Educator Certification (SBEC)-approved educator preparation program (EPP) for admission to and recommendation by the EPP ~~[program]~~ for certification.
- (b) An individual who does not hold a certificate or other credential issued in accordance with §245.1 of this title must seek admission to an SBEC-approved EPP ~~[educator preparation program]~~ and be recommended by the EPP ~~[program]~~ for certification.

**Review of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions,  
Subchapter A, Certificate Renewal and Continuing Professional Education Requirements**

**April 8, 2022**

**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 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The proposed amendments would implement the statutory requirements of Senate Bills (SBs) 199, 1267, and 2066, 87th Texas Legislature, Regular Session, 2021. The proposed amendments would require that all educators receive continuing professional education (CPE) training in educating students with disabilities; would update the CPE training requirements for classroom teachers, principals, and school counselors; and would provide for the SBEC to determine the training guidelines for CPE credit regarding the use of an automated external defibrillator (AED). The proposed amendments would also allow for a school district to request a hardship exemption for an educator who has an invalid certificate due to not having the required CPE hours for certificate renewal; would require educators to receive dyslexia training for certificate renewal; and would add CPE activities to the list of topics that educators can receive for certificate renewal.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 232, Subchapter A, is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021; 21.0541, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021; 21.0543; and 22.0831(f); and Texas Occupations Code (TOC), §§55.002 and §55.003.

TEC, §21.003(a), states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.0031(f), clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school educators.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(7)–(8), requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code; and provide for the adoption, amendment, and enforcement of an educator's code of ethics.

TEC, §21.041(b)(9), requires the SBEC to propose rules that provide for continuing education requirements.

TEC, §21.054, as amended by SBs 1267 and 2066, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §21.0541, as amended by SB 199, 87th Texas Legislature, Regular Session, 2021, requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an AED.

TEC, §21.0543, requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction.

TEC, §22.0831(f)(1) and (2), state SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements.

TOC, §55.002, states 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 for failing to renew the license in a timely manner if the individual establishes the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

TOC, §55.003, states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

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 SBEC rules in 19 TAC Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, and continuing professional education (CPE).

As a result of the 87th Texas Legislature, Regular Session, 2021, SBs 199, 1267, and 2066 require the SBEC to update rules regarding CPE for educator certificate renewal. In addition to the statutory changes, Texas Education Agency (TEA) staff have received input from stakeholders regarding updating CPE provisions. At the October 1, 2021 SBEC meeting, the SBEC provided input regarding the implementation of the legislation and the stakeholder input, which are reflected in this item.

Following is a description of topics for proposed amendments to 19 TAC Chapter 232, Subchapter A, that incorporate the 2021 enabling legislation and SBEC input. The relevant rule text from 19 TAC Chapter 232 is presented in Attachment I.

Following the October 2021 SBEC meeting, TEA staff solicited additional stakeholder feedback on proposed rulemaking. Attachment II incorporates a summary of the solicited stakeholder input along with staff responses and rationale of the proposed rule text. TEA staff received feedback from the following 10 stakeholders on the draft rule text, as listed below:

1. Teach Plus Policy Fellows, signed by nine classroom teachers
2. Holly Eaton – Texas Classroom Teachers Association
3. Carrie Griffith – Texas State Teachers Association
4. Jan Friese – Texas Counseling Association
5. Megan Guidry – school counselor
6. Carrie Proctor – school counselor certificate holder
7. Lesley Casarez – Texas School Counseling Association
8. Andrea Chevalier – Association of Texas Professional Educators
9. Jennifer Vandebrook, Texas School Counseling Association
10. Patty Quinzi – Texas American Federation of Teachers

In addition to the following detailed descriptions, the proposed amendments would also provide relettering/numbering to conform with the *Texas Register* style and formatting requirements.

§232.7. Requirements for Certificate Renewal.

Proposed new §232.7(b)(4) would provide for a local school district to apply for a hardship exemption on behalf of an educator who has an invalid certificate due to not earning the required CPE hours for certificate renewal. The exemption would be valid for the academic year in which it is granted with the opportunity for the school district to renew the exemption for one additional year. The proposed amendment would require the application for a hardship exemption to be submitted by the superintendent or designee of the local district and would allow for a one-year renewal of the exemption. The exemption would allow school districts to hire educators who have left the classroom and allowed their CPE to lapse, while upholding the importance of educators obtaining SBEC-required CPE to remain abreast of new developments in teaching methods.

In §232.7, subsection (b) would be amended to change the cross reference to paragraphs (1)-(4) and subsection (b)(4) would be renumbered to subsection (b)(5) for technical formatting purposes. In addition, technical edits would be made in subsection (c)(1) and (7) to apply *Texas Register* style requirements for cross references and acronyms.

§232.11. Number and Content of Required Continuing Professional Education Hours.

Proposed new §232.11(c)(1) would implement SB 1267 and reflect SBEC and stakeholder input by requiring all educators to receive CPE training in educating students with disabilities, and the training must include information particular to educating students with dyslexia. This will ensure that all educators are prepared to teach any student assigned to their class. Proposed new §232.11(c)(2) would maintain the current requirements regarding required CPE content.

Technical edits would reorder paragraphs (1) and (2) to subparagraphs (A) and (B).

SB 1267 limits the number of hours in certain specific topics that classroom teachers and principals can obtain in CPE for purposes of certificate renewal. The proposed amendment to §232.11(d)(2) and §232.11(e)(2) would provide a transition period, of a certificate renewal date prior to September 1, 2023, for those classroom teachers and principals who have already obtained CPE hours in the topics identified in TEC, §21.054, as amended by SB 1267, in excess of the 25% limit introduced by SB 1267. It would allow educators who have already obtained in excess of 25% of their hours in these topics in reliance on the law and rules prior to SB 1267 to not lose credit for those hours, while allowing the flexibility in CPE topic areas intended by SB 1267.

Proposed new §232.11(d)(3) and §232.11(e)(3) would implement SB 1267 by removing some of the required topics in which classroom teachers and principals must obtain CPE hours and by capping the hours to no more than 25% of the total CPE hours required for certificate renewal for those renewing their certificate on or after September 1, 2023. The proposed new language would make the requirements of the rule parallel the requirements of TEC, §21.054, as amended by SB 1267.

Proposed new §232.11(e)(3)(F)(ii) would implement SB 2066 by requiring school principals to receive CPE training in educating emergent bilingual students, which were previously described as "students of limited English proficiency."

SB 1267 also limits the number of hours in all topics currently listed in TEC, §21.054, that counselors can obtain in CPE for purposes of certificate renewal. The proposed amendment to §232.11(f)(2) would allow counselors who have already obtained CPE hours in the topics identified in TEC, §21.054, as amended by SB 1267, in excess of the 25% limit introduced by SB 1267 to use those hours toward the requirements for certificate renewal prior to September 1, 2024. It would allow counselors who have already obtained in excess of 25% of their hours in these topics in reliance on the law and rules prior to SB 1267 to not lose credit for those hours, while allowing the flexibility in CPE topic areas intended by SB 1267. The proposed transition date for counselors is September 1, 2024, in contrast to the September 1, 2023 transition date proposed for classroom teachers and principals, because SB 1267 did not strike any of the required topics for counselors, so all of the training that counselors were previously encouraged to get in excess of 25% of their hours will now be capped at 25%.

Proposed new §232.11(f)(3) would implement SB 1267 by capping the hours of CPE that counselors can obtain in the required list of topics to no more than 25% of the total CPE hours required for certificate renewal for those renewing their certificate on or after September 1, 2024. The proposed new language would make the requirements of the rule parallel the requirements of TEC, §21.054, as amended by SB 1267. The proposed implementation date of September 1, 2024, will allow counselors who have already taken excess hours in the required topics prior to the enactment of SB 1267 to get credit for those hours when renewing their certificates.

The proposed amendment to §232.11(l)(3) would implement SB 199 by amending the required AED training for CPE purposes. The proposed amendment would remove the requirement that the training be approved under Texas Health and Safety Code, §779.002, as that requirement is no longer in TEC, §21.0541, as amended by SB 199. The proposed amendment would provide that the training be in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider. This change would track the requirements of the Texas Department of Health and Human Services for AED training in 25 TAC §157.41(d), Emergency Medical Services and Course Approval, to ensure that educators are trained in safe and effective methods of using the AED.

The proposed new §232.11(1)(5)–(7) would provide optional CPE training for educators in the following topics for purposes of certificate renewal:

- educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
- for classroom teachers, educating emergent bilingual students; and
- educating students who engage in substance abuse.

These are topics that were previously required for CPE under TEC, §21.0541, before it was amended by SB 1267, but are no longer required. The proposed amendment would encourage educators to take continuing education in these important topics without requiring them. The proposed amendment will thus preserve the discretion for educators in choosing CPE hours, which was the intent of SB 1267 while still reminding educators of the significance of these topic areas.

A technical edit would be made to §232.11(1)(3) to remove the acronym "AED" because it is no longer needed.

#### *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.

**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), §2001.022.

**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 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 amendment in §232.11(c)(1) would create a new regulation for educators to receive CPE hours in educating students with disabilities for purposes of certificate renewal, as a result of SB 1267, 87th Texas Legislature, Regular Session, 2021. The proposed amendment also requires CPE to include educating students with dyslexia.

The proposed amendment in §232.7(b)(4) would limit an existing regulation by allowing individuals who have not completed the required CPE for certificate renewal to be able to teach for up to two years while completing those hours. The proposed amendment in §232.11(d)(3) would also limit an existing regulation by reducing the required topics that educators must obtain in CPE for purposes of certificate renewal and the number of hours that an educator can get in those hours, as a result of SB 1267, 87th Texas Legislature, Regular Session, 2021.

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 proposal would be clear guidance for applicants, educators, school districts, and providers on CPE requirements. The TEA staff has determined there is no anticipated cost to persons 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 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 proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement  
Christie Pogue, Director, SBEC Policy Development and Support

**Attachment I:**

Text of Proposed Amendments to 19 TAC Chapter 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements

**Attachment II:**

Chapter 232 Draft Rule Text Reflecting Stakeholder Input

ATTACHMENT I  
Text of Proposed Amendments to 19 TAC

**Chapter 232. General Certification Provisions**

**Subchapter A. Certificate Renewal and Continuing Professional Education Requirements**

**§232.7. Requirements for Certificate Renewal.**

- (a) The Texas Education Agency (TEA) staff shall develop procedures to:
- (1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);
  - (2) confirm compliance with all renewal requirements pursuant to this subchapter;
  - (3) notify educators who are not renewed due to noncompliance with this section; and
  - (4) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c) of this section.
- (b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(4) [~~(1)-(3)~~] of this subsection.
- (1) A hardship exemption must be due to one of the following circumstances that prevented the educator's completion of renewal requirements:
    - (A) catastrophic illness or injury of the educator;
    - (B) catastrophic illness or injury of an immediate family member; or
    - (C) military service of the educator.
  - (2) The request for a hardship exemption must include documentation from a licensed physician or verified military records.
  - (3) The request for the amount of time allowed for renewal is equal to:
    - (A) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the educator's catastrophic illness or injury; or
    - (B) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the catastrophic illness or injury of an immediate family member; or
    - (C) two years of additional time for a military service member, in accordance with the Texas Occupations Code, §55.003.
  - (4) A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education (CPE) hours as prescribed in §232.11 of this title (relating to Number of Content of Required Continuing Professional Education Hours). The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that the superintendent or designee of the local education agency requests the extension.
  - (5) [~~(4)~~] If a hardship exemption request is approved, the educator must pay the appropriate renewal fee, pursuant to §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (c) To be eligible for renewal, an educator must:
- (1) subject to §232.16(c) of this title (relating to Verification of Renewal Requirements), satisfy CPE [~~continuing professional education~~] requirements, pursuant to §232.11 of this title [~~(relating to Number and Content of Required Continuing Professional Education Hours)~~];

- (2) hold a valid standard certificate that is not currently suspended and has not been surrendered in lieu of revocation or revoked by lawful authority;
  - (3) not be a respondent in a disciplinary proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (4) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);
  - (5) not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;
  - (6) pay the renewal fee, provided in §230.101 of this title, which shall be a single fee regardless of the number of certificates being renewed; and
  - (7) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code [TEC] , §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

**§232.11. Number and Content of Required Continuing Professional Education Hours.**

- (a) The appropriate number of clock-hours of continuing professional education (CPE) must be completed during each five-year renewal period.
- (b) One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock-hours.
- (c) Required Content. ~~[Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:]~~
  - (1) All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia.
  - (2) Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:
    - (A) ~~[(1)]~~ content area knowledge and skills; and
    - (B) ~~[(2)]~~ professional ethics and standards of conduct.
- (d) Classroom Teacher.
  - (1) Classroom teacher certificate holders shall complete 150 clock-hours.
  - (2) A classroom teacher who renews a certificate prior to September 1, 2023, must attain some [at least 37.5] hours of CPE that includes training directly related to each of the following topics and may include two or more listed topics combined:
    - (A) collecting and analyzing information that will improve effectiveness in the classroom;
    - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
    - (C) digital learning, digital teaching, and integrating technology into classroom instruction;
    - (D) educating diverse student populations, including:
      - ~~[(i) — students who are eligible to participate in special education programs under Texas Education Code (TEC), Chapter 29, Subchapter A;]~~
      - ~~[(ii) — students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 United States Code (USC), Section 794);]~~
      - ~~[(iii) — students with mental health conditions or who engage in substance abuse;]~~

~~[(iv) — students with intellectual or developmental disabilities;]~~

~~(i) [(v)] students who are educationally disadvantaged; and~~

~~[(vi) — students of limited English proficiency; and]~~

~~(ii) [(vii)] students at risk of dropping out of school; and~~

(E) understanding appropriate relationships, boundaries, and communications between educators and students . ~~[; and]~~

~~[(F) — how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence based, grief informed, and trauma informed strategies support the academic success of students affected by grief and trauma. The instruction must:]~~

~~[(i) — comply with the training required by TEC, §38.036(e)(1); and]~~

~~[(ii) — be approved by the commissioner of education.]~~

~~(3) For a classroom teacher who renews a certificate on or after September 1, 2023, not more than 37.5 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:~~

~~(A) collecting and analyzing information that will improve effectiveness in the classroom;~~

~~(B) recognizing early warning indicators that a student may be at risk of dropping out of school;~~

~~(C) digital learning, digital teaching, and integrating technology into classroom instruction;~~

~~(D) educating diverse student populations, including:~~

~~(i) students who are educationally disadvantaged; and~~

~~(ii) students at risk of dropping out of school; and~~

~~(E) understanding appropriate relationships, boundaries, and communications between educators and students.~~

(e) Principal and Principal as Instructional Leader.

(1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.

(2) A principal and principal as instructional leader who renews a certificate prior to September 1, 2023, must attain some ~~[at least 50]~~ hours of CPE that include training directly related to each of the following topics:

(A) effective and efficient management, including:

(i) collecting and analyzing information;

(ii) making decisions and managing time; and

(iii) supervising student discipline and managing behavior;

(B) recognizing early warning indicators that a student may be at risk of dropping out of school;

(C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;

(E) mental health programs addressing a mental health condition;

(F) educating diverse student populations, including:

~~[(i) — students who are eligible to participate in special education programs under TEC, Chapter 29, Subchapter A;]~~

~~[(ii) — students with intellectual or developmental disabilities;]~~

~~[(iii) — students who are eligible to receive educational services required under the Rehabilitation Act of 1973, Section 504 (29 USC, Section 794);]~~

~~[(iv) — students with mental health conditions or who engage in substance abuse;]~~

~~(i) [(v)]~~ students who are educationally disadvantaged;

~~(ii) [(vi)]~~ emergent bilingual students ~~[of limited English proficiency]~~; and

~~(iii) [(vii)]~~ students at risk of dropping out of school; and

(G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006; and

~~[(H) — how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. The instruction must be:~~

~~[(i) — based on relevant best practice-based programs and research-based practices; and]~~

~~[(ii) — approved by the commissioner, in consultation with the Texas Health and Human Services Commission;]~~

(3) For a principal and principal as instructional leader who renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:

(A) effective and efficient management, including:

(i) collecting and analyzing information;

(ii) making decisions and managing time; and

(iii) supervising student discipline and managing behavior;

(B) recognizing early warning indicators that a student may be at risk of dropping out of school;

(C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;

(E) mental health programs addressing a mental health condition;

(F) educating diverse student populations, including:

(i) students who are educationally disadvantaged;

(ii) emergent bilingual students; and

(iii) students at risk of dropping out of school; and

(G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.

- (f) School Counselor.
- (1) School Counselor certificate holders shall complete 200 clock-hours.
  - (2) A school counselor who renews a certificate prior to September 1, 2024, must attain some [at least 50] hours of CPE that include training directly related to each of the following topics:
    - (A) assisting students in developing high school graduation plans;
    - (B) implementing dropout prevention strategies;
    - (C) informing students concerning:
      - (i) college admissions, including college financial aid resources and application procedures; and
      - (ii) career opportunities;
    - (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
    - (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.
  - (3) For a school counselor who renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:
    - (A) assisting students in developing high school graduation plans;
    - (B) implementing dropout prevention strategies;
    - (C) informing students concerning:
      - (i) college admissions, including college financial aid resources and application procedures; and
      - (ii) career opportunities;
    - (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
    - (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.
- (g) Superintendent.
- (1) Superintendent certificate holders shall complete 200 clock-hours.
  - (2) An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with TEC, §21.054(h). For purposes of this subsection, "other maltreatment" has the meaning assigned by Human Resources Code, §42.002.
- (h) School Librarian and Learning Resources Specialist certificate holders shall complete 200 clock-hours.
- (i) Educational Diagnostician certificate holders shall complete 200 clock-hours.
- (j) Reading Specialist certificate holders shall complete 200 clock-hours.
- (k) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.
- (l) Professional development activities may include:

- (1) an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program that is offered through a classroom instruction format that requires in-person attendance. A person receiving this training will receive twice the number of hours of instruction provided under that program, not to exceed 16 hours;
  - (2) suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451;
  - (3) an instructional course on the use of an automated external defibrillator [~~(AED)~~] in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider [~~that meets the guidelines for AED training approved under Texas Health and Safety Code, §779.002~~], in accordance with the TEC, §21.0541; [~~and~~]
  - (4) education courses that:
    - (A) use technology to increase the educator's digital literacy; and
    - (B) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices ; [~~and~~]
  - (5) educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
  - (6) for classroom teachers, educating emergent bilingual students; and
  - (7) educating students who engage in substance abuse.
- (m) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the classes held during each five-year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.
- (n) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock-hours. Educators must complete a minimum of one-fifth of the additional CPE clock-hours for each full calendar year that the additional class of certificate is valid.

ATTACHMENT II

Chapter 232 Draft Rule Text Reflecting Stakeholder Input

Topic with Purpose and Rationale	Draft Rule Text	Rationale for Changes or Maintaining Text
<p><b>Hardship Extension:</b> The SBEC requested rule text that will allow a school district to apply for an extension to hire an educator who has an invalid certificate due to not having the CPE hours needed to renew their certificate.</p>	<p><b>§232.7. Requirements for Certificate Renewal.</b></p> <p><u>(4) A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education hours as prescribed §232.11 of this chapter. The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that:</u></p> <p><u>(A) the superintendent or designee of the local education agency applies for the hardship exemption; and</u></p> <p><u>(B) the educator makes sufficient progress toward the remaining continuing professional education hours to renew the certificate during the academic year.</u></p>	<p>We received two types of feedback:</p> <ul style="list-style-type: none"> <li>• We removed the language regarding making sufficient progress as a requirement for the additional year as it's too difficult to track and measure and does not allow the educator and LEA to determine that.</li> <li>• We added “or designee” as a requestor for the additional year as it aligns with other areas where an LEA makes a request.</li> </ul>
<p><b>SB 1267:</b> Mandatory CPE requirements for all educators regarding educating students with disabilities. The SBEC also requested rule text that allows educators to receive educating students with dyslexia to fall under this new requirement.</p>	<p><b>§232.11. Number and Content of Required Continuing Professional Education Hours.</b></p> <p><u>(1) All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia, including students with dyslexia.</u></p>	<p>We received two types of feedback:</p> <ol style="list-style-type: none"> <li>1. A couple of stakeholders requested this language be more clear and to separate out dyslexia, which is shown here.</li> <li>2. Some wanted more clarity around minimum hours and when it should be completed. A minimum was not written in the legislation, so the number is up to the educator within the remaining 75% they must complete, and the timing would be every five years. As a reminder, this topic was covered in the list that was just stricken, so educators have already been acquiring the trainings.</li> </ol>

<p><b>SB 1267:</b> Topics stricken from the required CPE list and a cap for classroom teachers on required topics for CPE purposes. To allow classroom teachers who are already in their 3<sup>rd</sup> year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.</p>	<p><b>§232.11. Number and Content of Required Continuing Professional Education Hours.</b></p> <p><b>Classroom Teachers:</b></p> <p>(3) <u>For a classroom teacher that renews a certificate on or after September 1, 2023, not more than 37.5 hours of CPE training shall include instruction in, and must be directly related to each of the following topics. The training may include two or more listed topics combined:</u></p> <p>(A)<u>collecting and analyzing information that will improve effectiveness in the classroom;</u></p> <p>(B)<u>recognizing early warning indicators that a student may be at risk of dropping out of school;</u></p> <p>(C)<u>digital learning, digital teaching, and integrating technology into classroom instruction;</u></p> <p>(D)<u>educating diverse student populations, including:</u></p> <p>(i) <u>students who are educationally disadvantaged; and</u></p> <p>(ii) <u>students at risk of dropping out of school.</u></p> <p>(E) <u>understanding appropriate relationships, boundaries, and communications between educators and students.</u></p>	<p>We received three types of feedback:</p> <ol style="list-style-type: none"> <li>1. Most stakeholders support maintaining this language as it aligns with the legislation.</li> <li>2. One stakeholder suggests allowing educators to still use the stricken topics as it was not the legislative intent to limit those topics for the educators, only the state. The Board is restricted to the language of the legislation that is aligned with the proposed text. As discussed with the Board in October, there are “allowable” hours for each of those stricken areas so educators can still choose to obtain those hours if they wish.</li> <li>3. Some stakeholders suggested condensing some of the topics and removing the last one due to a desire for brevity or it being duplicative. However, this language is taken strictly out of 21.054 and supported in SB 1267, therefore, the topics must remain.</li> </ol>
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**SB 1267:** Topics stricken from the required CPE list and a cap for principals on required topics for CPE purposes. To allow principals who are already in their 3<sup>rd</sup> year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.

**§232.11. Number and Content of Required Continuing Professional Education Hours.**

**Principals:**

- (3) For a principal and principal as instructional leader that renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics. The training may include two or more listed topics combined:
- (A) effective and efficient management, including:
    - (i) collecting and analyzing information;
    - (ii) making decisions and managing time; and
    - (iii) supervising student discipline and managing behavior;
  - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;
  - (E) mental health programs addressing a mental health condition;
  - (F) educating diverse student populations, including:
    - (i) students who are educationally disadvantaged;
    - (ii) students of limited English proficiency;
    - (iii) students at risk of dropping out of school; and
  - (G) preventing, recognizing, and reporting any sexual conduct

Same as above.

	<p><u>between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.</u></p>	
<p><b>SB 1267:</b> A cap for school counselors on required topics for CPE purposes. To allow counselors who are already in their 3<sup>rd</sup> year of certificate renewal to not be harmed by changing requirements too soon, the new provision will go into effect September 1, 2023.</p>	<p><b>§232.11. Number and Content of Required Continuing Professional Education Hours.</b></p> <p><b>School Counselors:</b></p> <p>(3) <u>For a school counselor that renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics. The training may include two or more listed topics combined:</u></p> <p>(A) <u>assisting students in developing high school graduation plans;</u></p> <p>(B) <u>implementing dropout prevention strategies;</u></p> <p>(C) <u>informing students concerning:</u></p> <p style="padding-left: 40px;">(i) <u>college admissions, including college financial aid resources and application procedures; and</u></p> <p style="padding-left: 40px;">(ii) <u>career opportunities;</u></p> <p>(D) <u>counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and</u></p>	<p>We received two types of stakeholder feedback:</p> <ol style="list-style-type: none"> <li>1. Same as above regarding teachers and principals, and</li> <li>2. Those in the counseling community that request the implementation date to be moved to September 1, 2024. Staff recognizes that all of the topics will be limited to the 25% and the statute does not allow for those topics to be “allowable” for CPE purposes. Staff got approval from legislative staff for this extension and recommends moving the date to September 1, 2024.</li> </ol>

	<p>(E) <u>effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.</u></p>	
<p><b>SB 199:</b> Allows the SBEC to approve the training requirements for AED training.</p>	<p><b>§232.11. Number and Content of Required Continuing Professional Education Hours.</b></p> <p>(3) an instructional course on the use of an automated external defibrillator (AED) that meets the guidelines for AED training <u>by an SBEC-approved provider, [under Texas Health and Safety Code, §779.002,]</u> in accordance with the TEC, §21.0541;</p>	
<p><b>CPE Allowable Topics:</b> The SBEC requested rule text that will allow an educator to receive CPE hours for the topics removed by SB 1267 that are not incorporated in other areas or topics of Ch. 232.</p>	<p><b>§232.11. Number and Content of Required Continuing Professional Education Hours.</b></p> <p>(1) Professional development activities may include:</p> <p>(5) <u>educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;</u></p> <p>(6) <u>for classroom teachers, educating emergent bilingual students; and</u></p> <p>(7) <u>educating students who engage in substance abuse.</u></p>	<p>We received concerns and support for these provisions:</p> <p>1. Concerns:</p> <ul style="list-style-type: none"> <li>• One stated that there was confusion coming out of the meeting that these have to be here due to be considered in the 75%. Staff does not believe there was confusion but that the Board wanted to add these specifically here to point to their importance and clarification to the field that they are allowable since they will be stricken in the rule.</li> </ul>

		<ul style="list-style-type: none"><li>• One stated that the list should contain, “but are not limited to,” in the lead-in sentence prior to the list and conclude with, “any other topics related to the certificate being renewed.” Staff believe that the “may” provides guidance that the list is not exhaustive and the provision in 232.11(c)(2) states specifically that the remaining CPE hours not in the required lists must be related to the certificates being renewed.</li></ul> <p>2. Support:</p> <ul style="list-style-type: none"><li>• Agree that grief and trauma are important topics that should be addressed for educators.</li><li>• Agree in the importance of educators receiving CPE in educating emergent bilingual students.</li></ul>
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# **INFORMATION MATERIALS**

**STATE BOARD OF EDUCATION OPERATING RULES**  
(amended January 26, 2021)

**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 by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
  - (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
  - (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.
- (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. Instructional materials proclamations and adoption of instructional materials
4. Consideration of the Commissioner of Education's open-enrollment charter school proposals

### **Committee on Instruction**

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/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. Community education funding
6. Oversight of the Bond Guarantee Program
7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

### **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 purpose 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, racial diversity, geographic 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 (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) Occasionally, 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 State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General 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. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

### **§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 chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next 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 place an item on the agenda of that chair's committee, other than the Committee of the Full Board, 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 regarding 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.
- (e) 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. Materials supplementing the agenda may be included. Official agendas will be available the day of the board 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 remote video or web conference. 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 conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) If a board member participates in a meeting virtually, the board member must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations 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 State Board of Education Support staff 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 a 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(b).
- (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, democracy, 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 lifestyles 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) In accordance with Texas Education Code, §7.110, 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. (Central Time) on the Thursday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, 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 twenty (20) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide twenty (20) 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) In order to maximize the total number of testifiers who are able to provide oral testimony, two-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.
  - (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, twenty (20) 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 twenty (20) 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 adoption of Texas essential knowledge and skills and (TEKS) 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. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS review and revision process.
- (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 two 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 may bring twenty (20) 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 twenty (20) 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, ride share services 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 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. The commissioner will provide a mark-up of any such corrections to the board.

**§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.
- (c) Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

## CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

*The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.*

### **§7.1. Gubernatorial Appointments.**

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

### **§7.2. Timelines.**

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and that proper criteria is applied by the State Board of Education.

### **§7.3. Nominee Selection.**

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

### **§7.4. Teacher Retirement System.**

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

### **§7.5. School Land Board.**

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are:
  - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
  - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
  - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
  - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

**§7.6. Rules and Procedures.**

The board may adopt additional rules and procedures related to these selection processes.

**Texas Permanent School Fund  
Asset Allocation Mix - SBOE  
January 31, 2022**

<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	\$ 1,536,600,283	5.12%	\$ 2,364,630,636	5.66%	
	Domestic Large Cap	1,774,749,931	5.92%	5,015,824,287	12.01%	
	Total Domestic Equity	3,311,350,214	11.04%	7,380,454,923	17.67%	
	International Equity - Blackrock	4,414,032,722	14.71%	6,422,925,038	15.38%	
	Emerging Market Equity - Navarro	820,737,541	2.74%	1,212,152,690	2.90%	
	Total Public Market Equity	8,546,120,477	28.49%	15,015,532,651	35.95%	
	Fixed Income	Domestic Fixed Income	4,938,714,174	16.46%	4,850,840,129	11.61%
		Treasuries	1,451,559,243	4.84%	1,278,295,920	3.06%
		Chisos1 High Yield	210,375,158	0.70%	204,938,830	0.49%
		Chisos2 High Yield	210,496,522	0.70%	205,520,901	0.49%
Total High Yield		420,871,680	1.40%	410,459,731	0.98%	
Investec Emerging Market Debt		1,336,505,399	4.46%	1,403,114,322	3.36%	
Ashmore Emerging Market Debt		1,345,079,681	4.48%	1,335,769,939	3.20%	
Total Emerging Market Debt		2,681,585,080	8.94%	2,738,884,261	6.56%	
Total Fixed Income		9,492,730,177	31.64%	9,278,480,041	22.21%	
Absolute Return		Raven 1	609,920,655	2.03%	1,059,228,368	2.54%
	Raven 4	339,656,478	1.13%	654,684,460	1.57%	
	Raven 6	281,564,719	0.94%	448,077,387	1.07%	
	Raven 7	263,330,510	0.88%	416,391,367	1.00%	
	Raven 8	489,727,587	1.63%	623,087,413	1.49%	
	Total Absolute Return	1,984,199,949	6.61%	3,201,468,995	7.67%	
	Private Equity	Columbia NB Crossroads Fund L.P.	209,532,451	0.70%	251,661,785	0.60%
Columbia NB Crossroads Fund II L.P.		287,122,542	0.96%	468,291,405	1.12%	
Columbia NB Crossroads Fund II Tranche C		685,438,138	2.28%	1,212,570,001	2.90%	
Columbia NB Crossroads Fund II Tranche D		1,073,061,874	3.58%	1,686,560,213	4.04%	
TSPF NB PE Program		714,554,581	2.38%	1,555,913,361	3.72%	
Private Equity Direct		1,741,981,232	5.81%	2,770,888,470	6.63%	
Columbia CS Fund, L.P.		160,336,535	0.53%	236,581,693	0.57%	
Total Private Equity		4,872,027,353	16.24%	8,182,466,928	19.58%	
Real Estate	Direct Real Estate Investments	3,031,581,488	10.11%	3,927,053,462	9.40%	
	Total Real Estate	3,031,581,488	10.11%	3,927,053,462	9.40%	
Real Return	Real Return - TIPS	1,223,506,136	4.08%	1,270,644,347	3.04%	
	Real Return Commodities - Terlingua 3	468,070,515	1.56%	513,439,124	1.23%	
	Total Real Return	1,691,576,651	5.64%	1,784,083,471	4.27%	
Total Unallocated Cash		381,055,385	1.27%	381,055,385	0.92%	
Fund Total		29,999,291,480	100.00%	41,770,140,933	100.00%	

The asset classes include cash that has been allocated to the investment portfolios.  
Exposure includes fair value of funded investments plus unfunded commitments.

Notes:

Total Private Equity Exposure and Percentage of Fund Total Fair Value	10,465,642,228	25.06%
Total Real Estate Exposure and Percentage of Fund Total Fair Value	5,980,230,790	14.32%

Exposure:

Current State Board of Education approved Strategic Asset Allocation Mix (approved July 2, 2020)

Large Cap U.S. Equity	14.00%	U.S. Treasuries	3.00%
Small/Mid Cap U.S. Equity	6.00%	Absolute Return	7.00%
Developed and Emerging Market International Large Cap	14.00%	Private Equity	15.00%
Emerging Market Equity	3.00%	Real Estate	11.00%
Core Bonds	12.00%	Emerging Manager Program	1.00%
High Yield Bonds	3.00%	Real Return (Commodities)	1.00%
Emerging Market Debt (Local Currency)	7.00%	Real Return (TIPS)	3.00%
			100.00%

## 2021-2025 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 2021 through August 2025. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

*Rule Review Procedures.* Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §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 that 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

Lynette Smith, Program Specialist, Rulemaking

**Attachment I:**

2021-2025 Rule Review Plan for State Board of Education Rules

**Attachment II:**

Sample Notices of Proposed Review and Adopted Review

**ATTACHMENT I**

**2021-2025 Rule Review Plan for State Board of Education Rules**  
*(Approved June 25, 2021)*

*Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) 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.*

<b>Review Period: September 2021–August 2022</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 74. Curriculum Requirements</b>	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<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>		
<b>Chapter 89. Adaptations for Special Populations</b>	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
<b>Chapter 61. School Districts</b>	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

<b>Review Period: September 2022–August 2023</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 129. Student Attendance</b>	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
<b>Chapter 157. Hearings and Appeals</b>	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

<b>Review Period: September 2023–August 2024</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund</b>	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2023
<b>Chapter 66. State Adoption and Distribution of Instructional Materials</b>	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
<b>Chapter 100. Charters</b>	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

<b>Review Period: September 2024–August 2025</b>			
<b>Chapter Title</b>	<b>Subchapter Title</b>	<b>Topic</b>	<b>Begin Review</b>
<b>Chapter 30. Administration</b>	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
<b>Chapter 101. Assessment</b>	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
<b>Chapter 109. Budgeting, Accounting, and Auditing</b>	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2025
	<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 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBOE\\_Rules\\_\(TAC\)/State\\_Board\\_of\\_Education\\_Rule\\_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

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#### **Notice of Adopted Review (with no changes to rule) (Readoption)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, 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 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

**STATUTORY AUTHORITY REFERENCE SECTION:**

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION  
ARTICLE 7. EDUCATION  
SECTION 2

**Sec. 2. PERMANENT SCHOOL FUND.**

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

**Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.**

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
  - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
  - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

**Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.**

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
  - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
  - (2) the land is not patentable under the law in effect before January 1, 2002; and
  - (3) the person claiming title to the land:

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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.

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ARTICLE 7. EDUCATION  
SECTION 5

**Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.**

- (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 State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 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.

Repealed by Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 2.10(4), eff. December 31, 2022.

TEXAS EDUCATION CODE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER C. COMMISSIONER OF EDUCATION

**TEC, §7.055. COMMISSIONER OF EDUCATION POWERS AND DUTIES.**

- (a) The commissioner has the powers and duties provided by Subsection (b).
- (b)(1) The commissioner shall serve as the educational leader of the state.
  - (2) The commissioner shall serve as executive officer of the agency and as executive secretary of the board.
  - (3) The commissioner shall carry out the duties imposed on the commissioner by the board or the legislature.
  - (4) The commissioner shall prescribe a uniform system of forms, reports, and records necessary to fulfill the reporting and recordkeeping requirements of this title.
  - (5) The commissioner may delegate ministerial and executive functions to agency staff and may employ division heads and any other employees and clerks to perform the duties of the agency.
  - (6) The commissioner shall adopt an annual budget for operating the Foundation School Program as prescribed by Subsection (c).
  - (7) The commissioner may issue vouchers for the expenditures of the agency and shall examine and must approve any account to be paid out of the school funds before the comptroller may issue a warrant.
  - (8) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(7), eff. June 17, 2011.
  - (9) The commissioner shall have a manual published at least once every two years that contains Title 1 and this title, any other provisions of this code relating specifically to public primary or secondary education, and an appendix of all other state laws relating to public primary or secondary education and shall provide for the distribution of the manual as determined by the board.
  - (10) The commissioner may visit different areas of this state, address teachers' associations and educational gatherings, instruct teachers, and promote all aspects of education and may be reimbursed for necessary travel expenses incurred under this subdivision to the extent authorized by the General Appropriations Act.
  - (11) The commissioner may appoint advisory committees, in accordance with Chapter [2110](#), Government Code, as necessary to advise the commissioner in carrying out the duties and mission of the agency.
  - (12) The commissioner shall appoint an agency auditor.
  - (13) The commissioner may provide for reductions in the number of agency employees.
  - (14) The commissioner shall carry out duties relating to the investment capital fund under Section [7.024](#).
  - (15) The commissioner shall review and act, if necessary, on applications for waivers under Section [7.056](#).
  - (16) The commissioner shall carry out duties relating to regional education service centers as specified under Chapter [8](#).
  - (17) The commissioner shall distribute funds to open-enrollment charter schools as required under Subchapter [D](#), Chapter [12](#).

- (18) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, as provided by Subchapter [H](#), Chapter [21](#).
- (19) The commissioner shall coordinate and implement teacher recruitment programs under Section [21.004](#).
- (20) The commissioner shall perform duties in connection with the certification and assignment of hearing examiners as provided by Subchapter [E](#), Chapter [21](#).
- (21) The commissioner shall carry out duties under the Texas Advanced Placement Incentive Program under Subchapter [C](#), Chapter [28](#).
- (22) The commissioner may adopt rules for optional extended year programs under Section [29.082](#).
- (23) The commissioner shall monitor and evaluate prekindergarten programs and other child-care programs as required under Section [29.154](#).
- (24) The commissioner, with the approval of the board, shall develop and implement a plan for the coordination of services to children with disabilities as required under Section [30.001](#).
- (25) The commissioner shall develop a system to distribute to school districts or regional education service centers a special supplemental allowance for students with visual impairments as required under Section [30.002](#).
- (26) The commissioner, with the assistance of the comptroller, shall determine amounts to be distributed to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf as provided by Section [30.003](#) and to the Texas Juvenile Justice Department as provided by Section [30.102](#).
- (27) The commissioner shall establish a procedure for resolution of disputes between a school district and the Texas School for the Blind and Visually Impaired under Section [30.021](#).
- (28) The commissioner shall perform duties relating to the funding, adoption, and purchase of instructional materials under Chapter [31](#).
- (29) The commissioner may enter into contracts concerning technology in the public school system as authorized under Chapter [32](#).
- (30) The commissioner shall adopt a recommended contract form for the use, acquisition, or lease with option to purchase of school buses under Section [34.009](#).
- (31) The commissioner shall ensure that the cost of using school buses for a purpose other than the transportation of students to or from school is properly identified in the Public Education Information Management System (PEIMS) under Section [34.010](#).
- (32) The commissioner shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
- (33) Repealed by Acts 1999, 76th Leg., ch. 397, Sec. 8, eff. Sept. 1, 1999.
- (34) The commissioner shall perform duties in connection with the options for local revenue levels in excess of entitlement under Chapter [49](#).
- (35) The commissioner shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#).

- (36) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district and report annually to the board on the status of school district fiscal management as required under Section [44.001](#).
  - (37) The commissioner shall review school district audit reports as required under Section [44.008](#).
  - (38) The commissioner shall perform duties in connection with the guaranteed bond program as prescribed by Subchapter [C](#), Chapter [45](#).
  - (39) The commissioner shall cooperate with the Texas Higher Education Coordinating Board in connection with the Texas partnership and scholarship program under Subchapter [Q](#), Chapter [61](#).
  - (40) The commissioner shall suspend the certificate of an educator or permit of a teacher who violates Chapter [617](#), Government Code.
  - (41) The commissioner shall adopt rules relating to extracurricular activities under Section [33.081](#) and approve or disapprove University Interscholastic League rules and procedures under Section [33.083](#).
- (c) The budget the commissioner adopts under Subsection (b) for operating the Foundation School Program must be in accordance with legislative appropriations and provide funds for the administration and operation of the agency and any other necessary expense. The budget must designate any expense of operating the agency or operating a program for which the board has responsibility that is paid from the Foundation School Program. The budget must designate program expenses that may be paid out of the foundation school fund, other state funds, fees, federal funds, or funds earned under interagency contract. Before adopting the budget, the commissioner must submit the budget to the board for review and, after receiving any comments of the board, present the operating budget to the governor and the Legislative Budget Board. The commissioner shall provide appropriate information on proposed budget expenditures to the comptroller to assure that all payments are paid from the appropriate funds in a timely and efficient manner.
- (d) Notwithstanding any other law, the commissioner's power to delegate ministerial and executive functions under Subsection (b)(5) is a valid delegation of authority.

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.
- (b-1) The State Board of Education shall require a trustee to complete training on school safety. The state board, in coordination with the Texas School Safety Center, shall develop the curriculum and materials for the training.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
  - (1) three hours of training 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.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1244 (H.B. [2563](#)), Sec. 5, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 925 (S.B. [1566](#)), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 313 (H.B. [690](#)), Sec. 1, eff. September 1, 2021.

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.
- (c) A special-purpose school district established under this section that is operated by a general academic teaching institution, as that term is defined by Section [61.003](#), may:
  - (1) in enrolling students or creating a waitlist for student enrollment, prioritize military-connected students, as that term is defined by Section [25.006](#)(d); and
  - (2) enroll a student who:
    - (A) is a dependent of a member of the United States military;
    - (B) was previously enrolled in school in this state; and
    - (C) does not reside in this state due to a military deployment or transfer.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1041 (H.B. [4124](#)), Sec. 1, eff. September 1, 2021.

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 D. OPEN-ENROLLMENT CHARTER SCHOOL

**TEC, §12.101. AUTHORIZATION.**

- (a) In accordance with this subchapter, the commissioner may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:
- (1) an institution of higher education as defined under Section [61.003](#);
  - (2) a private or independent institution of higher education as defined under Section [61.003](#);
  - (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
  - (4) a governmental entity.
- (b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:
- (1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or
  - (2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.
- (b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.
- (b-1) In granting charters for open-enrollment charter schools, the commissioner may not grant a total of more than:

- (1) 215 charters through the fiscal year ending August 31, 2014;
  - (2) 225 charters beginning September 1, 2014;
  - (3) 240 charters beginning September 1, 2015;
  - (4) 255 charters beginning September 1, 2016;
  - (5) 270 charters beginning September 1, 2017; and
  - (6) 285 charters beginning September 1, 2018.
- (b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.
- (b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.
- (b-4) Notwithstanding Section [12.114](#), approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter B, Chapter [39](#), or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:
- (1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter [39](#) and received a district rating in the highest or second highest performance rating category under Subchapter C, Chapter [39](#), for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;
  - (2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and
  - (3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.
- (b-5) The initial term of a charter granted under this section is five years.

- (b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter [39](#).
- (b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section [12.1141\(c\)](#).
- (b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:
  - (1) exclude any loan or line of credit in determining an applicant's available funding; or
  - (2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.
- (b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school under Subsection (b-4)(2) up to 18 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.
- (c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.
- (d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

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**TEC, §21.003. CERTIFICATION REQUIRED.**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- (b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.
- (c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section 7.056. A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

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**TEC, §21.0031. FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID.**

- (a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:
  - (1) does not hold a valid certificate or permit issued by the State Board for Educator Certification;
  - (2) fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Subchapter B; or
  - (3) fails to comply with any requirement under Subchapter C, Chapter [22](#), if the failure results in suspension or revocation of the employee's certificate under Section [22.0831](#)(f)(2).
- (b) If a school district has knowledge that an employee's contract is void under Subsection (a):
  - (1) the district may, except as provided by Subsection (b-1):
    - (A) terminate the employee;
    - (B) suspend the employee with or without pay; or
    - (C) retain the employee for the remainder of the school year on an at-will employment basis in a position other than a position required to be held by an employee under a contract under Section [21.002](#) at the employee's existing rate of pay or at a reduced rate; and
  - (2) the employee is not entitled to the minimum salary prescribed by Section [21.402](#).
- (b-1) A school district may not terminate or suspend under Subsection (b) an employee whose contract is void under Subsection (a)(1) or (2) because the employee failed to renew or extend the employee's certificate or permit if the employee:
  - (1) requests an extension from the State Board for Educator Certification to renew, extend, or otherwise validate the employee's certificate or permit; and
  - (2) not later than the 10th day after the date the contract is void, takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by the State Board for Educator Certification.
- (c) A school district's decision under Subsection (b) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the decision.
- (d) This section does not affect the rights and remedies of a party in an at-will employment relationship.
- (e) This section does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.
- (f) For purposes of this section, a certificate or permit is not considered to have expired if:
  - (1) the employee has completed the requirements for renewal of the certificate or permit;
  - (2) the employee submitted the request for renewal prior to the expiration date; and
  - (3) the date the certificate or permit would have expired is before the date the State Board for Educator Certification takes action to approve the renewal of the certificate or permit.

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**TEC, §21.031. PURPOSE.**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
  
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

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**TEC, §21.040. GENERAL POWERS AND DUTIES OF BOARD.**

The board shall:

- (1) appoint the members of any advisory committee to the board;
- (2) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;
- (3) provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees; and
- (4) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff.

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**TEC, §21.041. RULES; FEES.**

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
  - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (3) specify the period for which each class of educator certificate is valid;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;
  - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
  - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
  - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
  - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
  - (9) provide for continuing education requirements; and
  - (10) provide for certification of persons performing appraisals under Subchapter H.
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

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**TEC, §21.044. EDUCATOR PREPARATION.**

- (a) The board shall propose rules:
  - (1) specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;
  - (2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and
  - (3) specifying the minimum academic qualifications required for a certificate.
- (a-1) Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:
  - (1) basic knowledge of:
    - (A) each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and
    - (B) conditions that may be considered a disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and how a condition covered by that section can affect student learning and development;
  - (2) competence in the use of proactive instructional planning techniques that:
    - (A) provide flexibility in the ways:
      - (i) information is presented;
      - (ii) students respond or demonstrate knowledge and skills; and
      - (iii) students are engaged;
    - (B) reduce barriers in instruction;
    - (C) provide appropriate accommodations, supports, and challenges; and
    - (D) maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
  - (3) competence in the use of evidence-based inclusive instructional practices, including:
    - (A) general and special education collaborative and co-teaching models and approaches;
    - (B) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;
    - (C) classroom management techniques using evidence-based behavioral intervention strategies and supports; and
    - (D) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction.
- (b) The minimum academic qualifications for a certificate specified under Subsection (a) must 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) The minimum academic qualifications for a certificate specified under Subsection (a) must 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; and
  - (2) include effective strategies, 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, virtual learning, and virtual instruction, 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;
  - (3) cover best practices in:
    - (A) assessing students receiving virtual instruction, based on academic progress; and
    - (B) developing a virtual learning curriculum; and
  - (4) 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 all students, including students with disabilities, 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.

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**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 all students, including students with disabilities, 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.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 723 (S.B. [174](#)), Sec. 2, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 6, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 4, eff. June 12, 2017.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 4, eff. September 1, 2021.

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**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, including the ability to create an inclusive school environment and to foster parent involvement;
  - (2) administration, supervision, and communication skills;
  - (3) curriculum and instruction management, including curriculum and instruction management for students with disabilities;
  - (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](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1194 (S.B. [1309](#)), Sec. 2, eff. June 19, 2015.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 6, eff. September 1, 2021.

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**TEC, §21.048. CERTIFICATION EXAMINATIONS.**

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.
- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
- (a-2) The board shall adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by the board after January 1, 2021.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057.
- (d) In this section:

- (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
- (3) "Validity" means being:
  - (A) well-grounded or justifiable;
  - (B) relevant and meaningful;
  - (C) correctly derived from premises or inferences; and
  - (D) supported by objective truth or generally accepted authority.

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**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.

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**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.

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**TEC, §21.051. RULES REGARDING FIELD-BASED EXPERIENCE AND OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.**

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Before a school district may employ a candidate for certification as a teacher of record and, except as provided by Subsection (b-1), after the candidate's admission to an educator preparation program, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities under supervision at:
  - (1) a public school campus accredited or approved for the purpose by the agency; or
  - (2) a private school recognized or approved for the purpose by the agency.
- (b-1) A candidate may satisfy up to 15 hours of the field-based experience requirement under Subsection (b) by serving as a long-term substitute teacher as prescribed by board rule. Experience under this subsection may occur after the candidate's admission to an educator preparation program or during the two years before the date the candidate is admitted to the program. The candidate's experience in instructional or educational activities must be documented by the educator preparation program and must be obtained at:
  - (1) a public school campus accredited or approved for the purpose by the agency; or
  - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
  - (1) the validity of a certification issued before September 1, 2012; or
  - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.

- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 952 (S.B. [1590](#)), Sec. 1

- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification, including options for candidate observations that provide for at least:
  - (1) two observations to occur in person and two additional observations to occur in virtual settings that are equivalent in rigor to in-person options for observation; or
  - (2) three observations to occur in person.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 8

- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification. The options must, to the greatest extent practicable, involve interaction with a diverse student population, including students with disabilities.
- (g) Rules proposed by the board under Section [21.044\(a\)](#) or this section may allow a candidate to satisfy certification requirements through an internship that provides the candidate employment as a teacher for courses offered through a local remote learning program under Section [29.9091](#) or the state virtual school network under Chapter [30A](#). This subsection expires September 1, 2023.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 8 (S.B. [8](#)), Sec. 2, eff. September 28, 2011.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 6, eff. June 12, 2017.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 8, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 952 (S.B. [1590](#)), Sec. 1, eff. June 18, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 5 (S.B. [15](#)), Sec. 1, eff. September 9, 2021.

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**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, including military service members, military spouses, and military veterans, 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 in accordance with Chapter [55](#), Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military spouse, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card.
- (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) and the notice required under Section [55.010](#), Occupations Code.
- (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.
    - (i) In this section:
      - (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, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
      - (3) "Military service member" means a person who is on active duty.
      - (4) "Military spouse" means a person who is married to a military service member.
      - (5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

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**TEC, §21.0442. EDUCATOR PREPARATION PROGRAM FOR PROBATIONARY AND  
STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING  
CERTIFICATES.**

- (a) The board shall propose rules under this subchapter to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training.
- (b) A person is eligible for admission to an educator preparation program created under this section only if the person:
  - (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 Subdivision (2), 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.
- (c) In proposing rules for an educator preparation program under this section, the board shall ensure that the program requires at least 80 hours of classroom instruction in:
  - (1) a specific pedagogy;
  - (2) creating lesson plans;
  - (3) creating student assessment instruments;
  - (4) classroom management; and
  - (5) relevant federal and state education laws.

Text of section effective on June 15, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 3, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 1, eff. June 15, 2017.

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**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:
  - (1) incorporate proactive instructional planning techniques throughout course work and across content areas using a framework that:
    - (A) provides flexibility in the ways:
      - (i) information is presented;
      - (ii) students respond or demonstrate knowledge and skills; and
      - (iii) students are engaged;
    - (B) reduces barriers in instruction;
    - (C) provides appropriate accommodations, supports, and challenges; and
    - (D) maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency;
  - (2) integrate inclusive practices for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching;
  - (3) adequately prepare candidates for educator certification; and
  - (4) 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.

Added by Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 5, eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 3, eff. September 1, 2021.

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**TEC, §21.0453. INFORMATION FOR CANDIDATES FOR TEACHER CERTIFICATION.**

- (a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:
  - (1) skills and responsibilities required of teachers with regard to all students, including students with disabilities;
  - (2) expectations for student performance, including students with disabilities, based on state standards;
  - (3) the current supply of and demand for teachers in this state;
  - (4) the importance of developing classroom management skills; and
  - (5) the state's framework for appraisal of teachers and principals.
- (b) The board may propose rules as necessary for administration of this section, including rules to ensure that accurate and consistent information is provided by all educator preparation programs.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1292 (H.B. [2318](#)), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 5, eff. September 1, 2021.

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**TEC, §21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL.**

- a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:
  - (1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
    - (A) the seriousness of any violation of a rule, standard or procedure;
    - (B) whether the violation resulted in an action being taken against the program;
    - (C) whether the violation was promptly remedied by the program;
    - (D) the number of alleged violations; and
    - (E) any other matter considered to be appropriate in evaluating the program's compliance history; and
  - (2) whether the program meets the accountability standards under Section [21.045](#).
- (b) The set of risk factors developed by the board may include whether an educator preparation
- (c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section [21.0443](#).

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**TEC, §21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS.**

- (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.
- (b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:
  - (1) on the Internet website of the educator preparation program, if the program maintains a website; and
  - (2) on a sign prominently displayed in program facilities.
- (c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.
- (d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

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**TEC, §21.0485. CERTIFICATION TO TEACH STUDENTS WITH VISUAL IMPAIRMENTS.**

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
  - (1) complete either:
    - (A) all course work required for that certification in an approved educator preparation program; or
    - (B) an alternative educator certification program approved for the purpose by the board;
  - (2) perform satisfactorily on each examination prescribed under Section [21.048](#) for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
  - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

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**TEC, §21.0487. JUNIOR RESERVE OFFICER TRAINING CORPS TEACHER  
CERTIFICATION.**

- (a) The board shall establish a standard Junior Reserve Officer Training Corps teaching certificate to provide Junior Reserve Officer Training Corps instruction.
- (b) To be eligible for a certificate under this section, a person must:
  - (1) hold a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
  - (2) satisfy the eligibility and testing requirements for certification as a Junior Reserve Officer Training Corps instructor established by the branch of service in which the person served; and
  - (3) complete an approved educator preparation program.
- (c) The board shall propose rules to:
  - (1) approve educator preparation programs to prepare a person as a teacher for certification under this section; and
  - (2) establish requirements under which:
    - (A) a person's training and experience acquired during the person's military service serves as proof of the person's demonstration of subject matter knowledge if that training and experience is verified by the branch of service in which the person served; and
    - (B) a person's employment by a school district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program or while the person is enrolled in an educator preparation program is applied to satisfy any student teaching, internship, or field-based experience program requirement.
- (d) A person is not required to hold a certificate established under this section to be employed by a school district as a Junior Reserve Officer Training Corps instructor.

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**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.

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**TEC, §21.0491. PROBATIONARY AND STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING CERTIFICATES.**

- (a) To provide a continuing additional source of teachers to provide workforce training, the board shall establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program under Section 21.0442.
- (b) To be eligible for a probationary certificate under this section, a person must:
  - (1) satisfactorily complete the course work for that certificate in an educator preparation program under Section [21.0442](#); and
  - (2) satisfy any other requirements prescribed by the board.
- (c) To be eligible for a standard certificate under this section, a person must:
  - (1) hold a probationary certificate issued under this section;
  - (2) be employed by:
    - (A) a public or private primary or secondary school; or
    - (B) an institution of higher education or an independent or private institution of higher education as those terms are defined by Section [61.003](#); and
  - (3) perform satisfactorily on a standard trade and industrial workforce training certificate examination prescribed by the board.
- (d) The limitation imposed by Section [21.048](#)(a-1) on the number of administrations of an examination does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by the board.
- (e) Notwithstanding any other law, the board may administer the standard trade and industrial workforce training certificate examination to a person who satisfies the requirements of Subsections (c)(1) and (2).
- (f) The board shall propose rules to:
  - (1) specify the term of a probationary certificate and a standard certificate issued under this section; and
  - (2) establish the requirements for renewal of a standard certificate.

Text of section effective on June 15, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 3, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 1, eff. June 15, 2017.

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**TEC, §21.0541. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO  
USE OF AUTOMATED EXTERNAL DEFIBRILLATOR.**

The board shall adopt rules allowing an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator that meets any guidelines for automated external defibrillator training approved by the board.

Added by Acts 2015, 84th Leg., R.S., Ch. 1143 (S.B. [382](#)), Sec. 1, eff. June 19, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 545 (S.B. [199](#)), Sec. 3, eff. September 1, 2021.

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**TEC, §21.0543. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO DIGITAL TECHNOLOGY.**

The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

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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.

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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:
      - (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 require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
  - (2) the history, qualities, traditions, and features of civic engagement in the United States;
  - (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
  - (4) the founding documents of the United States, including:
    - (A) the entirety of the Declaration of Independence;
    - (B) the entirety of the United States Constitution;
    - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
    - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
    - (E) the transcript of the first Lincoln-Douglas debate;
    - (F) the writings of the founding fathers of the United States;
    - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
    - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 1005 (H.B. [4509](#)), Sec. 3

Text of subsection effective until December 02, 2021

- (h-2) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 772 (H.B. [3979](#)), Sec. 1

Text of subsection effective until December 02, 2021

- (h-2) In adopting the essential knowledge and skills for the social studies curriculum, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
  - (2) the history, qualities, traditions, and features of civic engagement in the United States;
  - (3) the history of Native Americans;
  - (4) the structure, function, and processes of government institutions at the federal, state, and local levels;
  - (5) the founding documents of the United States, including:
    - (A) the Declaration of Independence;
    - (B) the United States Constitution;
    - (C) the Federalist Papers;
    - (D) the transcript of the first Lincoln-Douglas debate;
    - (E) the writings of and about the founding fathers and mothers and other founding persons of the United States, including the writings of:
      - (i) George Washington;
      - (ii) Ona Judge;
      - (iii) Thomas Jefferson;
      - (iv) Sally Hemings; and
      - (v) any other founding persons of the United States;
    - (F) writings from Frederick Douglass's newspaper, the North Star;
    - (G) the Book of Negroes;
    - (H) the Fugitive Slave Acts of 1793 and 1850;
    - (I) the Indian Removal Act;
    - (J) Thomas Jefferson's letter to the Danbury Baptists; and
    - (K) William Still's Underground Railroad Records;
  - (6) historical documents related to the civic accomplishments of marginalized populations, including documents related to:
    - (A) the Chicano movement;

- (B) women's suffrage and equal rights;
  - (C) the civil rights movement;
  - (D) the Snyder Act of 1924; and
  - (E) the American labor movement;
- (7) the history of white supremacy, including but not limited to the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;
- (8) the history and importance of the civil rights movement, including the following documents:
- (A) Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speech;
  - (B) the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.);
  - (C) the United States Supreme Court's decision in *Brown v. Board of Education*;
  - (D) the Emancipation Proclamation;
  - (E) the Universal Declaration of Human Rights;
  - (F) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;
  - (G) the United States Court of Appeals for the Ninth Circuit decision in *Mendez v. Westminster*;
  - (H) Frederick Douglass's *Narrative of the Life of Frederick Douglass, an American Slave*;
  - (I) the life and work of Cesar Chavez; and
  - (J) the life and work of Dolores Huerta;
- (9) the history and importance of the women's suffrage movement, including the following documents:
- (A) the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);
  - (B) the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the United States Constitution;
  - (C) Abigail Adams's letter "Remember the Ladies";
  - (D) the works of Susan B. Anthony; and
  - (E) the Declaration of Sentiments;
- (10) the life and works of Dr. Hector P. Garcia;
- (11) the American GI Forum;
- (12) the League of United Latin American Citizens; and
- (13) *Hernandez v. Texas* (1954).

Text of subsection effective on December 02, 2021

- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:
- (1) an understanding of:
    - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
    - (B) the history, qualities, traditions, and features of civic engagement in the United States;
    - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
    - (D) the founding documents of the United States;
  - (2) the ability to:
    - (A) analyze and determine the reliability of information sources;
    - (B) formulate and articulate reasoned positions;
    - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
    - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
    - (E) participate as a citizen in a constitutional democracy by voting; and
  - (3) an appreciation of:
    - (A) the importance and responsibility of participating in civic life;
    - (B) a commitment to the United States and its form of government; and
    - (C) a commitment to free speech and civil discourse.

Text of subsection effective until December 02, 2021

- (h-3) For any social studies course in the required curriculum:
- (1) a teacher may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs;
  - (2) a teacher who chooses to discuss a topic described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore the topic from diverse and contending perspectives without giving deference to any one perspective;
  - (3) a school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:
    - (A) political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
    - (B) participation in any internship, practicum, or similar activity involving social or public policy advocacy; and

- (4) a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school may not:
  - (A) be required to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex;
  - (B) require or make part of a course the concept that:
    - (i) one race or sex is inherently superior to another race or sex;
    - (ii) an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
    - (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race;
    - (iv) members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
    - (v) an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
    - (vi) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
    - (vii) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
    - (viii) meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
    - (ix) the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
    - (x) with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality; and
  - (C) require an understanding of The 1619 Project.

Text of subsection effective on December 02, 2021

(h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.

Text of subsection effective until December 02, 2021

(h-4) A state agency, school district, or open-enrollment charter school may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development for a course described by Subsection (h-3)(3).

Text of subsection effective on December 02, 2021

(h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Text of subsection effective until December 02, 2021

(h-5) A school district or open-enrollment charter school may not implement, interpret, or enforce any rules or student code of conduct in a manner that would result in the punishment of a student for discussing, or have a chilling effect on student discussion of, the concepts described by Subsection (h-3)(4).

Text of subsection effective on December 02, 2021

(h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Text of subsection effective on December 02, 2021

(h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

Text of subsection effective on December 02, 2021

(h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).

Text of subsection effective on December 02, 2021

(h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.

(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, 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 alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse 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 awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (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 by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (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  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

**TEC, §28.0021. PERSONAL FINANCIAL LITERACY.**

- (a) The Texas essential knowledge and skills and, as applicable, Section 28.025 shall include instruction in personal financial literacy, including instruction in methods of paying for college and other postsecondary education and training, in:
  - (1) mathematics instruction in kindergarten through grade eight; and
  - (2) one or more courses offered for high school graduation.
- (b) Each school district and each open-enrollment charter school that offers a high school program shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit under Section 28.025, using materials approved by the State Board of Education. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the United States Department of Education. In fulfilling the requirement to provide financial literacy instruction under this section, a school district or open-enrollment charter school may use an existing state, federal, private, or nonprofit program that provides students without charge the instruction described under this section.

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 or personal financial literacy & 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) 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.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
  - (1) two-thirds of instruction time to instruction in personal financial literacy; and
  - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
  - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and

- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (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 [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](#).
- (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) Expired.
- (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.

TEXAS EDUCATION CODE  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.0256. FINANCIAL AID APPLICATION REQUIREMENT FOR HIGH SCHOOL GRADUATION.**

- (a) Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as otherwise provided by Subsection (b).
- (b) A student is not required to comply with Subsection (a) if:
  - (1) the student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
  - (2) the student signs and submits the form described by Subdivision (1) on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Chapter [31](#), Family Code; or
  - (3) a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.
- (c) A school district or open-enrollment charter school shall adopt a form to be used for purposes of Subsection (b). The form must:
  - (1) be approved by the agency;
  - (2) provide the student or the student's parent or other person standing in parental relation, as applicable, the opportunity to decline to complete and submit a financial aid application, as provided by Subsection (b); and
  - (3) be made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Subchapter [B](#), Chapter [29](#), in the district or school.
- (d) If a school counselor notifies a school district or open-enrollment charter school whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Section [28.025](#), the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district or school to comply with rules adopted under Subsection (e)(2). A school counselor may not indicate that a student has not complied with this section if the school district or open-enrollment charter school fails to provide the form adopted under Subsection (c) to the student or the student's parent or other person standing in parental relation to the student.
- (e) The commissioner shall adopt rules as necessary to implement this section, including rules to:
  - (1) establish:
    - (A) a timeline for:
      - (i) the distribution to students of the free application for federal student aid or Texas application for state financial aid and the form adopted under Subsection (c); and
      - (ii) the submission of a form under Subsection (b);

- (B) standards regarding the information that a school district or open-enrollment charter school must provide to students regarding:
  - (i) in accordance with Section [33.007](#)(b)(5), instructions for filling out the free application for federal student aid or Texas application for state financial aid; and
  - (ii) the options available to a student under Subsection (b) if the student wishes to decline to complete and submit a financial aid application; and
- (C) the method by which a student must provide to a school district or open-enrollment charter school proof that the student has completed and submitted the free application for federal student aid or Texas application for state financial aid as required by this section;
- (2) require each school district and open-enrollment charter school to report to the agency:
  - (A) the number of students who completed and submitted a financial aid application under Subsection (a); and
  - (B) the number of students who received an exception from complying with Subsection (a) under Subsection (b); and
- (3) ensure compliance with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.
- (f) The agency shall establish an advisory committee to assist the agency in adopting rules under Subsection (e) to implement this section and to develop recommendations for that purpose. The advisory committee is composed of:
  - (1) school counselors;
  - (2) school administrators; and
  - (3) stakeholders to represent the needs of interested students.
- (g) Not later than January 1, 2021, the agency shall report the advisory committee's recommendations to the standing committee of each house of the legislature with jurisdiction over public education. Subsection (f) and this subsection expire January 1, 2023.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.015, eff. June 12, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 559 (S.B. [369](#)), Sec. 1, eff. June 14, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

**TEC, §29.122. ESTABLISHMENT.**

- (a) Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.
- (b) Each school district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER Z. MISCELLANEOUS PROGRAMS

**TEC, §29.906. CHARACTER TRAITS AND PERSONAL SKILLS INSTRUCTION.**

- (a) The State Board of Education shall integrate positive character traits and personal skills into the essential knowledge and skills adopted for kindergarten through grade 12, as appropriate.
- (b) The State Board of Education must include the following positive character traits and personal skills:
  - (1) courage;
  - (2) trustworthiness, including honesty, reliability, punctuality, and loyalty;
  - (3) integrity;
  - (4) respect and courtesy;
  - (5) responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
  - (6) fairness, including justice and freedom from prejudice;
  - (7) caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
  - (8) good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
  - (9) school pride; and
  - (10) gratitude.
- (c) Each school district and open-enrollment charter school must adopt a character education program that includes the positive character traits and personal skills listed in Subsection (b). In developing or selecting a character education program under this section, a school district shall consult with a committee selected by the district that consists of:
  - (1) parents of district students;
  - (2) educators; and
  - (3) other members of the community, including community leaders.
- (d) This section does not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.
- (e) The agency shall:
  - (1) maintain a list of character education programs that school districts have implemented that meet the criteria under Subsection (b);
  - (2) based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that:

- (A) meets the criteria prescribed by Subsection (b); and
- (B) is approved by the committee selected under Subsection (c); and
- (3) include in the report required under Section [39.332](#):
  - (A) based on data reported by districts, the impact of character education programs on student discipline and academic achievement; and
  - (B) other reported data relating to character education programs the agency considers appropriate for inclusion.
- (f) The agency may accept money from federal government and private sources to use in assisting school districts in implementing character education programs that meet the criteria prescribed by Subsection (b).
- (g) The State Board of Education may adopt rules as necessary to implement this section.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §30.003. SUPPORT OF STUDENTS ENROLLED IN TEXAS SCHOOL FOR THE BLIND  
AND VISUALLY IMPAIRED OR TEXAS SCHOOL FOR THE DEAF.**

- (a) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the school district that is responsible for providing appropriate special education services to the student shall share the cost of the student's education as provided by this section.
- (b) If the student is admitted to the school for a full-time program for the equivalent of two long semesters, the district's share of the cost is an amount equal to the dollar amount of maintenance and debt service taxes imposed by the district for that year divided by the district's average daily attendance for the preceding year.
- (c) If the student is admitted for a program less than two complete semesters in duration, other than a summer program, the district's share of the cost is an amount equal to the amount that would be the district's share under Subsection (b) for a full-time program multiplied by the quotient resulting from the number of full-time equivalent days in the program divided by the minimum number of days of instruction for students as provided by Section 25.081.
- (d) Each school district and state institution shall provide to the commissioner the necessary information to determine the district's share under this section. The information must be reported to the commissioner on or before a date set by rule of the State Board of Education. After determining the amount of a district's share for all students for which the district is responsible, the commissioner shall deduct that amount from the payments of foundation school funds payable to the district. Each deduction shall be in the same percentage of the total amount of the district's share as the percentage of the total foundation school fund entitlement being paid to the district at the time of the deduction, except that the amount of any deduction may be modified to make necessary adjustments or to correct errors. The commissioner shall provide for remitting the amount deducted to the appropriate school at the same time at which the remaining funds are distributed to the district. If a district does not receive foundation school funds or if a district's foundation school entitlement is less than the amount of the district's share under this section, the commissioner shall direct the district to remit payment to the commissioner, and the commissioner shall remit the district's share to the appropriate school.

- (e) For each student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf, the appropriate school is entitled to the state available school fund apportionment.
- (f) The commissioner, with the assistance of the comptroller, shall determine the amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from the available school fund if Chapter 28, Acts of the 68th Legislature, 2nd Called Session, 1984, had not transferred statutorily dedicated taxes from the available school fund to the foundation school fund. That amount, minus any amount the schools do receive from the available school fund, shall be set apart as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

Text of subsection effective until September 01, 2020

- (f-1) The commissioner shall determine the total amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from school districts in accordance with this section if the following provisions had not reduced the districts' share of the cost of providing education services:
  - (1) H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006;
  - (2) Section [45.0032](#); and
  - (3) Section [48.255](#).

Text of subsection effective on September 01, 2020

- (f-1) The commissioner shall determine the total amount that the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf would have received from school districts in accordance with this section if the following provisions had not reduced the districts' share of the cost of providing education services:
  - (1) H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006;
  - (2) Section [45.0032](#);
  - (3) Section [48.255](#); and
  - (4) Section [48.2551](#).

(f-2) The amount determined under Subsection (f-1), minus any amount the schools do receive from school districts, shall be set aside as a separate account in the foundation school fund and appropriated to those schools for educational purposes.

(g) The State Board of Education may adopt rules as necessary to implement this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1071, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 1.10, eff. May 31, 2006.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.005, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1A.002, eff. September 1, 2020.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 30. STATE AND REGIONAL PROGRAMS AND SERVICES  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §30.004. INFORMATION CONCERNING PROGRAMS.**

- (a) Each school district shall provide each parent or other person having lawful control of a student with written information about:
  - (1) the availability of programs offered by state institutions for which the district's students may be eligible;
  - (2) the eligibility requirements and admission conditions imposed by each of those state institutions; and
  - (3) the rights of students in regard to admission to those state institutions and in regard to appeal of admission decisions.
- (b) The State Board of Education shall adopt rules prescribing the form and content of information required by Subsection (a).

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 determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology

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CHAPTER 31. INSTRUCTIONAL MATERIALS  
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allotment under Section 31.0211, the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section 31.0211(d), and instructional materials for that state fiscal biennium.

- (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.
- (i) During any state fiscal biennium beginning on or after September 1, 2023, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section 31.0211 for that biennium.

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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.

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**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.

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SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 32. COMPUTERS, COMPUTER-RELATED EQUIPMENT,  
AND STUDENT INFORMATION PROTECTION  
SUBCHAPTER A. POWERS AND DUTIES OF STATE BOARD OF EDUCATION RELATING TO  
ELECTRONIC INSTRUCTIONAL TECHNOLOGY AND COMPUTER-RELATED EQUIPMENT

**TEC, §32.001. DEVELOPMENT OF LONG-RANGE PLAN.**

- (a) The State Board of Education shall develop a long-range plan for:
  - (1) acquiring and using technology in the public school system;
  - (2) fostering professional development related to the use of technology for educators and others associated with child development;
  - (3) fostering computer literacy among public school students so that by the year 2000 each high school graduate in this state has computer-related skills that meet standards adopted by the board; and
  - (4) identifying and, through regional education service centers, distributing information on emerging technology for use in the public schools.
- (b) The State Board of Education shall update the plan developed under Subsection (a) at least every five years.
- (c) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board and other public agencies and institutions the State Board of Education considers appropriate, shall propose legislation and funding necessary to implement the plan developed under Subsection (a).
- (d) In developing the plan, the State Board of Education must consider accessibility of technology to students with disabilities.

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SUBCHAPTER C. SPECIAL ALLOTMENTS

**TEC, §42.151. SPECIAL EDUCATION.**

- (a) For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.1. For each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to instructional arrangement as follows:

Homebound—5.0

Hospital class—3.0

Speech therapy—5.0

Resource room—3.0

Self-contained, mild and moderate, regular campus—3.0

Self-contained, severe, regular campus—3.0

Off home campus—2.7

Nonpublic day school—1.7

Vocational adjustment class—2.3

- (b) A special instructional arrangement for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services shall be established under the rules of the State Board of Education. The funding weight for this arrangement shall be 4.0 for those students who receive their education service on a local school district campus. A special instructional arrangement for students with disabilities residing in state schools shall be established under the rules of the State Board of Education with a funding weight of 2.8.
- (c) For funding purposes, the number of contact hours credited per day for each student in the off home campus instructional arrangement may not exceed the contact hours credited per day for the multidistrict class instructional arrangement in the 1992-1993 school year.
- (d) For funding purposes the contact hours credited per day for each student in the resource room; self-contained, mild and moderate; and self-contained, severe, instructional arrangements may not exceed the

average of the statewide total contact hours credited per day for those three instructional arrangements in the 1992-1993 school year.

- (e) The State Board of Education by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under this section. In prescribing the qualifications that a mainstream instructional arrangement must meet, the board shall establish requirements that students with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable student success.
- (f) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.
- (g) The State Board of Education shall adopt rules and procedures governing contracts for residential placement of special education students. The legislature shall provide by appropriation for the state's share of the costs of those placements.
- (h) Funds allocated under this section, other than an indirect cost allotment established under State Board of Education rule, must be used in the special education program under Subchapter A, Chapter 29.
- (i) The agency shall encourage the placement of students in special education programs, including students in residential instructional arrangements, in the least restrictive environment appropriate for their educational needs.
- (j) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 494, Sec. 1, eff. September 1, 2011.
- (k) A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the adjusted basic allotment or adjusted allotment, as applicable, for each full-time equivalent student in average daily attendance, multiplied by the amount designated for the student's instructional arrangement under this section, for each day the program is provided divided by the number of days in the minimum school year. The total amount of state funding for extended year services under this section may not exceed \$10 million per year. A school district may use funds received under this section only in providing an extended year program.
- (l) From the total amount of funds appropriated for special education under this section, the commissioner shall withhold an amount specified in the General Appropriations Act, and distribute that amount to school districts for programs under Section 29.014. The program established under that section is required only in school districts in which the program is financed by funds distributed under this subsection and any other funds available for the program. After deducting the amount withheld under this subsection from the total amount appropriated for special education, the commissioner shall reduce each district's allotment proportionately and shall allocate funds to each district accordingly.

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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.

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CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.001. FISCAL GUIDELINES.**

- (a) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district.
- (b) The commissioner shall report annually to the State Board of Education the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

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**TEC, §44.007. ACCOUNTING SYSTEM; REPORT.**

- (a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform with generally accepted accounting principles.
- (b) The accounting system must meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor.
- (c) A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with the agency on or before the date set by the State Board of Education.
- (d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a format prescribed by the board and in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.
- (e) Expired.
- (f) Expired.

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CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.008. ANNUAL AUDIT; REPORT.**

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.
- (b) The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).
- (c) Each treasurer receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer 's hands. The treasurer 's records of the district 's itemized accounts and records shall be made available to audit.
- (d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not 11 later than the 150th day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor 's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports.

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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.

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CHAPTER 48. FOUNDATION SCHOOL PROGRAM  
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

**TEC, §48.109. GIFTED AND TALENTED STUDENT ALLOTMENT.**

- (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter [D](#), Chapter [29](#), a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.
- (b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter [D](#), Chapter [29](#), including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.
- (c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.
- (d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section [48.266](#).
- (e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section [48.104](#) may be used.
- (f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

Added by Acts 2021, 87th Leg., R.S., Ch. 806 (H.B. [1525](#)), Sec. 27, eff. September 1, 2021.

TEXAS GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE  
CHAPTER 2001. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER B. RULEMAKING

**TGC, §2001.021. PETITION FOR ADOPTION OF RULES.**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. If a state agency requires signatures for a petition under this section, at least 51 percent of the total number of signatures required must be of residents of this state.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or
  - (2) initiate a rulemaking proceeding under this subchapter.
- (d) For the purposes of this section, an interested person must be:
  - (1) a resident of this state;
  - (2) a business entity located in this state;
  - (3) a governmental subdivision located in this state; or
  - (4) a public or private organization located in this state that is not a state agency.

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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.

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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.

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**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.

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**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, including receiving appropriate credit for training, education, and clinical and professional experience.
- (d) A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married.

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**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.

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TITLE 2. PUBLIC EDUCATION  
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS  
CHAPTER 21. EDUCATORS  
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

**TEC, §21.054. CONTINUING EDUCATION.**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (a-1) Continuing education requirements for educators must include training regarding educating students with disabilities.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 3

- (d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:
  - (1) collecting and analyzing information that will improve effectiveness in the classroom;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (4) educating diverse student populations, including:
    - (A) students who are educationally disadvantaged; and
    - (B) students at risk of dropping out of school; and
  - (5) understanding appropriate relationships, boundaries, and communications between educators and students.

Text of subsection as amended by Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 2

- (d) Continuing education requirements for a classroom teacher must provide that at least 25 percent of the training required every five years include instruction regarding:
  - (1) collecting and analyzing information that will improve effectiveness in the classroom;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (4) educating diverse student populations, including:
    - (A) students who are eligible to participate in special education programs under Subchapter [A](#), Chapter [29](#);
    - (B) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
    - (C) students with mental health conditions or who engage in substance abuse;

- (D) students with intellectual or developmental disabilities;
  - (E) students who are educationally disadvantaged;
  - (F) emergent bilingual students; and
  - (G) students at risk of dropping out of school;
- (5) understanding appropriate relationships, boundaries, and communications between educators and students; and
  - (6) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
- (1) effective and efficient management, including:
    - (A) collecting and analyzing information;
    - (B) making decisions and managing time; and
    - (C) supervising student discipline and managing behavior;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (4) effective implementation of a comprehensive school counseling program under Section [33.005](#);
  - (5) mental health programs addressing a mental health condition;
  - (6) educating diverse student populations, including:
    - (A) students who are educationally disadvantaged;
    - (B) emergent bilingual students; and
    - (C) students at risk of dropping out of school; and
  - (7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section [21.12](#), Penal Code, or for which reporting is required under Section [21.006](#) of this code.
- (f) Continuing education requirements for a counselor must provide that not more than 25 percent of training required every five years include instruction regarding:
- (1) assisting students in developing high school graduation plans;
  - (2) implementing dropout prevention strategies;
  - (3) informing students concerning:
    - (A) college admissions, including college financial aid resources and application procedures; and
    - (B) career opportunities;

- (4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
  - (5) effective implementation of a comprehensive school counseling program under Section [33.005](#).
- (g) The board shall adopt rules that allow an educator to fulfill continuing education requirements by participating in an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance.
- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 675 (S.B. [143](#)), Sec. 2, eff. June 17, 2005.

Acts 2009, 81st Leg., R.S., Ch. 596 (H.B. [200](#)), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 67(a), eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 2, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 638 (H.B. [642](#)), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1306 (H.B. [3793](#)), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(9), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 9, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 522 (S.B. [179](#)), Sec. 8, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 8, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.04, eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 4, eff. June 6, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1123 (H.B. [2424](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 3, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(1), eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(2), eff. June 18, 2021.

MINUTES

STATE BOARD OF EDUCATION

JANUARY 28, 2022

Minutes

State Board of Education

January 28, 2022

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

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

**PAM LITTLE, Fairview**  
Vice Chair of the State Board of  
Education  
District 12

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

**Board Members**

**LAWRENCE ALLEN, JR., Houston**  
District 4

**WILL HICKMAN, Houston**  
District 6

**REBECCA BELL-METEREAU, San Marcos**  
District 5

**TOM MAYNARD, Florence**  
District 10

**RUBEN CORTEZ, JR., Brownsville**  
District 2

**SUE MELTON-MALONE, Robinson**  
District 14

**AICHA DAVIS, Dallas**  
District 13

**MARISA PEREZ-DIAZ, Converse**  
District 3

**JAY JOHNSON, Pampa**  
District 15

**MATT ROBINSON, Friendswood**  
District 7

**PATRICIA HARDY, Fort Worth**  
District 11

**AUDREY YOUNG, Apple Springs**  
District 8

## **Committees of the State Board of Education**

### **INSTRUCTION**

Sue Melton-Malone  
Rebecca Bell-Metereau  
Pam Little  
Georgina Pérez  
Audrey Young

### **SCHOOL FINANCE/PERMANENT SCHOOL FUND**

Tom Maynard  
Lawrence Allen, Jr.  
Keven Ellis  
Pat Hardy  
Marisa Perez-Diaz

### **SCHOOL INITIATIVES**

Matt Robinson  
Ruben Cortez, Jr.  
Aicha Davis  
Will Hickman  
Jay Johnson

Minutes  
State Board of Education  
Friday, January 28, 2022

The State Board of Education met at 9:05 a.m. on Friday, January 28, 2022, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

**Present:** Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Will Hickman; Jay Johnson; Pam Little vice-chair; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez, secretary (virtual); Marisa B. Perez-Diaz (virtual); Matt Robinson; Audrey Young

### **Student Performance**

A student performance was provided virtually by the Charles Patterson Middle School Tenor Bass Choir.

### **Invocation**

### **Pledge of Allegiance**

### **Roll Call**

### **Approval of Minutes**

State Board of Education, November 19, 2021

**MOTION AND VOTE:** *The State Board of Education unanimously approved the Minutes of the November 19, 2021, meeting of the State Board of Education, as printed.*

## **1. Resolution and Presentations**

### **Commissioner's Comments and Presentation**

Commissioner Morath presented on the progress of the STAAR redesign, which will become effective in the 2022-23 school year.

### **National Blue Ribbon Schools**

*The State Board of Education, by unanimous consent, adopted a resolution congratulating Hawkins Elementary School in El Paso Independent School District (ISD); Lamar Elementary School in El Paso ISD; Ramona Elementary School in Ysleta ISD; Achieve Early College High School in McAllen ISD; Mittie A. Pullam Elementary School in Brownsville ISD; South Texas ISD Preparatory Academy in South Texas ISD; South Texas ISD Rising Scholars Academy in South Texas ISD; Young Women's Leadership Academy in San Antonio ISD; North Houston Early College High School in Houston ISD; Kathlyn Joy Gilliam Collegiate Academy in Dallas ISD; Trinidad Garza Early College High School at Mountain View in Dallas ISD; Spearman Junior High School in Spearman ISD; and Klondike High School in Klondike ISD; as Exemplary High-Performing Schools; and Clendenin Elementary School in El Paso ISD; Vista Hills Elementary*

*School in Ysleta ISD; Gallegos Elementary School in Brownsville ISD; Hidalgo Elementary School in Hidalgo ISD; Zeferino Farias Elementary School in Pharr-San Juan-Alamo ISD; Navarro Elementary in Navarro ISD; A.P. Beutel Elementary School in Brazosport ISD; Calder Road Elementary School in Dickinson ISD; Atlanta Elementary School in Atlanta ISD; Porter Elementary School in Mesquite ISD; and Valley Mills Elementary School in Valley Mills ISD; as Exemplary Achievement Gap Closing Schools.*

(ATTACHMENT 1, page 10)

### **Career and Technical Education Month**

*The State Board of Education, by unanimous consent, adopted a resolution designating February 2022 as National Career and Technical Education Month.*

(ATTACHMENT 2, page 12)

### **Public Testimony**

Public Testimony was provided by the following individual:

NAME: Randy Houchins  
AFFILIATION: Individual

## **2. Approval of Consent Agenda**

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda.

*By unanimous consent, the State Board of Education approved the following items on the consent agenda.*

### **(1) Approval of Bylaws of The Texas Permanent School Fund Corporation** (Board agenda I-35)

The State Board of Education approved the bylaws of the Texas Permanent School Fund Corporation as approved and submitted by the Corporation Board of Directors.

### **(2) Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 (Second Reading and Final Adoption)** (Board agenda II-1)

The State Board of Education approved for second reading and final adoption the proposed repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005 and made an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 74, Subchapters D and E, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

**(3) Approval of Updates and Substitutions to Adopted Instructional Materials**

(Board agenda II-4)

The State Board of Education approved the request to update content in the *Raz Plus ELL Texas Edition*, grades 2 and 3 materials.

**(4) Recommendations Regarding Renewal of Instructional Materials Contracts**

(Board agenda II-6)

The State Board of Education approved the request to renew *Proclamation 2014* contracts for subject areas and periods indicated in the separate exhibit.

(ATTACHMENT 3, page 14)

**(5) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2021**

(Board agenda III-6)

The State Board of Education ratified the purchases and sales for the months of October and November 2021, in the amount of \$1,339,173,674 and \$1,393,350,017, respectively.

(ATTACHMENT 4, page 18)

**(6) Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of October and November 2021**

(Board agenda III-7)

The State Board of Education ratified the purchases and sales of the Permanent School Fund Liquid Account for the period October 1, 2021, through November 30, 2021, in the amounts of \$852,114,516 and \$248,607,620, respectively

(ATTACHMENT 5, page 20)

**(7) Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation (Second Reading and Final Adoption)**

(Board agenda III-12)

The State Board of Education approved for second reading and final adoption proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation and made an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

**(8) Approval of Special Purpose School District Advisory Board Member for University of Texas at Austin High School**

(Board agenda IV-1)

The State Board of Education approved the appointment of Michael Griffith to serve a two-year term of office from January 28, 2022, to January 28, 2024, on the UT Austin High School advisory board.

**(9) Recommendation for One Appointment to the Boys Ranch Independent School District Board of Trustees**  
(Board agenda IV-2)

The State Board of Education approved the appointment of Mr. Joshua Sprock to serve a two-year term of office from January 28, 2022, to January 28, 2024, on the Boys Ranch ISD Board of Trustees.

**(10) Recommendation for Reappointments to the Randolph Field Independent School District Board of Trustees**  
(Board agenda IV-11)

The State Board of Education approved the reappointments of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to serve terms of office from January 28, 2022, to January 28, 2024, on the Randolph Field ISD Board of Trustees.

**(11) Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members (First Reading and Filing Authorization)**  
(Board agenda IV-31)

The State Board of Education approved for first reading and filing authorization proposed new 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members.

**COMMITTEE OF THE FULL BOARD**

**3. Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776**  
**(Second Reading and Final Adoption)**  
(Board agenda page I-5)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried without objection that the State Board of Education approve for second reading and final adoption proposed repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and*

*Make an affirmative finding that immediate repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H,*

*Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register; and*

*Approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776; and*

*Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee of the Full Board.*

*(Mr. Cortez was absent for the vote.)*

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.311, 127.317, and 127.318, and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783 and §127.784 (First Reading and Filing Authorization)**  
(Board agenda page I-10)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.317, Child Development; §127.318, Child Guidance; and §127.323, Human Growth and Development; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II, as recommended by the Committee of the Full Board.*

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (First Reading and Filing Authorization)**  
(Board agenda page I-14)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, as amended and recommended by the Committee of the Full Board.*

6. **Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits**  
**(First Reading and Filing Authorization)**  
(Board agenda page I-36)

**MOTION:** *It was moved by Mrs. Little to recommend that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020, as amended and recommended by the Committee of the Full Board.*

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried that the State Board of Education amend §120.3(b)(2)(D); §120.5(b)(2)(D); §120.7(b)(2)(D); and §120.9(b)(2)(D); to read:*

*“Good citizenship: having concern for the common good and the community; ~~courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism,~~ having respect for authority, and law, justice, and the rights of for others; being free from prejudice; having gratitude and school pride; being courteous, fair, and patriotic; and making responsible decisions, ~~responsible decision making, and school pride.~~”*

**VOTE:** *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020, as amended and recommended by the Committee of the Full Board, as amended.*

7. **Update on Texas Essential Knowledge and Skills (TEKS) Review**  
(Board agenda page I-47)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education direct work groups to revise the social studies TEKS using the following four strands: civics and government, geography, economics, and history, as recommended by the Committee of the Full Board.*

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education direct the work groups to use Framework #1 from content advisor Recommendation #4 for kindergarten-grade 2, focus on communities and the world at grade 3, and place emphasis at kindergarten-grade 3 on the second bullet (teaching through the lenses of local, state, national, and world experiences), as recommended by the Committee of the Full Board.*

*(Mr. Hickman was absent for the vote.)*

## COMMITTEE ON INSTRUCTION

8. **Proposed Approval of Innovative Courses**  
(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 the following innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum: Civic Discourse, for a period of three years; and College Transition, Navigating Life for Students Who Are Deaf or Hard of Hearing, Methods for Academic and Personal Success (MAPS), Peer Assistance for Students with Disabilities, and Student Leadership, each for a period of five years, as recommended by the Committee on Instruction.*

## COMMITTEE ON SCHOOL INITIATIVES

9. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements**  
(Board agenda page IV-36)

**MOTION AND VOTE:** *It was moved by Dr. Robinson and carried unanimously that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements, as recommended by the Committee on School Initiatives.*

10. **Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**  
(Board agenda page IV-43)

**MOTION AND VOTE:** *It was moved by Dr. Robinson and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, as recommended by the Committee on School Initiatives.*

11. **Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters**  
(Board agenda page IV-49)

**MOTION AND VOTE:** *It was moved by Dr. Robinson and carried that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters, as recommended by the Committee on School Initiatives. The motion carried with 12 members voting Aye and 3 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Dr. Johnson
	Dr. Bell-Metereau	Mrs. Little
	Mr. Cortez	Mrs. Melton-Malone
	Ms. Davis	Ms. Pérez
	Dr. Ellis	Ms. Perez-Diaz
	Ms. Hardy	Dr. Young

No:

*Mr. Hickman*  
*Mr. Maynard*

*Dr. Robinson*

**REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS**

Committee on Instruction

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

Committee on School Finance/Permanent School Fund

Mr. Maynard reported that the Permanent School Fund met as both the committee and the new corporation board. Currently, the purpose of the corporation board is to build out the corporation's infrastructure. The corporation board will not be involved in formal deliberations related to investment of funds until the transition occurs sometime after the start of 2023. The committee approved staff to move forward with securing new facilities for the Permanent School Fund Corporation to accommodate new staff.

Committee on School Initiatives

Dr. Robinson did not report on the Committee on School Initiatives.

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

Dr. Ellis gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 12:19 p.m.

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Georgina C. Pérez, Secretary

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## ***RESOLUTION***

**WHEREAS** the *National Blue Ribbon Schools* program recognizes elementary, middle, and high schools where educational excellence is achieved;

**WHEREAS** a *National Blue Ribbon Schools* flag overhead is a mark of exemplary teaching and learning;

**WHEREAS** in 2021, Texas nominated 24 schools to be recognized for their students' achievement; and

**WHEREAS** twenty-four of these schools were named 2021 *National Blue Ribbon Schools* by the United States Department of Education; now, therefore, be it

**RESOLVED**, that the State Board of Education does hereby extend its congratulations as Exemplary High-Performing Schools to Hawkins Elementary School in El Paso Independent School District (ISD); Lamar Elementary School in El Paso ISD; Ramona Elementary School in Ysleta ISD; Achieve Early College High School in McAllen ISD; Mittie A. Pullam Elementary School in Brownsville ISD; South Texas ISD Preparatory Academy in South Texas ISD; South Texas ISD Rising Scholars Academy in South Texas ISD; Young Women's Leadership Academy in San Antonio ISD; North Houston Early College High School in Houston ISD; Kathlyn Joy Gilliam Collegiate Academy in Dallas ISD; Trinidad Garza Early College High School at Mountain View in Dallas ISD; Spearman Junior High School in Spearman ISD; and Klondike High School in Klondike ISD; and be it further

**RESOLVED**, that the State Board of Education does hereby extend its congratulations as Exemplary Achievement Gap Closing Schools to Clendenin Elementary School in El Paso ISD; Vista Hills Elementary School in Ysleta ISD; Gallegos Elementary School in Brownsville ISD; Hidalgo Elementary School in Hidalgo ISD; Zeferino Farias Elementary School in Pharr-San Juan-Alamo ISD; Navarro Elementary in Navarro ISD; A.P. Beutel Elementary School in Brazosport ISD; Calder Road Elementary School in Dickinson ISD; Atlanta Elementary School in Atlanta ISD; Porter Elementary School in Mesquite ISD; and Valley Mills Elementary School in Valley Mills ISD; and be it further

**RESOLVED**, that this resolution be presented to the principals of the aforementioned schools for being recognized for excellence through the *National Blue Ribbon Schools* program and that a copy be included in the permanent records of the State Board of Education.

**WITNESS** our signatures this twenty-eighth day of January two thousand twenty-two in Austin, Texas.

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Keven Ellis, Chair

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Georgina C. Pérez, Secretary

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## ***R E S O L U T I O N***

**WHEREAS** February 2022, has been designated National Career and Technical Education Month; and

**WHEREAS** about 1.35 million Texas secondary students are enrolled in one or more career and technical education (CTE) courses in 1,200 school districts and charter schools throughout the state; and

**WHEREAS** CTE offers students the opportunity to gain the academic, technical and employability skills necessary for career readiness; and

**WHEREAS** students in CTE programs participate in authentic, meaningful experiences and apply academic knowledge and skills from across the curriculum which improve the quality of their overall education; and

**WHEREAS** CTE is a vital and integral part of the Foundation High School Program, offering students pathways to earn endorsements, performance acknowledgements, and industry-validated credentials; and

**WHEREAS** Texas is proud to support nine CTE student organizations – Business Professionals of America; DECA Texas Association; Future Business Leaders of America; Family, Career and Community Leaders of America; Health Occupations Students of America; SkillsUSA Texas; Texas Association of Future Educators; Texas FFA Association; and Texas Technology Student Association; and

**WHEREAS** CTE programs prepare students for a variety of careers by offering integrated programs of study that link secondary and postsecondary education and significantly contribute to college readiness; and

**WHEREAS** ensuring that employers have access to a qualified workforce is crucial to the Texas economy; now, therefore, be it

**RESOLVED**, That the State Board of Education, which has been designated by the Texas Legislature as the State Board for Career and Technical Education, does hereby proclaim February 2022, as Career and Technical Education Month in Texas, and does hereby urge all Texans to become familiar with the outstanding programs delivered by exceptional CTE teachers in communities across the state, and to support these programs to enhance college and career readiness for all Texas students.

**WITNESS** our signatures this twenty-eighth day of January, two thousand and twenty-two, in Austin, Texas.

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Keven Ellis, Chair

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Georgina C. Pérez, Secretary

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**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
Accelerate Learning Inc. (formerly Rice University STEMscopes)	Science, Grades K–8	100%
	Biology	100%
	Chemistry	100%
	Physics	100%
Achieve3000, Inc.	Science, Grades 6–8	100%
Agile Mind Educational Holdings, Inc.	Math, Grade 7	86.00%
	Math, Grade 8	75.00%
	Biology	94.83%
Bedford, Freeman and Worth Publishing Group, LLC BFW/Sapling Learning	Biology	100%
	Chemistry	100%
	Physics	100%
Cengage Learning (formerly HMH)	Chemistry	91.80%
CompuScholar, Inc.	Computer Science I & II	92.06%
Discovery Education, Inc.	Science, Grades K–8	100%
	Biology	100%
	Chemistry	100%
	Earth & Space Science	100%
	Physics	100%
Edusmart - Learn-Ed LLC (formerly Edumatics Corporation)	Science, Grades K–8	100%
	Biology	100%
Explore Learning - LAZEL, Inc. (Cambium)	Science, Grade 5	63.16%
	Science, Grade 6	60.47%
	Science, Grade 7	61.36%
	Science, Grade 8	62.50%
	Biology	62.07%
	Chemistry	57.38%
	IPC	80.00%
	Physics	64.71%
Houghton Mifflin Harcourt	Science, Grades K–8	100%
	Spanish Science, Grades K–5	100%
	Biology	100%
	Chemistry	100%
	Environmental Systems (digital)	64.41%
	Environmental Systems (print and digital)	77.97%
	Physics	100%
	Math, Grades K–8	100%
	Spanish Math, Grades K–5	100%

**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
Knowing Science, LLC.	Science, Grade K Science, Grade 1 Science, Grade 2 Science, Grade 4	96.77% 69.70% 80.00% 50.00%
Learning.com - The Learning Internet	Tech Apps, Grades K–8	100%
McGraw-Hill Education, a division of The McGraw-Hill Companies, Inc. (Glencoe/McGraw-Hill)	Science, Grades 6–8 Biology Chemistry IPC Physics Math, Grades 6–8	100%
ORIGO Education, Inc.	Math, Grade K Math, Grade 1 Math, Grade 2 Math, Grade 3 Math, Grade 4 Math, Grade 5 Spanish Math, Grade K Spanish Math, Grade 1 Spanish Math, Grade 2 Spanish Math, Grade 3 Spanish Math, Grade 4 Spanish Math, Grade 5	88.89% 92.00% 88.00% 88.68% 90.57% 80.43% 88.89% 92.00% 88.00% 88.68% 90.57% 80.43%
PASCO (formerly Ergopedia, Inc.)	Physics	100%
Perfection Learning	Physics	100%
Savvas (formerly Pearson Education, Inc., publishing as Prentice Hall and Scott Foresman)	Science, Grades K–5; Spanish Science, Grades K–5 Science, Grades 6–8 Biology Chemistry Math, Grades K–5 Spanish Math, Grades K–5 Math, Grades 6–8	100%
Skylight Publishing	Computer Science I & II	100%
Texas State University – San Marcos	Math, Grade 6 Math, Grade 7 Math, Grade 8	94.92% 98.00% 94.23%
The College Board - SpringBoard	Math, Grades 6–8	100%

**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
TPS Publishing, Inc.	Science, Grade K	96.77%
	Science, Grade 1	96.97%
	Science, Grade 2	100.00%
	Science, Grade 3	94.34%
	Science, Grade 4	100.00%
	Science, Grade 5	89.47%
	Science, Grade 6	88.37%
	Science, Grade 7	75.00%
	Science, Grade 8	92.50%
	Math, Grade K	72.22%
	Math, Grade 1	68.00%
	Math, Grade 2	82.00%
	Math, Grade 3	94.34%
	Math, Grade 4	90.57%
	Math, Grade 5	78.26%
	Math, Grade 6	54.24%
Math, Grade 7	74.00%	
Math, Grade 8	82.69%	

<b>Publishers Not Electing To Renew</b>	
Adaptive Curriculum	Science, Grades 5–8 Biology, Chemistry, IPC, and Physics
Carnegie Learning (formerly EMC)	Math Grades 6–8
Goodheart-Willcox Publisher	Game Programming & Design
LAB-AIDS, Inc.	Science, Grades 6–8 Biology and Chemistry
School Specialty LLC Delta Education, LLC. CPO Science (School Specialty and Delta Education)	Science, Grades K–5; Spanish Science, Grades K–5 Science, Grades 6–8
Scientific Minds, LLC.	Biology and Chemistry
Technical Laboratory Systems, Inc. (L.J. Create)	Science, Grades K–8 Biology, Chemistry, IPC, and Physics
Zingy Learning	Science, Grades 5, 6, and 8 Spanish Science, Grade 5

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**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
(Including External Manager's Trades)  
For October 1, 2021 through November 30, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 534,283,940
Public Market Equities	227,681,236
Alternative Investments	<u>577,208,498</u>
 TOTAL	 <u><u>\$ 1,339,173,674</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 121,852,343
Public Market Equities	568,844,510
Alternative Investments	<u>702,653,164</u>
 TOTAL	 <u><u>\$ 1,393,350,017</u></u>

General Land Office Contributions:

FY 2021 Cumulative November 2020	FY 2022 Cumulative November 2021
\$11,250,000	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$11,250,000 through November 2020 for fiscal year 2021 versus \$0 through November 2021 for fiscal year 2022, 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 October 2021 and November 2021 Permanent School Fund portfolio purchases of \$1,339,173,674 and sales of \$1,393,350,017.

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**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
FOR PSF LIQUID ACCOUNTS  
For October 1, 2021 through November 30, 2021**

<u>Purchases:</u>		
Fixed Income		\$ 236,006,228
Public Market Equities		<u>616,108,288</u>
TOTAL		<u><u>\$ 852,114,516</u></u>
 <u>Sales:</u>		
Fixed Income		\$ 233,239,980
Public Market Equities		<u>15,367,640</u>
TOTAL		<u><u>\$ 248,607,620</u></u>

Based on the above information provided by staff 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 period October 1, 2021 through November 30, 2021 Permanent School Fund Liquid Account purchases of \$852,114,516 and sales of \$248,607,620.

# Minutes

State Board of Education Committees

January 25-28, 2022

**Report of the State Board of Education  
Committee of the Full Board  
Tuesday, January 25, 2022**

The State Board of Education Committee of the Full Board met at 1:25 p.m. on Tuesday, January 25, 2022, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Aicha Davis; Will Hickman; Patricia Hardy; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Marisa B. Perez-Diaz (virtual); Matt Robinson; Audrey Young

Absent: Ruben Cortez, Jr.; Georgina C. Pérez

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda item #1.

**DISCUSSION ITEMS**

- 1. Public Hearing on Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**  
(Board agenda page I-1)

Invited testimony was provided by the following individuals:

NAME: Erick Buenrostro  
AFFILIATION: TEKS Work Group Member

NAME: Casey Phelps  
AFFILIATION: Content Advisor

Public testimony was provided by the following individual:

NAME: Alexis Harrigan  
AFFILIATION: Self

- 2. Discussion of Proposed New 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, and Subchapter B, Middle School**  
(Board agenda page I-3)

Shelly Ramos, senior director, curriculum standards and student support, explained that this item provides the opportunity for the board to discuss proposed new Texas Essential Knowledge and Skills (TEKS) for kindergarten to grade 8 technology applications. Ms. Ramos highlighted the work groups' processes and the change to grade-level standards from grade-banded standards.

## ACTION ITEMS

3. **Proposed Repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, §§130.161-130.166; Subchapter G, §§130.201-130.211; Subchapter H, §§130.221-130.234; Subchapter I, §§130.251-130.263; Subchapter L, §§130.331-130.343; Subchapter O, §§130.401-130.435; and Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, §§127.309-127.314; Subchapter I, §§127.402-127.415; Subchapter J, §§127.468-127.480; Subchapter M, §§127.625-127.648; and Subchapter O, §§127.742-127.776**  
**(Second Reading and Final Adoption)**  
(Board agenda page I-5)  
[Official Agenda Item #3]

Ms. Ramos explained that this item would repeal TEKS for career and technical education (CTE) courses in Chapter 130 from the education and training; government and public administration; health science; hospitality and tourism; law, public safety, corrections, and security; and science, technology, engineering, and mathematics career clusters and move those TEKS to Chapter 127.

**MOTION AND VOTE:** *It was moved by Mrs. Melton-Malone, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education approve for second reading and final adoption proposed repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435; and*

*Make an affirmative finding that immediate repeal of 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training, §§130.161-130.166; Subchapter G, Government and Public Administration, §§130.201-130.211; Subchapter H, Health Science, §§130.221-130.234; Subchapter I, Hospitality and Tourism, §§130.251-130.263; Subchapter L, Law, Public Safety, Corrections, and Security, §§130.331-130.343; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§130.401-130.435 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register; and*

*Approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776; and*

*Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §§127.309-127.314; Subchapter I, Health Science, §§127.402-127.415; Subchapter J, Hospitality and Tourism, §§127.468-127.480; Subchapter M, Law and Public Service, §§127.625-127.648; and Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742-127.776 is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, and Subchapter O, Science, Technology, Engineering, and Mathematics**

**(First Reading and Filing Authorization)**

(Board agenda page I-10)

[Official Agenda Item #4]

Ms. Ramos explained that the proposed new sections would update the CTE TEKS for courses in programs of study in the education and training and science, technology, engineering, and mathematics career clusters to ensure the standards are up to date.

**MOTION AND VOTE:** *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, Subchapter G, Education and Training, §127.323, Human Growth and Development; §127.317, Child Development; and §127.318, Child Guidance; and Subchapter O, Science, Technology, Engineering, and Mathematics, §127.783, Engineering Design and Presentation I; and §127.784, Engineering Design and Presentation II.*

5. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**

**(First Reading and Filing Authorization)**

(Board agenda page I-14)

[Official Agenda Item #5]

Ms. Ramos explained that this item proposes changes to graduation requirements to align with statutory changes from the 87th Texas Legislature, to update course names and chapter and subchapter references, and to revise prerequisites for certain CTE courses. Ms. Ramos also reviewed information with the committee related to the performance acknowledgement for college preparation exams.

**MOTION:** *It was moved by Mrs. Little and seconded by Mrs. Melton-Malone to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education amend 19 TAC §74.14(d) to reflect staff recommendations related to the performance acknowledgement for college preparation exams as follows:*

- (d) A student may earn a performance acknowledgment on the student's transcript for outstanding performance 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 on an established valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process by:

- (1) earning a score on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT®) that qualifies the student for recognition as a commended scholar or higher by the ~~College Board and National Merit Scholarship Corporation,~~ or as an awardee ~~as part~~ of the National Hispanic

Recognition Programs Program (NHRP) of the College Board or as part of the National Achievement Scholarship Program of the National Merit Scholarship Corporation;

- (2) earning a composite score of 441 achieving the ACT® readiness benchmark score on at least three of the five subject tests on the ACT Aspire™ examination;
- (3) earning a composite score of 29 on the ACT PreACT® examination;
- (4)(3) earning a total score of at least 1350 ~~1310~~ on the SAT®; or
- (5)(4) earning a composite score on the ACT® examination of 29 ~~28~~ (excluding the writing subscore).

**VOTE:** *A vote was taken on the main motion to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, as amended. The motion carried without objection.*

Dr. Ellis adjourned the meeting at 2:29 p.m.

**Report of the State Board of Education  
Committee of the Full Board  
January 26, 2022**

The State Board of Education Committee of the Full Board met at 9:07 a.m. on Wednesday, January 26, 2022, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Patricia Hardy; Will Hickman; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Marisa B. Perez-Diaz (virtual); Matt Robinson; Audrey Young

Absent: Georgina C. Pérez

**Public Testimony**

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

**ACTION ITEMS**

**1. Approval of Bylaws of The Texas Permanent School Fund Corporation**

(Board agenda page I-35)  
[Consent agenda item #(1)]

Chuck Campbell, fiduciary counsel, reminded the committee of its creation of the Texas Permanent School Fund Corporation (Corporation) at the November 2021 meeting through the approval of the Corporation's certificate of formation. He explained that the Corporation Board of Directors recently adopted bylaws and had forwarded those to the State Board of Education for approval as required under Texas Education Code, Chapter 43.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend to the State Board of Education approve the bylaws of the Texas Permanent School Fund Corporation as approved and submitted by the Corporation Board of Directors.*

2. **Proposed Revisions to 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits (First Reading and Filing Authorization)**  
(Board agenda page I-36)  
[Official Agenda Item #6]

Public testimony was provided by the following individuals:

NAME: Shannon Epner  
AFFILIATION: Self

NAME: Byron Sanders  
AFFILIATION: Self

Shelly Ramos, senior director, curriculum standards and student support division, explained that the proposed revisions would update the standards for the Texas Essential Knowledge and Skills (TEKS) on positive character traits to align with the requirements of Senate Bill (SB) 123, 87th Texas Legislature, Regular Session, 2021.

**MOTION:** *It was moved by Mrs. Melton-Malone to recommend that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5, Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Little, and carried to recommend that the State Board of Education amend §120.3(b)(2)(D); §120.5(b)(2)(D); §120.7(b)(2)(D); and §120.9(b)(2)(D); to read:*

“Good citizenship: concern for the common good and the community, courtesy, fairness, freedom from prejudice, gratitude, justice, patriotism, respect for authority, ~~and~~ law, and ~~for~~ others, responsible decision making, and school pride.”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §120.3(b)(3); §120.5(b)(3); §120.7(b)(3); and §120.9(b)(3); to read:*

“Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, differences, ~~difference~~ and diversity, biases, and the social and cultural context in which they live.”

**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 repeal of 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter A, Character Traits, §120.1, Implementation of Texas Essential Knowledge and Skills for Positive Character Traits; and proposed amendments to §120.3, Texas Essential Knowledge and Skills for Positive Character Traits, Kindergarten-Grade 2, Adopted 2020; §120.5, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 3-5,*

Adopted 2020; §120.7, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 6-8, Adopted 2020; and §120.9, Texas Essential Knowledge and Skills for Positive Character Traits, Grades 9-12, Adopted 2020, as amended.

*The motion carried unanimously.*

### **DISCUSSION ITEM**

#### **3. Discussion of Proclamation 2024 of the State Board of Education Advertising for Bids on Instructional Materials** (Board agenda page I-46)

Melissa Lautenschlager, director of instructional materials and implementation, explained that this item gives the committee an opportunity to provide direction regarding *Proclamation 2024*, specifically, the expected timeline for adoption, which courses it should include, and what language should be used.

The committee requested that staff prepare multiple options for language related to the Texas Resource Review. The committee also requested that staff propose language requiring publishers of digital materials to comply with laws related to Internet safety.

### **ACTION ITEM**

#### **4. Update on Texas Essential Knowledge and Skills (TEKS) Review** (Board agenda page I-47) [Official Agenda Item #7]

Public testimony was provided by the following individual:

NAME: Imelda Mejia  
AFFILIATION: Self

Monica Martinez, associate commissioner for standards and programs, explained the format of the social studies content advisor consensus recommendations report. The committee reviewed and discussed each recommendation from the consensus recommendations and provided guidance for the social studies TEKS review work groups as follows.

#### **Recommendation 1**

The committee agreed that work groups should consider content advisor Recommendation #1 regarding a preamble and should listen to the SBOE discussion of this recommendation, but that the work groups should make their own recommendation regarding what should be included in the introduction to the social studies TEKS for each grade level.

## **Recommendation 2**

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mrs. Little, and carried to recommend that the State Board of Education direct work groups to revise the social studies TEKS using the following four strands: civics and government, geography, economics, and history.*

## **Recommendation 3**

The committee agreed that work groups should consider content advisor Recommendation #3 regarding vertically and horizontally aligned K-5 social studies student expectations that integrate English language arts student expectations.

## **Recommendation 4**

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mrs. Melton-Malone, and carried without objection to recommend that the State Board of Education direct the work groups to use Framework #1 from content advisor Recommendation #4 for kindergarten-grade 2, focus on communities and the world at grade 3, and place emphasis at kindergarten-grade 3 on the second bullet (teaching through the lenses of local, state, national, and world experiences).*

The committee agreed that the work groups should be directed to maintain the current framework for grades 4-8 as follows:

- Grade 4 – Texas History
- Grade 5 – U.S. History
- Grade 6 – World Cultures
- Grade 7 – Texas History
- Grade 8 – U. S. History (early colonial period through Reconstruction)

The committee further agreed that in grades 4-7 related content for Texas, the United States, and the world, should be included at each grade where appropriate. The committee also agreed that for grade 8, the work groups should keep the existing structure largely the same.

## **Recommendation 5**

The committee agreed that the work groups should consider the recommendations in content advisor High School Framework #1 and, where appropriate, should organize the strands by era. The committee also agreed that the work groups should follow the recommendation from High School Framework #2 to “enhance coverage of world history and civics so that students will better understand the exceptional character of contemporary American life, including its emphasis on freedom, individual rights, due process, and opportunity.” Additionally, the committee directed work groups to listen to the SBOE discussion of this recommendation.

## **Recommendation 6**

The committee agreed that the work groups should ensure the standards are purposeful, specific, substantive, and assessable. The work groups should also be purposeful when addressing "such as" and "including" lists. Work groups should consider moving “such as” information to the TEKS Guide. Additionally, “including” lists should be representative of the cultural, ethnic, and racial diversity of Texas. When considering more ethnic representation in the standards, the work groups should begin with the individuals identified in the high school ethnic studies courses. The committee also directed work groups to listen to the SBOE discussion of this recommendation.

### **Recommendation 7**

The committee agreed that the work groups should consider content advisor Recommendation #7.

### **Recommendation 8**

The committee agreed that the work groups should consider content advisor Recommendation #8.

### **Recommendation 9**

The committee agreed that the work groups should focus on the education service center (ESC) focus group feedback and TEKS review educator survey information to determine how to best address social studies skills in the TEKS. The work groups should make an effort to avoid duplication and redundancy when addressing skills. In addition, TEA staff should explore ways to reference skills from other subject areas when the skills should be addressed when teaching social studies content.

### **Recommendation 10**

The committee did not agree with Recommendation #10.

The committee agreed to the recommendation from staff that the social studies TEKS review process begin by convening work groups for high school, then proceed to middle school, and finish with elementary school. The committee agreed that the work groups should be staggered but that the expectation is that all K-12 social studies TEKS will be adopted at the same time.

## **DISCUSSION ITEMS**

### **5. Discussion of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.62, Personal Financial Literacy and Economics**

(Board agenda page I-50)

Ms. Ramos explained that Senate Bill 1063 (87th Texas Legislature, Regular Session, 2021) requires the board to establish TEKS for a new course in personal financial literacy and economics and allow the course to serve as an option for students to satisfy the economics graduation requirement. She further explained that a committee has been convened to develop draft recommendations for the new Personal Financial Literacy and Economics course. Ms. Ramos stated that this course was on an earlier timeline for adoption than the rest of the social studies TEKS because the legislation calls for the course to be in place for the 2022-2023 school year.

### **6. Discussion of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.792-127.794**

(Board agenda page I-52)

Ms. Ramos explained that the work group charged with reviewing the TEKS for the three cybersecurity courses, Foundations of Cybersecurity, Digital Forensics, and Cybersecurity Capstone, had completed their draft recommendations. She stated that the work group recommended changes to the TEKS to update and align with changes in the industry.

**7. Ethics Training**  
(Board agenda page I-54)

Chris Maska, TEA ethics advisor, legal services, provided the annual ethics training required by the Permanent School Fund Code of Ethics.

**8. Discussion of Pending Litigation**  
(Board agenda page I-75)

Dr. Ellis announced that he was advised the members of the Committee of the Full Board needed to meet in executive session with their attorney regarding Student v. Conroe ISD, Texas Education Agency and State Board of Education.

Without objection, the Committee of the Full Board agreed to meet in executive session at 6:08 p.m. with TEA attorneys present to discuss pending litigation under Texas Government Code §551.071.

Dr. Young recused herself from participation and did not participate in the executive session meeting. Mr. Cortez was absent and did not participate in the executive session.

The committee returned from executive session at 6:24 p.m. and made no further statement on the matter.

Dr. Ellis adjourned the meeting at 6:25 p.m.

**Report of the State Board of Education  
Committee on Instruction  
Thursday, January 27, 2022**

The State Board of Education Committee on Instruction met at 9:01 a.m. on Thursday, January 27, 2022, 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; Rebecca Bell-Metereau; Pam Little; Audrey Young, vice-chair

Absent: Georgina C. Pérez

**Public Testimony**

The Committee on Instruction received no presentations of public testimony.

**ACTION ITEMS**

- 1. Proposed Repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005**  
**(Second Reading and Final Adoption)**

(Board agenda page II-1)

[Consent agenda item #(2)]

Jessica Snyder, special projects director, curriculum standards and student support division, explained that the proposed repeals would remove high school graduation requirements that are outdated and no longer necessary.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Dr. Bell-Metereau, and carried without objection to recommend that the State Board of Education approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 74, Curriculum Requirements, Subchapter D, Graduation Requirements, Beginning with School Year 2001-2002, and Subchapter E, Graduation Requirements, Beginning with School Year 2004-2005; and*

*Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 74, Subchapters D and E, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

**2. Approval of Updates and Substitutions to Adopted Instructional Materials**

(Board agenda page II-4)

[Consent agenda item #(3)]

Amie Williams, director, instructional materials review and procurement, instructional materials and implementation division, explained that Learning A-Z was requesting approval to update content in its adopted product *Raz Plus ELL Texas Edition*, grades 2 and 3, that curriculum subject-area specialists have reviewed the requested changes, and the requested changes were made available for public comment.

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Dr. Bell-Metereau and carried unanimously to recommend that the State Board of Education approve the request to update content in the Raz Plus ELL Texas Edition, grades 2 and 3 materials.*

**3. Recommendations Regarding Renewal of Instructional Materials Contracts**

(Board agenda page II-6)

[Consent agenda item #(4)]

Ms. Williams explained that contracts from *Proclamation 2014* that include K–12 science, K–5 Spanish science, K–8 math, K–5 Spanish math, and technology applications are expiring at the end of this school year and no new instructional materials will be available until 2024. Local education agencies will have a few gap years where contracts have expired without new materials. Ms. Williams provided a list of publishers interested in renewing their contracts through the gap years and those that have opted to not renew.

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education approve the request to renew Proclamation 2014 contracts for subject areas and periods indicated in the separate exhibit (Attachment A).*

**4. Proposed Approval of Innovative Courses**

(Board agenda page II-7)

[Official agenda item #8]

Shelly Ramos, senior director, curriculum standards and student support, explained that there were six innovative courses recommended for approval that do not fall within any of the subject areas of the foundation or enrichment curriculum: Civic Discourse, College Transition, Navigating Life for Students Who Are Deaf or Hard of Hearing (formerly Navigating Life with Hearing Loss), Methods for Academic and Personal Success (MAPS), Peer Assistance for Students with Disabilities, and Student Leadership. All courses were previously approved and were submitted as renewal applications.

Ms. Ramos explained that shorter renewal periods allow applicants to refine their courses and make improvements. Staff recommended a renewal period of three years for Civic Discourse.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education approve the following innovative courses that do not fall within any of the subject areas of the foundation or enrichment curriculum: Civic Discourse, for a period of three years; and College Transition, Navigating Life for Students Who Are Deaf or Hard of Hearing, Methods for Academic and Personal Success (MAPS), Peer Assistance for Students with Disabilities, and Student Leadership, each for a period of five years.*

**DISCUSSION ITEM**

**5. Rule Review of 19 TAC Chapter 89, Adaptations for Special Populations**

(Board agenda page II-10)

Monica Martinez, associate commissioner for standards and programs, explained the purpose of the four-year rule review and indicated that this review would include rules relating to gifted/talented education, Texas certificate of high school equivalency, and special education services and settings. She further stated that the adoption of the rule would be presented at the next State Board of Education meeting following the public comment period.

The meeting of the Committee on Instruction adjourned at 9:20 a.m.

**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
Accelerate Learning Inc. (formerly Rice University STEMscopes)	Science, Grades K–8	100%
	Biology	100%
	Chemistry	100%
	Physics	100%
Achieve3000, Inc.	Science, Grades 6–8	100%
Agile Mind Educational Holdings, Inc.	Math, Grade 7	86.00%
	Math, Grade 8	75.00%
	Biology	94.83%
Bedford, Freeman and Worth Publishing Group, LLC BFW/Sapling Learning	Biology	100%
	Chemistry	100%
	Physics	100%
Cengage Learning (formerly HMH)	Chemistry	91.80%
CompuScholar, Inc.	Computer Science I & II	92.06%
Discovery Education, Inc.	Science, Grades K–8	100%
	Biology	100%
	Chemistry	100%
	Earth & Space Science	100%
	Physics	100%
Edusmart - Learn-Ed LLC (formerly Edumatics Corporation)	Science, Grades K–8	100%
	Biology	100%
Explore Learning - LAZEL, Inc. (Cambium)	Science, Grade 5	63.16%
	Science, Grade 6	60.47%
	Science, Grade 7	61.36%
	Science, Grade 8	62.50%
	Biology	62.07%
	Chemistry	57.38%
	IPC	80.00%
	Physics	64.71%
Houghton Mifflin Harcourt	Science, Grades K–8	100%
	Spanish Science, Grades K–5	100%
	Biology	100%
	Chemistry	100%
	Environmental Systems (digital)	64.41%
	Environmental Systems (print and digital)	77.97%
	Physics	100%
	Math, Grades K–8	100%
	Spanish Math, Grades K–5	100%

**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
Knowing Science, LLC.	Science, Grade K Science, Grade 1 Science, Grade 2 Science, Grade 4	96.77% 69.70% 80.00% 50.00%
Learning.com - The Learning Internet	Tech Apps, Grades K–8	100%
McGraw-Hill Education, a division of The McGraw-Hill Companies, Inc. (Glencoe/McGraw-Hill)	Science, Grades 6–8 Biology Chemistry IPC Physics Math, Grades 6–8	100%
ORIGO Education, Inc.	Math, Grade K Math, Grade 1 Math, Grade 2 Math, Grade 3 Math, Grade 4 Math, Grade 5 Spanish Math, Grade K Spanish Math, Grade 1 Spanish Math, Grade 2 Spanish Math, Grade 3 Spanish Math, Grade 4 Spanish Math, Grade 5	88.89% 92.00% 88.00% 88.68% 90.57% 80.43% 88.89% 92.00% 88.00% 88.68% 90.57% 80.43%
PASCO (formerly Ergopedia, Inc.)	Physics	100%
Perfection Learning	Physics	100%
Savvas (formerly Pearson Education, Inc., publishing as Prentice Hall and Scott Foresman)	Science, Grades K–5; Spanish Science, Grades K–5 Science, Grades 6–8 Biology Chemistry Math, Grades K–5 Spanish Math, Grades K–5 Math, Grades 6–8	100%
Skylight Publishing	Computer Science I & II	100%
Texas State University – San Marcos	Math, Grade 6 Math, Grade 7 Math, Grade 8	94.92% 98.00% 94.23%
The College Board - SpringBoard	Math, Grades 6–8	100%

**Proclamation 2014 Instructional Materials Recommended for 2022–2026 Renewal**

<b>Publisher</b>	<b>Course/Grade</b>	<b>TEKS %</b>
TPS Publishing, Inc.	Science, Grade K	96.77%
	Science, Grade 1	96.97%
	Science, Grade 2	100.00%
	Science, Grade 3	94.34%
	Science, Grade 4	100.00%
	Science, Grade 5	89.47%
	Science, Grade 6	88.37%
	Science, Grade 7	75.00%
	Science, Grade 8	92.50%
	Math, Grade K	72.22%
	Math, Grade 1	68.00%
	Math, Grade 2	82.00%
	Math, Grade 3	94.34%
	Math, Grade 4	90.57%
	Math, Grade 5	78.26%
	Math, Grade 6	54.24%
	Math, Grade 7	74.00%
Math, Grade 8	82.69%	

<b>Publishers Not Electing To Renew</b>	
Adaptive Curriculum	Science, Grades 5–8 Biology, Chemistry, IPC, and Physics
Carnegie Learning (formerly EMC)	Math Grades 6–8
Goodheart-Willcox Publisher	Game Programming & Design
LAB-AIDS, Inc.	Science, Grades 6–8 Biology and Chemistry
School Specialty LLC Delta Education, LLC. CPO Science (School Specialty and Delta Education)	Science, Grades K–5; Spanish Science, Grades K–5 Science, Grades 6–8
Scientific Minds, LLC.	Biology and Chemistry
Technical Laboratory Systems, Inc. (L.J. Create)	Science, Grades K–8 Biology, Chemistry, IPC, and Physics
Zingy Learning	Science, Grades 5, 6, and 8 Spanish Science, Grade 5

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
Thursday, January 27, 2022**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:07 a.m. on Thursday, January 27, 2022 in the State Board of Education Room, 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; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz (virtual)

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

**DISCUSSION ITEMS**

- 1. Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**  
(Board agenda page III-1)

David Marx, director, financial compliance division, explained that the proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). Mr. Marx explained the purpose of the FASRG and the types of changes being made.

- 2. Review of Permanent School Fund Securities Transactions and the Investment Portfolio**  
(Board agenda page III-5)

David Trice, managing director of investment finance and operations, provided a summary on the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period October 1, 2021, through November 30, 2021, unless otherwise noted. Mr. Trice's report included reporting on the current fair market value of the Fund, the asset allocation mix as of November 30, 2021, PSF transactions occurring in the reporting period, revenues and expenditures for the fiscal period beginning September 1, 2021, through November 30, 2021, the activity in the securities lending program for the fiscal period beginning September 1, 2021, through November 30, 2021, the status of transfers from the General Land Office as of November 30, 2021, as per approved resolutions, current status of the Bond Guarantee Program and the available capacity in the program, broker commissions on both the internal and external equity portfolios for the period beginning January 1, 2021, through November 30, 2021, fixed income rating changes for the fiscal period September 1, 2021, through November 31, 2021, and short-term cash investments.

## ACTION ITEMS

### **3. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of October and November 2021**

(Board agenda page III-6)  
[Consent agenda item #(5)]

**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 October and November 2021, in the amount of \$1,339,173,674 and \$1,393,350,017, respectively (Attachment A).*

### **4. Report on Permanent School Fund Liquid Account and Ratification of Purchases and Sales for the Months of October and November 2021**

(Board agenda page III-7)  
[Consent agenda item #(6)]

Mr. Trice provided a summary on the status of the PSF Liquid Account. Reports presented to the committee were for the reporting period October 1, 2021, through November 30, 2021. Mr. Trice's report included reporting on the current fair market value of the Liquid Account, the asset allocation mix as of November 30, 2021, transfer activity between the GLO and the Liquid Account, cumulative Income and Realized Gains transferred to the SBOE from the Liquid Account as of November 30, 2021, transactions occurring in the reporting period, and ratification of the cumulative Purchases and Sales of the Liquid Account from October 1, 2021, through November 30, 2021.

**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 of the Permanent School Fund Liquid Account for the period October 1, 2021, through November 30, 2021, in the amounts of \$852,114,516 and \$248,607,620, respectively (Attachment B).*

## DISCUSSION ITEMS

### **5. Annual Reporting Requirement of the Internally- Managed Permanent School Fund Investment Portfolio**

(Board agenda page III-8)

Holland Timmins, executive administrator and chief investment officer, provided the required attestation regarding compliance with 19 TAC Chapter 33 of the internally managed investment portfolios in the matters of permissible and restricted investments, trading and brokerage policy, and proxy voting policy.

**6. Third Quarter 2021 Permanent School Fund Performance Report**  
(Board agenda page III-10)

Mr. Mike Maher, vice president of BNY Mellon Global and Risk Solutions, presented the third quarter of 2021 PSF performance report. Mr. Maher began with an overview of the U.S and foreign capital markets. He then reviewed the performance of the Fund for the third quarter of 2021. He stated that the PSF returned 1.93% net of fees for the third quarter, outperforming the target benchmark by 75 basis points. Mr. Maher attributed most of the outperformance to Private Equity, Real Estate and Absolute Return.

Mr. Maher reviewed the third quarter 2021 performance of the PSF by asset class, stating that the total domestic large cap equity composite returned 0.61%, outperforming its benchmark for the quarter by three basis points. He added that Small/Midcap Equity portfolio returned -2.11% in the quarter, underperforming its benchmark by one basis point. He added that international equities returned -4.19% for the quarter, underperforming its benchmark by 33 basis points for the period.

The fixed income portfolio returned 0.10 % for the quarter, underperforming its benchmark by four basis points. Mr. Maher stated that the Absolute Return composite returned 2.00% for the quarter, outperforming its benchmark, the HFRI Fund of Funds Composite Index, by 144 basis points. Mr. Maher added that the Real Estate composite returned 5.09% for the quarter, outperforming its benchmark by 57 basis points. He further stated that the Real Return Asset class returned 2.98% for the quarter, underperforming its benchmark by one basis point. The Emerging Market Debt returned -3.08% for the quarter, outperforming its benchmark by two basis points. Mr. Maher stated that private equity returned 13.37% for the quarter, outperforming its benchmark by 408 basis points. Finally, he stated that the total emerging market equity composite returned -9.45% for the third quarter 2021, falling short of its benchmark by 136 basis points.

**7. Review of the Bond Guarantee Program Capacity**  
(Board agenda page III-11)

Mr. Timmins updated the committee regarding activity by DLA Piper to address federal regulations pertaining to the Bond Guarantee Program. DLA Piper is working with members of the Texas Congressional delegation to communicate with the US Treasury Department on possible changes to the federal limit on the Bond Guarantee Program.

**ACTION ITEM**

**8. Proposed New 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation**  
**(Second Reading and Final Adoption)**  
(Board agenda page III-12)  
[Consent agenda item #(7)]

Chuck Campbell, Fiduciary Counsel, Jackson Walker LLP, stated that the agenda item was for second reading and final adoption and consisted of proposed new rule language to address terms for SBOE members serving on the Texas PSF Corporation board.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation; and*

*Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.21, Texas Permanent School Fund Corporation, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

## **DISCUSSION ITEMS**

### **9. Review of the Private Equity Asset Class for the Permanent School Fund**

(Board agenda page III-17)

The PSF private equity consultant, Neuberger Berman, was represented by Brien Smith, chief operating officer and managing director, and Kaci Boyer, principal. PSF staff was represented by John Grubenman, chief of staff and director of private markets, and Erin Wedepohl, managing director of private equity.

Mr. Smith, Ms. Boyer, Mr. Grubenman, and Ms. Wedepohl provided an update on the performance and progress of the PSF private equity program.

### **10. Review of Real Return Asset Class for the Permanent School Fund**

(Board agenda page III-18)

Carlos Veintemillas, deputy chief investment officer and director of fixed income, introduced the real return strategy. Katie Reissman, managing director of fixed income, and Bill Glenn, portfolio manager, provided an update on the real return strategy and performance history.

### **11. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer**

(Board agenda page III-19)

Mr. Timmins informed the committee that Fitch Ratings had reaffirmed the PSF's AAA rating and that the state auditor's office had communicated certification of the Bond Guarantee Program. He also provided an update on the PSF summer intern program.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 11:06 a.m.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
(Including External Manager's Trades)  
For October 1, 2021 through November 30, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 534,283,940
Public Market Equities	227,681,236
Alternative Investments	<u>577,208,498</u>
TOTAL	<u><u>\$ 1,339,173,674</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 121,852,343
Public Market Equities	568,844,510
Alternative Investments	<u>702,653,164</u>
TOTAL	<u><u>\$ 1,393,350,017</u></u>

General Land Office Contributions:

FY 2021 Cumulative November 2020	FY 2022 Cumulative November 2021
\$11,250,000	\$0

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$11,250,000 through November 2020 for fiscal year 2021 versus \$0 through November 2021 for fiscal year 2022, 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 October 2021 and November 2021 Permanent School Fund portfolio purchases of \$1,339,173,674 and sales of \$1,393,350,017.

**TEXAS PERMANENT SCHOOL FUND  
SUMMARY OF TRANSACTIONS FOR APPROVAL  
FOR PSF LIQUID ACCOUNTS  
For October 1, 2021 through November 30, 2021**

Purchases:

Fixed Income	\$ 236,006,228
Public Market Equities	<u>616,108,288</u>
 TOTAL	 <u><u>\$ 852,114,516</u></u>

Sales:

Fixed Income	\$ 233,239,980
Public Market Equities	<u>15,367,640</u>
 TOTAL	 <u><u>\$ 248,607,620</u></u>

Based on the above information provided by staff 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 period October 1, 2021 through November 30, 2021 Permanent School Fund Liquid Account purchases of \$852,114,516 and sales of \$248,607,620.

**Report of the State Board of Education  
Committee on School Initiatives  
Thursday, January 27, 2022**

The State Board of Education Committee on School Initiatives met at 9:09 a.m. on Thursday, January 27, 2022, in Room, #1-111, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Matt Robinson, chair; Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson

**Public Testimony**

The Committee on School Initiatives heard public testimony on agenda items #5 and #8. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**ACTION ITEMS**

**1. Approval of Special Purpose School District Advisory Board Member for University of Texas at Austin High School**

(Board agenda page IV-1)

[Consent Agenda Item #(8)]

Monica Martinez, associate commissioner for standards and programs, explained that as a result of a vacancy on The University of Texas (UT) at Austin special purpose school district advisory board, UT Austin submitted a request for approval of a new member for the special purpose district advisory board.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Dr. Johnson, and carried to recommend that the State Board of Education approve the appointment of Michael Griffith to serve a two-year term of office from January 28, 2022, to January 28, 2024, on the UT Austin High School advisory board.*

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

**2. Recommendation for One Appointment to the Boys Ranch Independent School District Board of Trustees**

(Board agenda page IV-2)

[Consent Agenda Item #(9)]

Christopher Lucas, director, policy, planning, and operations, explained that one member of the board of trustees of Boys Ranch Independent School District (ISD) recently resigned. The president and CEO of Boys Ranch has recommended that Mr. Joshua Sprock be appointed for a two-year term.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Dr. Johnson, and carried unanimously to recommend that the State Board of Education, based on Mr. Mark Strother's recommendation, approve the appointment of Mr. Joshua Sprock to serve a two-year term of office from January 28, 2022, to January 28, 2024, on the Boys Ranch ISD Board of Trustees.*

**3. Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees**

(Board agenda page IV-11)  
[Consent Agenda Item #(10)]

Mr. Lucas explained that two terms on the board of trustees of Randolph Field ISD are expiring. Colonel Masoner has recommended the reappointments of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to the Randolph Field ISD Board of Trustees.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education, based on Colonel James H. Masoner's recommendation, approve the reappointments of Mr. Jimmy Cornelius and Mrs. Vanessa Bowden to serve terms of office from January 28, 2022, to January 28, 2024, on the Randolph Field ISD Board of Trustees.*

**4. Proposed New 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members (First Reading and Filing Authorization)**

(Board agenda page IV-31)  
[Consent Agenda Item #(11)]

Mr. Lucas explained that the new rule would provide clarity to trustees regarding the requirements for taking the school safety training developed by the Texas School Safety Center in coordination with the State Board of Education. Jeffrey Cottrill, deputy commissioner, governance and accountability, explained that requiring trustees to complete the entire training every two years ensures that trustees will stay abreast of current issues in school safety.

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.3, School Safety Training for School Board Members.*

**DISCUSSION ITEM**

**5. Open-Enrollment Charter School Generation 27 Application Updates**

(Board agenda page IV-35)

Public testimony was provided by the following individual:

NAME: Kara Belew  
AFFILIATION: Texas Public Charter School Association

Marian Schutte, director, charter school authorizing and administration division, presented information on the Generation 27 Open-Enrollment Charter Application cycle, content, improvements, and timeline. Ms. Schutte answered questions regarding the application process.

## ACTION ITEMS

6. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements**

(Board agenda page IV-36)  
[Official Agenda Item #9]

Marilyn Cook, director, educator certification, explained that the proposed amendment would update the list of countries that permit individuals who have obtained the equivalent of a United States bachelor's or master's degree to be exempt from the Test of English as a Foreign Language internet-Based Test (TOEFL iBT) to demonstrate English language proficiency; would clarify that individuals who have already demonstrated English language proficiency to receive an SBEC-issued Texas certificate would not have to demonstrate English language proficiency again for purposes of admission into an educator preparation program (EPP) to obtain an additional Texas educator certificate; and would provide technical and grammatical edits.

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Dr. Johnson, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter B, General Certification Requirements, §230.11, General Requirements.*

7. **Review of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

(Board agenda page IV-43)  
[Official Agenda Item #10]

Ms. Cook explained that the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, would implement House Bill (HB) 139, 87th Texas Legislature, Regular Session, 2021. She further explained that the proposed amendments would add the United States Space Force to the list of branches of the United States Armed Forces and would allow service members, spouses, and veterans to get credit toward educator certification requirements for clinical and professional experience.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.*

8. **Review of Proposed Amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters**

(Board agenda page IV-49)  
[Official Agenda Item #11]

Laura Moriarty, director, SBEC enforcement, explained that the proposed amendments would implement HB 2519, 87th Texas Legislature, Regular Session, 2021, by amending the SBEC's rules to allow the SBEC to put conditions on a certificate without any additional sanction; to reduce the minimum sanction for contract abandonment that occurs 30–44 days in advance of the first day of instruction for the next school year; to clarify that sanctions for contract abandonment are subject to all mitigating factors and that mitigating factors can reduce a sanction to the point that the SBEC takes no disciplinary action against an educator; and to clarify the notice that the TEA sends sanctioned

educators regarding the necessity of filing a motion for rehearing if the respondent wants to appeal the decision. She further explained that the proposed amendments also reflect the results of the SBEC's July work session on contract abandonment and October meeting by expanding the definition of good cause for contract abandonment to include instances when an educator resigns after receiving written permission from school administration and by adding new mitigating factors that allow lower sanctions for contract abandonment when an educator gets a promotion, is assigned to another campus, has a salary reduction, or faces a threat of immediate physical harm.

**MOTION AND VOTE:** *It was moved by Mr. Cortez, seconded by Ms. Davis, and carried to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, Subchapter B, Enforcement Actions and Guidelines, and Subchapter E, Post-Hearing Matters.*

Public testimony was provided by the following individuals:

NAME: Mark Wiggins  
AFFILIATION: Association of Texas Professional Educators

NAME: Julie Leahy  
AFFILIATION: Self

The meeting of the Committee on School Initiatives adjourned at 10:40 a.m.

