



AGENDA

State Board of Education

November 20, 2020

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

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

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

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

DONNA BAHORICH, Houston
District 6

TOM MAYNARD, Florence
District 10

BARBARA CARGILL, Conroe
District 8

SUE MELTON-MALONE, Robinson
District 14

RUBEN CORTEZ, JR., Brownsville
District 2

KEN MERCER, San Antonio
District 5

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

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

SCHOOL FINANCE/PERMANENT SCHOOL FUND

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

SCHOOL INITIATIVES

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

November 17, 2020

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on November 17-20, 2020. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Morath', with a stylized, sweeping flourish at the end.

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 November 17-20, 2020	
<u>Tuesday, November 17, 2020</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Wednesday, November 18, 2020</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, November 19, 2020</u>	
9:00 a.m.	Committee on School Instruction (Room 1-100)
9:00 a.m.	Committee on School Finance/Permanent School Fund (Room 1-104)
9:00 a.m.	Committee on School Initiatives (Room 1-111)
<u>Friday, November 20, 2020</u>	
9:00 a.m.	General Meeting (Room 1-104)

If the Committee of the Full Board does not complete its agenda Tuesday, it will resume its meeting 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 finish 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
November 17, 2020

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

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

- 1. Public Hearing on Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40 (Board agenda page I-1)**

COMMITTEE – DISCUSSION
SBOE – NO ACTION

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than three hours. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), (c), (r), and (s), and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

2. **Public Hearing on Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64**
(Board agenda page I-3)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than three hours. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) (c), and (d); and 28.025(a).

3. **Public Hearing on Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45**
(Board agenda page I-5)

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than five hours. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

4. **Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64 (Second Reading and Final Adoption) (Board agenda page I-7)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64. The proposed new sections would update the standards to reflect current physical education research and best practices and to align with changes to requirements in statute. 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), and (d), and 28.025(a).

5. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40 (Second Reading and Final Adoption) (Board agenda page I-58)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40. The proposed new sections would update the standards to reflect current health education research and best practices and align with changes to requirements in statute. 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), (r), and (s), and 28.025(a).

COMMITTEE OF THE FULL BOARD (continued)

6. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45**
(Second Reading and Final Adoption)
(Board agenda page I-116)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020. The proposed new sections would update the standards to ensure they remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (j), and (n); and 28.025(a).

**WEDNESDAY
November 18, 2020**

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

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

**1. Commissioner’s Comments
(Board agenda page I-138)**

**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. Decision on the Percentage Distribution of the Permanent School Fund
(Board agenda page I-139)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the board to evaluate and approve, in a final vote, the Permanent School Fund (PSF) percentage distribution rates for fiscal years 2022 and 2023. The board will consider various factors associated with the distribution rate such as expected returns, inflation, student growth, and current economic conditions. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2022-2023 biennium. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; Texas Education Code (TEC), §43.0051; and 19 Texas Administrative Code (TAC), Chapter 33.

**3. Legislative Recommendations for the 87th Texas Legislature
(Board agenda page I-141)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides an opportunity for the board to make decisions on legislative recommendations to the 87th Texas Legislature. Statutory authority for this action is the Texas Education Code (TEC), §7.102.

COMMITTEE OF THE FULL BOARD (continued)

- 4. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2021***
(Board agenda page I-142)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2021*. The board issued *Proclamation 2021* in June 2019, calling for instructional materials for prekindergarten. Products submitted in response to *Proclamation 2021* were reviewed in the summer of 2020. This item presents the final report from the commissioner of education regarding the coverage of the Texas Prekindergarten Guidelines (TPG), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.023 and §31.024.

- 5. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements**
(First Reading and Filing Authorization)
(Board agenda page I-159)

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 B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirement in House Bill (HB) 3, 86th Texas Legislature, 2019, that students complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) as a requirement for high school graduation. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(c), as amended by HB 3, 86th Texas Legislature, 2019; and 28.0256(a), (b), and (d), as added by HB 3, 86th Texas Legislature, 2019.

COMMITTEE OF THE FULL BOARD (continued)

**6. Texas Certificate of High School Equivalency
(Board agenda page I-165)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item provides an opportunity for the committee to review and approve the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers relating to 19 TAC Chapter 89, Texas Certificate of High School Equivalency. Statutory authority for this action is the Texas Education Code (TEC), §7.111.

**7. Discussion of Transition Plan for Electronic Administration of Assessment Instruments
(Board agenda page I-167)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

House Bill 3906, passed by the 86th Texas Legislature, 2019, requires the Texas Education Agency (TEA), in consultation with the State Board of Education (SBOE), to develop a transition plan to administer all state assessments electronically beginning not later than the 2022–2023 school year. This item provides the opportunity for staff to share the transition plan and for the SBOE to discuss its contents. Statutory authority for this item is the Texas Education Code (TEC), §39.02341.

**8. Discussion of Pending Litigation
(Board agenda page I-168)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

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

Cases to be discussed may include:

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

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

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

**THURSDAY
November 19, 2020**

9:00 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

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

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

- 1. Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty (Second Reading and Final Adoption) (Board agenda page II-1)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty. The proposed amendment would address penalties for failure to comply with state law and rule governing review and adoption of instructional materials. No changes are recommended since published as proposed. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003, 31.023, 31.035, and 31.151(b).

- 2. Approval of Update to Instructional Materials for Learning A–Z (Board agenda page II-8)**

**COMMITTEE - ACTION
SBOE - CONSENT**

Learning A–Z is requesting approval to update content in its adopted products *Raz Plus ELL Texas Edition*, grades 2–4. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

**THURSDAY
November 19, 2020**

9:00 a.m.

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

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

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

**1. Approval of Costs to Administer the 2020–2021 State-Developed Assessments to Private School Students
(Board agenda page III-1)**

**COMMITTEE - ACTION
SBOE - CONSENT**

Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public-school district. This item requests approval of these costs for the 2020–2021 school year. Statutory authority for this action is the Texas Education Code (TEC), §39.033.

**2. 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-7)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter 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 for this item 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).

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 3. Rule Review of 19 TAC Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts**
(Board agenda page III-12)

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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 review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts. The rules in Subchapter B address the historically underutilized business (HUB) program and procedures relating to protest for purchasing issues and dispute resolution, in accordance with Texas Government Code requirements. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 30, Subchapter B, is TGC, §§2161.003, 2155.076, and 2260.052.

- 4. Review of Permanent School Fund Securities Transactions and the Investment Portfolio**
(Board agenda page III-16)

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

Investment staff will report on the transactions executed during the months of July, August, and September 2020 in the investment portfolio of the Texas Permanent School Fund. Statutory authority for this item is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 5. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months July, August, and September 2020**
(Board agenda page III-17)

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of July, August, and September 2020. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 6. Approval of an Extension of the Standard Contract with NEPC, LLC and Authorization for Contract Execution by the Commissioner of Education**
(Board agenda page III-18)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to extend the standard contract with NEPC, LLC, and authorize contract execution by the commissioner of education. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Natural Resources Code (NRC), §51.414; 19 Texas Administrative Code (TAC), Chapter 33.

- 7. Approval of an Extension of the Standard Contract with Blackrock Investment Management, LLC, and Authorization for Contract Execution by the Commissioner of Education**
(Board agenda page III-19)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to extend the standard contract with Blackrock Investment Management, LLC, and authorize contract execution by the commissioner of education. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Natural Resources Code (NRC), §51.414; 19 Texas Administrative Code (TAC), Chapter 33.

- 8. Proposed Amendments to the Investment Procedures Manual**
(Board agenda page III-20)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to review and adopt proposed amendments to Section D, Strategic Asset Allocation Plan, Section E, Asset Allocation Rebalancing Procedure, Section F, Standards of Performance of the Investment Procedures Manual. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 9. Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules (First Reading and Filing Authorization) (Board agenda page III-21)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The proposed amendments would amend the asset allocation of the Permanent School Fund (PSF), update transactions and restrictions that apply to the PSF, and update cross references and a section title. Statutory authority for this action is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001; §43.0052, as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), §32.012, as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; NRC, §32.0161, as added by SB 608, 86th Texas Legislature, 2019; and NRC, §32.068 and §51.414, as added by HB 4388, 86th Texas Legislature, 2019.

- 10. Authorization to Issue a Request for Qualifications for Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel for the Permanent School Fund (Board agenda page III-27)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides the opportunity for the committee and board to approve the issuance of a request for qualifications for fiduciary, investment contracting, real estate, tax and disclosure counsel for the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

- 11. Authorization to Issue a Request for Proposals for High Yield Bonds Discretionary Investment Managers for the Permanent School Fund (Board agenda page III-28)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides the opportunity for the committee and board to approve the issuance of a Request for Proposals for High Yield Bonds Discretionary Investment Managers for the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

**12. Report on the Permanent School Fund Liquid Account
(Board agenda page III-29)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the committee and board to receive a status update on the liquid account and to take action to ratify transactions. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; Natural Resources Code (NRC), §51.414; and 19 Texas Administrative Code (TAC), Chapter 33.

**13. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer
(Board agenda page III-30)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

The Permanent School Fund (PSF) executive administrator will report to the committee on matters relating to the management of the PSF 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 PSF. Statutory authority for this item is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

**THURSDAY
November 19, 2020**

9:00 a.m.

COMMITTEE ON SCHOOL INITIATIVES – Room 1-111

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

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

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|---|--|
| 1. Open-Enrollment Charter School Generation 26 Application Updates
(Board agenda page IV-1) | COMMITTEE - DISCUSSION
SBOE - NO ACTION |
|---|--|

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

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|--|--|
| 2. Rule Review of 19 TAC Chapter 30, <u>Administration, Subchapter A, State Board of Education: General Provisions</u>
(Board agenda page IV-2) | COMMITTEE - DISCUSSION
SBOE - NO ACTION |
|--|--|

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 review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions. Subchapter A establishes the SBOE process for petitioning the adoption of changes to SBOE rules, as required by TGC, §2001.021. The statutory authority for the rule review is the (TGC), §2001.039. The statutory authority for 19 TAC Chapter 30, Subchapter A, is the (TGC), §2001.021.

COMMITTEE ON SCHOOL INITIATIVES (continued)

**3. Recommended Revisions to the Framework for School Board Development
(Board agenda page IV-7)**

**COMMITTEE – ACTION
SBOE - ACTION**

This item provides the board an opportunity to consider recommended revisions to the School Board Member Training—Framework for School Board Development. The framework outlines the vision, structure, accountability, advocacy, and unity needed to provide local educational programs and services that promote excellence in student academic achievement. Statutory authority for this action is the Texas Education Code (TEC), §11.159.

**4. Discussion of Proposed Amendments to 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose Districts
(Board agenda page IV-11)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides the opportunity for the committee to discuss a potential new rule in 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, that would identify provisions of the Texas Education Code (TEC) that are not applicable to Boys Ranch Independent School District. Statutory authority for this item is the Texas Education Code (TEC), §11.351 and §11.352.

**5. Review of Proposed New 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate
(Board agenda page IV-12)**

**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 make new 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate. The proposed new 19 TAC Chapter 239, Subchapter E, would provide for the requirements and validity period for Legacy Master Teacher certificate holders. Statutory authority for this action is the Texas Education Code (TEC), §§21.031, 21.041(b)(1)–(4), and 21.064(a), as amended by House Bill (HB) 3, 86th Texas Legislature, 2019.

COMMITTEE ON SCHOOL INITIATIVES (continued)

6. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments (Board agenda page IV-17)**

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 make revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments. The proposed revisions would implement the statutory requirements in House Bill (HB) 3, 86th Texas Legislature, 2019, that requires that all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes until they expire. The proposed revisions would also incorporate courses approved by the State Board of Education (SBOE), would add certificate areas to the list of credentials appropriate for placement into an assignment, and would reorganize current provisions to improve readability and align citations. Statutory authority for this action is the Texas Education Code (TEC), §§21.031(a), 21.041(b)(1) and (2), and 21.064, as amended by HB 3, 86th Texas Legislature, 2019.

COMMITTEE ON SCHOOL INITIATIVES (continued)

7. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs (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 make amendments to 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2019–2020 Accountability System for Educator Preparation (ASEP) due to Governor Abbott's disaster declaration related to COVID-19; would include an accountability indicator for EPPs based on the improvement in achievement of students taught by beginning teachers; would provide an index for the determination of EPP accreditation status; and would provide updates to the ASEP manual. Statutory authority for this action is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

Information Materials

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

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

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

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

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

November 20, 2020

9:00 a.m.

**William B. Travis Building, Room 1-104
1701 N. Congress Avenue**

Student Performance

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, September 2, 2020

State Board of Education, September 11, 2020

1. Resolutions

Resolution honoring retiring State Board of Education members

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

2. Approval of Consent Agenda

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

[\(Agenda Exhibit\)](#) 26

COMMITTEE OF THE FULL BOARD

3. **Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64. The proposed new sections would update the standards to reflect current physical education research and best practices and to align with changes to requirements in statute. 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), and (d), and 28.025(a).

(Agenda Exhibit) I-7

4. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40. The proposed new sections would update the standards to reflect current health education research and best practices and align with changes to requirements in statute. 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), (r), and (s), and 28.025(a).

(Agenda Exhibit) I-58

5. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020. The proposed new sections would update the standards to ensure they remain current. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (j), and (n); and 28.025(a).

(Agenda Exhibit) I-116

6. Legislative Recommendations for the 87th Texas Legislature

This item provides an opportunity for the board to make decisions on legislative recommendations to the 87th Texas Legislature. Statutory authority for this action is the Texas Education Code (TEC), §7.102.

(Agenda Exhibit) I-141

7. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2021*

This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2021*. The board issued *Proclamation 2021* in June 2019, calling for instructional materials for prekindergarten. Products submitted in response to *Proclamation 2021* were reviewed in the summer of 2020. This item presents the final report from the commissioner of education regarding the coverage of the Texas Prekindergarten Guidelines (TPG), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials. Statutory authority for this action is the Texas Education Code (TEC), §§31.023 and §31.024.

(Agenda Exhibit) I-142

8. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements (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 B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirement in House Bill (HB) 3, 86th Texas Legislature, 2019, that students complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) as a requirement for high school graduation. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4); 28.025(c), as amended by HB 3, 86th Texas Legislature, 2019; and 28.0256(a), (b), and (d), as added by HB 3, 86th Texas Legislature, 2019.

(Agenda Exhibit) I-159

9. Texas Certificate of High School Equivalency

This item provides an opportunity for the committee to review and approve the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers relating to 19 TAC Chapter 89, Texas Certificate of High School Equivalency. Statutory authority for this action is the Texas Education Code (TEC), §7.111.

(Agenda Exhibit) I-165

COMMITTEE ON INSTRUCTION

10. Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty (Second Reading and Final Adoption)

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty. The proposed amendment would address penalties for failure to comply with state law and rule governing review and adoption of instructional materials. No changes are recommended since published as proposed. Statutory authority for this action is the Texas Education Code (TEC), §§31.002, 31.003, 31.023, 31.035, and 31.151(b).

(Agenda Exhibit) II-1

COMMITTEE ON SCHOOL INITIATIVES

11. Recommended Revisions to the Framework for School Board Development

This item provides the board an opportunity to consider recommended revisions to the School Board Member Training—Framework for School Board Development. The framework outlines the vision, structure, accountability, advocacy, and unity needed to provide local educational programs and services that promote excellence in student academic achievement. Statutory authority for this action is the Texas Education Code (TEC), §11.159.

(Agenda Exhibit) IV-7

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

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make new 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate. The proposed new 19 TAC Chapter 239, Subchapter E, would provide for the requirements and validity period for Legacy Master Teacher certificate holders. Statutory authority for this action is the Texas Education Code (TEC), §§21.031, 21.041(b)(1)–(4), and 21.064(a), as amended by House Bill (HB) 3, 86th Texas Legislature, 2019.

(Agenda Exhibit) IV- 12

13. **Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments. The proposed revisions would implement the statutory requirements in House Bill (HB) 3, 86th Texas Legislature, 2019, that requires that all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes until they expire. The proposed revisions would also incorporate courses approved by the State Board of Education (SBOE), would add certificate areas to the list of credentials appropriate for placement into an assignment, and would reorganize current provisions to improve readability and align citations. Statutory authority for this action is the Texas Education Code (TEC), §§21.031(a), 21.041(b)(1) and (2), and 21.064, as amended by HB 3, 86th Texas Legislature, 2019.

(Agenda Exhibit) IV-17

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

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make amendments to 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2019–2020 Accountability System for Educator Preparation (ASEP) due to Governor Abbott's disaster declaration related to COVID-19; would include an accountability indicator for EPPs based on the improvement in achievement of students taught by beginning teachers; would provide an index for the determination of EPP accreditation status; and would provide updates to the ASEP manual. Statutory authority for this action is the Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

(Agenda Exhibit) IV-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, September 13, 2019**
Public testimony information begins on page V-8.
(Board agenda page V-1)
2. **Current Status of the Permanent School Fund**
(Board agenda page V-24)
3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-25)

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

**CONSENT AGENDA
STATE BOARD OF EDUCATION
November 20, 2020**

(1) Decision on the Percentage Distribution of the Permanent School Fund

This item provides an opportunity for the board to evaluate and approve, in a final vote, the Permanent School Fund (PSF) percentage distribution rates for fiscal years 2022 and 2023. The board will consider various factors associated with the distribution rate such as expected returns, inflation, student growth, and current economic conditions. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2022-2023 biennium. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; Texas Education Code (TEC), §43.0051; and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) I-139

(2) Approval of Update to Instructional Materials for Learning A–Z

Learning A–Z is requesting approval to update content in its adopted products *Raz Plus ELL Texas Edition*, grades 2–4. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority for this action is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) II-8

(3) Approval of Costs to Administer the 2020–2021 State-Developed Assessments to Private School Students

Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public-school district. This item requests approval of these costs for the 2020–2021 school year. Statutory authority for this action is the Texas Education Code (TEC), §39.033.

(Agenda Exhibit) III-1

(4) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months July, August, and September 2020

This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of July, August, and September 2020. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) III-17

(5) **Approval of an Extension of the Standard Contract with NEPC, LLC and Authorization for Contract Execution by the Commissioner of Education**

This item provides an opportunity for the committee and board to extend the standard contract with NEPC, LLC, and authorize contract execution by the commissioner of education. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Natural Resources Code (NRC), §51.414; 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) III-18

(6) **Approval of an Extension of the Standard Contract with Blackrock Investment Management, LLC, and Authorization for Contract Execution by the Commissioner of Education**

This item provides an opportunity for the committee and board to extend the standard contract with Blackrock Investment Management, LLC, and authorize contract execution by the commissioner of education. Statutory authority for this action is the Texas Constitution, Article VII, §2 and §5; Natural Resources Code (NRC), §51.414; 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) III-19

(7) **Proposed Amendments to the Investment Procedures Manual**

This item provides an opportunity for the committee and board to review and adopt proposed amendments to Section D, Strategic Asset Allocation Plan, Section E, Asset Allocation Rebalancing Procedure, Section F, Standards of Performance of the Investment Procedures Manual. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) III-20

(8) **Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The proposed amendments would amend the asset allocation of the Permanent School Fund (PSF), update transactions and restrictions that apply to the PSF, and update cross references and a section title. Statutory authority for this action is the Texas Constitution, Article VII, §5(a) and (f); Texas Education Code (TEC), §43.001; §43.0052, as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), §32.012, as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; NRC, §32.0161, as added by SB 608, 86th Texas Legislature, 2019; and NRC, §32.068 and §51.414, as added by HB 4388, 86th Texas Legislature, 2019.

(Agenda Exhibit) III-21

(9) Authorization to Issue a Request for Qualifications for Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel for the Permanent School Fund

This item provides the opportunity for the committee and board to approve the issuance of a request for qualifications for fiduciary, investment contracting, real estate, tax and disclosure counsel for the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

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

(10) Authorization to Issue a Request for Proposals for High Yield Bonds Discretionary Investment Managers for the Permanent School Fund

This item provides the opportunity for the committee and board to approve the issuance of a Request for Proposals for High Yield Bonds Discretionary Investment Managers for the Permanent School Fund. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-28

(11) Report on the Permanent School Fund Liquid Account

This item provides an opportunity for the committee and board to receive a status update on the liquid account and to take action to ratify transactions. Statutory authority for this action is the Texas Constitution, Article VII, §5 and §2; Natural Resources Code (NRC), §51.414; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-29

COMMITTEE OF THE FULL BOARD

Public Hearing on Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40

November 17, 2020

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

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than three hours.

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

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

TEC, §28.002(r), requires the SBOE by rule to adopt essential knowledge and skills for the health curriculum that address substance abuse.

TEC, §28.002(s), requires the SBOE by rule to adopt essential knowledge and skills for the health curriculum that address bullying.

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

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

BACKGROUND INFORMATION AND JUSTIFICATION: 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.

In preparation for the review and revision of the Texas Essential Knowledge and Skills (TEKS) for health education, the board in September 2017 requested that the commissioner of education convene a group of experts to develop a study to provide guidance for the development of revised health education TEKS. At that time, the SBOE also approved parameters for the recommendations of the commissioner's committee

to include a framework for what the strands should be for Kindergarten-Grade 12, distinctions regarding grade levels and/or grade bands at which health concepts are most appropriately taught, and a summary of all statutory requirements related to health education and suggestions regarding the most appropriate way to integrate those requirements into the framework. In 2018, Texas Education Agency (TEA) convened a group of experts to develop recommendations to address the SBOE's charge related to the health education TEKS. This health education advisory committee drafted a response to the SBOE's charge, and the response was submitted to the commissioner of education. Based on the response, the commissioner provided recommendations to the SBOE at the June 2019 meeting.

The review of the health education TEKS is taking place concurrently with the review of the physical education TEKS. In March 2019, applications to serve on the health education TEKS review work groups were posted on the TEA website. At the April 2019 meeting, SBOE members were asked to designate content advisors for the health education TEKS reviews. In May 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the health education TEKS. TEA staff provided applications for the health education review work groups to SBOE members on a monthly basis from June 2019 to May 2020.

In August 2019, content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the health education TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in September 2019 to review survey results and recommend specific topics that should be included in the proposed framework. The work group was also charged with identifying where student expectations from the current TEKS would fit into the proposed framework. The work group completed recommendations for Kindergarten only. Work Group B was convened in October 2019 and was charged with identifying where student expectations would fit into the proposed framework for all other grade levels and identifying the grade levels where topics developed by Work Group A should be taught. Work Group C was convened in December 2019 and again in early February 2020 to draft recommendations for student expectations in three of the six strands in the proposed framework. Work Group D was convened at the end of February 2020 to draft recommendations for the remaining strands in the proposed framework. Work Group E was convened for a face-to-face meeting in March 2020 and in subsequent virtual meetings in April-May 2020 to review the vertical alignment of the strands across all grade levels, ensure horizontal alignment with the physical education TEKS, and make other recommendations to finalize the draft revisions. In May 2020, content advisors were sent the draft recommendations for review and met virtually to develop consensus recommendations to be provided to the SBOE. At the June-July SBOE meeting, the board asked TEA to convene another work group to address specific guidance provided by board members. TEA convened Work Group F virtually in July 2020 to develop final recommendations for revisions to the health education TEKS.

Proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40, is presented for second reading and final adoption as a separate item in this agenda.

Staff Members Responsible:

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

Public Hearing on Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64

November 17, 2020

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

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than three hours.

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

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE by rule to 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(d), requires the SBOE by rule to adopt essential knowledge and skills for the physical education curriculum that emphasize a lifetime of regular physical activity; is consistent with the national physical education standards; requires that at least 50 percent of the physical education class on a weekly basis be used for moderate or vigorous physical activity; offers students an opportunity to choose among many types of physical activity; offers both cooperative and competitive games; meets the needs of students of all physical ability levels; takes into account the effect that gender and cultural differences might have on the degree to which a student is interested; teaches self-management and movement skills; teaches cooperation, fair play, and responsible participation in physical activity; promotes student participation in physical activity outside of school; and allows physical education classes to be an enjoyable experience for students.

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

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

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 review of the physical education Texas Essential Knowledge and Skills (TEKS) is taking place concurrently with the review of the health education TEKS. In March 2019, applications to serve on the physical education TEKS review work groups were posted on the Texas Education Agency (TEA) website. At the April 2019 meeting, SBOE members were asked to designate content advisors for the physical education TEKS review. In May 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the physical education TEKS. TEA staff provided applications for the physical education review work groups to SBOE members on a monthly basis from June 2019 to May 2020.

In August 2019, content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the physical education TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in September 2019 to review survey results and recommend specific topics that should be included in the proposed framework developed by the content advisors. The work group was also charged with identifying where student expectations from the current TEKS would fit into the proposed framework. Work Group B was convened in October 2019 and was charged with identifying the grade levels where topics developed by Work Group A should be taught. Work Group C was convened in December 2019 to draft recommendations for student expectations for two of the six strands in the proposed framework. Work Group D was convened at the end of February 2020 to draft recommendations for the remaining strands. Work Group E was convened in for a face-to-face meeting in March 2020 and in subsequent virtual meetings in April-May 2020 to review the vertical alignment of the strands across all grade levels and to ensure horizontal alignment with the health education TEKS. In May 2020, content advisors were sent the draft recommendations for review and met virtually to develop consensus recommendations to be provided to the SBOE. At the June-July SBOE meeting, the board asked TEA to reconvene the content advisors to develop final recommendations. The content advisors met virtually in July 2020 to develop final recommendations for revisions to the physical education TEKS.

Proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64, is presented for second reading and final adoption as a separate item in this agenda.

Staff Members Responsible:

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

Public Hearing on Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45

November 17, 2020

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

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, November 17, 2020, in the William B. Travis Building, Room 1-104. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020. Due to the anticipated volume of testimony, oral testimony will be limited to two minutes per person. Additionally, the public hearing will be limited to no more than five hours.

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

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

TEC, §28.002(a), identifies the subjects of the required curriculum.

TEC, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

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

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.

At the September 2019 meeting, SBOE members were asked to designate content advisors for the review and revision of the science Texas Essential Knowledge and Skills (TEKS). In December 2019, applications to serve on science TEKS review work groups were posted on the Texas Education Agency (TEA) website. Additionally, in December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the science TEKS. TEA staff provided applications for the science review work groups to SBOE members on a monthly basis from December 2019 to June 2020. At the January 2020 SBOE meeting, the SBOE provided specific guidance for the TEKS review work groups.

Also in January 2020, science TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the science TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in February 2020 to review survey results, content advisor consensus recommendations, and the SBOE's guidance to work groups to develop recommendations for how science TEKS review work groups can address these areas. Work Group B was convened virtually in June and July 2020 to develop recommendations for revisions to high school science courses: Biology, Chemistry, Physics, and Integrated Physics and Chemistry. Additionally, in July 2020, members from Work Group B met with Work Group C to discuss vertical alignment of the high school and middle school TEKS.

Proposed new 19 TAC §§112.41-112.45 is presented for second reading and final adoption as a separate item in this agenda.

Staff Members Responsible:

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

**Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64
(Second Reading and Final Adoption)**

November 20, 2020

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 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64. The proposed new sections would update the standards to reflect current physical education research and best practices and to align with changes to requirements in statute. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (d); 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, §28.002(d), requires the SBOE to by rule adopt essential knowledge and skills for the physical education curriculum.

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

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

EFFECTIVE DATE: The proposed effective date of the proposed new sections is August 1, 2022.

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 19 TAC §§116.11-116.17, 116.25-116.28, and 116.61-116.64.

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 review of the Texas Essential Knowledge and Skills (TEKS) for physical education is taking place concurrently with the review of the health education TEKS. In March 2019, applications to serve on the physical education TEKS review work groups were posted on the Texas Education Agency (TEA) website. At the April 2019 meeting, SBOE members were asked to designate content advisors for the physical education TEKS review. In May 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the physical education TEKS. TEA staff provided applications for the physical education review work groups to SBOE members on a monthly basis from June 2019 to May 2020.

In August 2019, physical education TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the physical education TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in September 2019 to review survey results and recommend specific topics that should be included in the proposed framework developed by the content advisors. The work group was also charged with identifying where student expectations from the current TEKS would fit into the proposed framework. Work Group B was convened in October 2019 and was charged with identifying the grade levels where topics developed by Work Group A should be taught. Work Group C was convened in December 2019 to draft recommendations for student expectations for two of the six strands in the proposed framework. Work Group D was convened at the end of February 2020 to draft recommendations for the remaining strands. Work Group E was convened for a face-to-face meeting in March 2020 and in subsequent virtual meetings in April-May 2020 to review the vertical alignment of the strands across all grade levels and to ensure horizontal alignment with the health education TEKS. In May 2020, content advisors were sent the draft recommendations for review and met virtually to develop consensus recommendations to be provided to the SBOE. At the June-July SBOE meeting, the board asked TEA to reconvene the content advisors to develop final recommendations for revisions to the physical education TEKS. The content advisors met virtually in July 2020 to develop final recommendations for revisions to the physical education TEKS.

The proposed new sections would supersede the existing physical education TEKS for elementary, middle school, and high school in §§116.1-116.7, 116.21-116.24, and 116.51-116.56. The proposal recommends an implementation date of the 2022-2023 school year.

The attachment to this item reflects the text of proposed new §§116.11-116.17, 116.25-116.28, and 116.61-116.64 for consideration by the SBOE for first reading and filing authorization.

No changes are recommended since approved for first reading.

A public hearing on the proposed new sections is presented 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 (2021-2025), there are no fiscal implications to the state. However, in fiscal years 2019 and 2020, there was a fiscal impact to TEA to reimburse committee members for travel to review the physical education TEKS. For fiscal years 2019 and 2020, the combined estimated cost to TEA was \$72,928. There will also be implications for the 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 the 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 repeal existing regulations and create new regulations by revising the physical education 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 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 proposed new sections 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 September 2020 SBOE meeting, notice of proposed new 19 TAC §§116.11-116.17, 116.25-116.28, and 116.61-116.64 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 9, 2020, and ended November 13, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the November 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the scheduled public hearing in November 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64.

Staff Members Responsible:

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

Attachment:

Text of Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 116. Texas Essential Knowledge and Skills for Physical Education

Subchapter A. Elementary

§116.11. Implementation of Texas Essential Knowledge and Skills for Physical Education, Elementary School, Adopted 2020.

- (a) The provisions of §§116.12-116.17 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for physical education as adopted in §§116.12-116.17 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§116.12-116.17 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§116.12-116.17 of this subchapter shall be implemented for the following school year.
- (e) Sections 116.1-116.7 of this subchapter shall be superseded by the implementation of §§116.11-116.17 of this subchapter.

§116.12. Physical Education, Kindergarten, Adopted 2020.

- (a) Introduction.
 - (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and

skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.

- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.

- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.
- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
- (A) practice proper foot patterns and form and maintain balance while hopping, galloping, running, sliding, skipping, and walking;
 - (B) practice correct technique while jumping in place, forward and backward, and side to side;
 - (C) demonstrate visual tracking and tracing, simple balancing, cross lateralization, and sequencing of two skills; and
 - (D) spin and roll at different levels, speeds, and positions.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
- (A) maintain balance while bearing weight using different bases of support; and
 - (B) practice bending, stretching, twisting, and curling while maintaining balance.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) self-toss an object and throw underhand with opposite foot forward;
 - (B) catch a self-dropped ball before it bounces twice and catch a self-tossed object before it hits the ground;
 - (C) practice dribbling with one hand;
 - (D) tap a ball using the inside of the foot;
 - (E) kick a stationary ball from a stationary position;
 - (F) volley a lightweight object to self;
 - (G) strike a lightweight object using hand or short-handled implement;
 - (H) jump at least once with a self-turned rope; and
 - (I) demonstrate swinging a long rope back and forth with a partner.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) differentiate between personal and general space while moving to simple rhythms and maintaining balance;
 - (B) demonstrate a variety of pathways, shapes, and levels while maintaining balance; and
 - (C) demonstrate clear contrast when moving in different speeds and directions while maintaining balance.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to mirror and follow teacher movement and basic rhythm patterns.

- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) demonstrate the skills of chasing, fleeing, and dodging to avoid or catch others during a variety of games while maintaining appropriate space and speed;
 - (B) practice the correct techniques for motor development skills following teacher direction; and
 - (C) demonstrate safe practices by following rules, procedures, and directions during class and activities.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to discuss outdoor recreation, health, and fitness activities in school and the community.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) discuss the immediate effect of physical activity on the heart and lungs;
 - (B) describe the importance of daily active play; and
 - (C) participate in exercises that promote health-related fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) describe the importance of goal setting; and
 - (B) identify how to measure improvement in physical skills such as counting the number of times a student can hop while maintaining balance.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) recognize that eating a variety of foods produces energy for physical activity; and
 - (B) identify the best source of hydration during physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) identify proper clothing and footwear for physical activity; and
 - (B) identify safety precautions, including pedestrian, water, sun, and cycling safety, with teacher guidance.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) give examples of consequences resulting from personal actions;
 - (B) demonstrate respect for differences and similarities in abilities of self and others; and
 - (C) identify personal impulses and emotions with teacher guidance.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:

- (A) demonstrate respect and cooperation through words and actions with teacher guidance; and
- (B) communicate feelings and thoughts appropriately with teacher guidance.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to explain why some physical activities are challenging.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to listen respectfully and respond appropriately to corrective feedback with teacher guidance.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
 - (A) participate in moderate to vigorous physical activity on a regular basis; and
 - (B) identify physical activity for personal enjoyment with teacher guidance.

§116.13. Physical Education, Grade 1, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical

activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.

- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
 - (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
 - (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.
 - (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.
- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
 - (A) practice proper foot patterns and maintain balance while hopping, galloping, running, sliding, and skipping;

- (B) practice correct technique while jumping in place, forward and backward, side to side, and quarter turns while maintaining balance;
- (C) demonstrate visual tracking and tracing, simple balancing, cross lateralization, and sequencing of three skills; and
- (D) spin and roll at different levels, speeds, and positions.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
 - (A) maintain balance standing on one foot for five seconds while placing the free leg in a variety of different positions; and
 - (B) demonstrate bending, stretching, twisting, curling, and swaying while maintaining balance.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
 - (A) demonstrate key elements of self-tossing and throwing underhand while stepping with the opposite foot forward to a target;
 - (B) demonstrate key elements of catching an accurately and softly thrown large ball and a self-tossed object;
 - (C) practice dribbling continuously with one hand while stationary using preferred hand;
 - (D) tap or dribble a ball using the inside of the foot while walking;
 - (E) approach and kick a stationary ball;
 - (F) volley a lightweight object to self and partner;
 - (G) strike an object using a short-handled implement, projecting the object upward;
 - (H) jump consecutively with a self-turned rope; and
 - (I) turn a long rope.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
 - (A) move in personal and general space to rhythms and beats while maintaining balance;
 - (B) travel over, under, around, and through using a variety of pathways, shapes, and levels; and
 - (C) differentiate between fast and slow speeds, strong and light force, and various directions.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to mirror and follow teacher movement and basic rhythm patterns in four counts.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
 - (A) apply the skills of chasing, fleeing, and dodging to avoid or catch others while maintaining appropriate space and speed during a variety of games;
 - (B) identify and follow teacher instructions to improve performance for specific motor development skills; and

- (C) demonstrate safe practices by using equipment appropriately and respecting personal space with teacher guidance.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to identify outdoor recreation, health, and fitness activities in school and the community.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
 - (A) identify the immediate effect of physical activity on the heart and lungs;
 - (B) explain the importance of warm-ups and cool-downs for physical activity; and
 - (C) demonstrate exercises that promote health-related fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
 - (A) develop a health-related goal with teacher guidance; and
 - (B) explain how to measure improvement in physical skills with or without a measuring tool.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
 - (A) identify healthy foods that produce energy for physical activity; and
 - (B) identify different hydration options, including water, that enhance physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
 - (A) identify proper clothing, footwear, and safety equipment for a variety of physical activities; and
 - (B) identify and describe safety precautions, including pedestrian, water, sun, and cycling safety with teacher guidance.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
 - (A) describe how personal actions may have positive or negative consequences;
 - (B) demonstrate respect for differences and similarities in the abilities of self and others; and
 - (C) identify personal impulses and emotions with teacher guidance.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
 - (A) demonstrate respect and cooperation through words and actions with self and others with teacher guidance; and
 - (B) communicate feelings and thoughts appropriately with teacher guidance.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to explain how, with practice, challenges in physical activities can turn into successes.

- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to listen respectfully and respond appropriately to corrective feedback with teacher guidance.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
 - (A) participate in moderate to vigorous physical activity on a regular basis; and
 - (B) describe physical activity for personal enjoyment with teacher guidance.

§116.14. Physical Education, Grade 2, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and

student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.

- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.

 - (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate skills. The student is expected to:

 - (A) practice and apply correct technique while hopping, galloping, running, sliding, and skipping;
 - (B) demonstrate correct jumping and landing technique while consecutively jumping in place, forward and backward, side to side, half turns, and in tuck position;
 - (C) demonstrate basic balancing, cross lateralization, and sequencing of three skills with repetition; and
 - (D) spin and roll at different levels, speeds, and positions.

- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate skills. The student is expected to:
- (A) demonstrate maintaining balance standing on one foot while placing the free leg in a variety of different positions for eight seconds; and
 - (B) differentiate between bending, stretching, twisting, curling, pushing, pulling, and swaying.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) demonstrate key elements in underhand throwing to a partner and overhand throwing to a target with opposite foot forward;
 - (B) demonstrate key elements when catching an accurately and softly thrown large ball without trapping against the body;
 - (C) demonstrate key elements of hand dribbling while walking;
 - (D) dribble a ball with control using both feet while walking;
 - (E) kick a moving ball using a continuous running approach;
 - (F) volley a lightweight object with consecutive hits to self or partner;
 - (G) strike a stationary object off the ground or an elevated surface with a hand or short- or long-handled implement consecutively;
 - (H) jump forward and backward with a self-turned rope; and
 - (I) demonstrate turning and jumping a long rope.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) demonstrate locomotor, non-locomotor, and manipulative skills safely in personal and general space;
 - (B) combine pathways, shapes, and levels into simple sequences; and
 - (C) combine speed and direction as directed by the teacher.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to demonstrate simple rhythmic sequences using various locomotor and coordination skills in eight counts.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) apply the skills of chasing, fleeing, and dodging to avoid or catch others during a variety of games at low, middle, and high levels with appropriate speed and direction;
 - (B) participate in appropriate drills and activities to enhance the learning of specific motor development skills; and
 - (C) demonstrate safe practices by using equipment appropriately and respecting personal space with minimal teacher guidance.

- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to describe outdoor recreation, health, and fitness activities in school and the community.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) list the benefits of regular physical activity on the heart and lungs;
 - (B) define frequency and endurance as it relates to physical activities; and
 - (C) demonstrate correct technique of exercises that promote health-related fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) develop health-and skill-related goals with teacher guidance; and
 - (B) identify how to measure improvement and track progress in physical skills with a measuring tool.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) identify the types of food that produce energy to enhance physical activity; and
 - (B) explain the need for proper hydration to enhance physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) explain how proper attire and safety equipment promote safe participation and prevent injury in a variety of physical activities; and
 - (B) identify and explain safety precautions, including pedestrian, water, sun, cycling, and skating safety.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) differentiate between the positive and negative consequences of personal actions;
 - (B) explain and demonstrate respect for differences and similarities in abilities of self and others; and
 - (C) identify self-management skills to control personal impulses and emotions.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
- (A) identify the causes of problems and propose solutions with teacher guidance; and
 - (B) communicate feelings and thoughts appropriately without cue.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to explain how practicing challenging physical activities can build confidence and minimize frustration when learning skills.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to listen respectfully and respond appropriately to specific corrective feedback with teacher guidance.

- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
- (A) participate in moderate to vigorous physical activity on a regular basis; and
 - (B) identify and select physical activities for personal enjoyment.

§116.15. Physical Education, Grade 3, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate,

and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.

- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
 - (A) demonstrate correct technique while hopping, galloping, running, sliding, skipping, and leaping;
 - (B) demonstrate correct jumping and landing technique from different heights;
 - (C) demonstrate intermediate balancing to include equipment, cross lateralization using a variety of coordination skills, and sequencing of three skills with repetition; and
 - (D) spin and roll with control at different levels, speeds, and positions with manipulatives.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
 - (A) demonstrate moving in and out of a balanced position with control during dynamic activities; and

- (B) combine bending, stretching, twisting, curling, pushing, pulling, and swaying in a variety of activities.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
 - (A) demonstrate key elements in underhand and overhand throwing to a partner with accuracy;
 - (B) demonstrate key elements when catching an accurately and softly thrown large ball with a partner without trapping against the body;
 - (C) demonstrate key elements of hand dribbling while slowly jogging and maintaining ball control;
 - (D) dribble a ball with control using both feet while slowly jogging;
 - (E) kick a moving ball on the ground and in the air using a continuous running approach;
 - (F) demonstrate correct technique in volleying to a wall or partner and over an object or net;
 - (G) demonstrate correct technique when striking a moving object over a low net or to a wall with a hand or short- or long-handled implement;
 - (H) jump a self-turned rope using a variety of basic skills; and
 - (I) enter and exit a turned long rope using basic jumping skills.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
 - (A) demonstrate locomotor, non-locomotor, and manipulative skills safely in personal and open space;
 - (B) combine pathways and levels into various movement patterns in a wide variety of physical activities; and
 - (C) combine speed, direction, and force as directed by teacher.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to demonstrate various rhythmic combinations of locomotor skills of eight counts in repeatable patterns when leading or following a partner.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
 - (A) combine the skills of chasing, fleeing, and dodging to avoid or catch others during a variety of games;
 - (B) demonstrate specific movement skills to improve performance in designated dynamic activities; and
 - (C) explain and follow rules, procedures, and safe practices during games and activities.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to participate in introductory outdoor recreational skills and activities such as rock climbing, hiking, paddle sports, disc golf, or challenge courses.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:

- (A) describe the benefits of regular physical activity, including stress management;
 - (B) identify the importance of frequency and intensity during endurance activities; and
 - (C) explain and demonstrate the correct techniques of health-related fitness components.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) describe the importance of setting personal fitness goals in improving health-related fitness; and
 - (B) identify how to measure improvement and track progress for health-related fitness.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) differentiate between healthy and unhealthy foods and their impact on sustainable energy for physical activity; and
 - (B) differentiate between water and processed sugar or high-calorie drinks and their impact on sustainable energy for physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) select proper attire and safety equipment that promote safe participation and prevent injury in a variety of physical activities; and
 - (B) exhibit correct safety precautions, including pedestrian, water, sun, cycling, skating, and scooter safety.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) explain that personal actions have consequences for self and others;
 - (B) demonstrate respect for differences and similarities in abilities of self and others; and
 - (C) explain and demonstrate self-management skills to control personal impulses and emotions.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
- (A) demonstrate respect and cooperation through words and actions during various group activities; and
 - (B) identify the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to explain how practicing challenging physical activities can build confidence and minimize frustration when learning a variety of new skills.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to listen respectfully to make appropriate changes in performance based on feedback.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:

- (A) differentiate among types of and participate in moderate to vigorous physical activity for a sustained period of time on a regular basis using technology when available; and
- (B) select and participate in physical activity for personal enjoyment.

§116.16. Physical Education, Grade 4, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student

physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.

- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
 - (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.
 - (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.
- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
 - (A) demonstrate and apply correct technique in a variety of locomotor skills during dynamic activities;
 - (B) demonstrate correct jumping and landing technique while performing a long jump and a full turn jump;
 - (C) demonstrate intermediate balancing to include equipment, cross lateralization using a variety of coordination skills, and sequencing of four skills with repetition; and
 - (D) spin and roll with control at different levels, speeds, and positions with manipulatives.
 - (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
 - (A) transfer body weight over, under, and on equipment with good control; and
 - (B) move into and out of various combinations of bending, stretching, twisting, curling, pushing, pulling, and swaying in a variety of activities.

- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) practice the key elements of manipulative skills, including eye on target, follow-through, body weight transfer, and body position, during dynamic activities;
 - (B) practice the key elements of catching a ball at a variety of levels above and below the waist;
 - (C) demonstrate key elements of hand dribbling with dominant and non-dominant hand while changing both speed and direction;
 - (D) dribble a ball with control alternating feet while changing both speed and direction with a partner;
 - (E) identify and demonstrate the key elements in kicking patterns, including body position, weight transfer, and follow-through;
 - (F) demonstrate correct technique in underhand and overhead volleying to a wall, net, or partner;
 - (G) demonstrate correct technique when striking an object with a hand or short- or long-handled implement with a partner;
 - (H) jump a self-turned rope using a variety of intermediate skills; and
 - (I) demonstrate entering and exiting a turned long rope using intermediate jumping skills.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) demonstrate the appropriate use of open space and closing space during dynamic activities;
 - (B) demonstrate appropriate use of pathways and levels during dynamic activities and lead-up games; and
 - (C) apply speed, direction, and force during dynamic activities and lead-up games.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to demonstrate a rhythmic routine with appropriate steps and movement patterns individually or in a group.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) explain fundamental components and strategies of dynamic activities and lead-up games;
 - (B) practice and demonstrate specific movement skills in designated dynamic activities and lead-up games with a partner or a small group; and
 - (C) exhibit appropriate sporting behavior during independent games and activities.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to participate in a variety of outdoor recreational skills and activities such as camping, backpacking, fishing, rock climbing, hiking, paddle sports, disc golf, cornhole, bocce ball, or croquet.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:

- (A) describe the benefits of regular physical activity on overall health and wellness;
 - (B) demonstrate frequency and intensity during endurance activities; and
 - (C) identify and demonstrate the components of health- and skill-related fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) develop personal fitness goals for health-related fitness; and
 - (B) track progress and analyze data for health-related fitness activities.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) examine the relationship between nutrition and optimal physical performance; and
 - (B) explain the importance of proper hydration before, during, and after physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) work independently to select proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities and lead-up games; and
 - (B) apply correct safety precautions, including pedestrian, water, sun, cycling, skating, and scooter safety.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) accept and take responsibility for personal actions that affect self and others;
 - (B) demonstrate respect for differences and similarities in abilities of self and others; and
 - (C) demonstrate self-management skills to control personal impulses and emotions during dynamic activities and lead-up games.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
- (A) discuss ways to resolve conflict in socially acceptable ways and respond to winning and losing with dignity and understanding;
 - (B) identify effective communication to enhance healthy interactions while settling disagreements; and
 - (C) demonstrate respect for the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to identify ways to accept individual challenges and use self-management skills to persevere in a positive manner when learning a variety of new skills.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to listen respectfully to make appropriate changes in performance based on feedback from teacher and peers.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:

- (A) differentiate among types of and participate in moderate to vigorous physical activities for a sustained period of time on a regular basis using technology when available; and
- (B) participate in a variety of physical activities in the school and community for personal enjoyment.

§116.17. Physical Education, Grade 5, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all

physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.

- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for various ages and ability levels of students. Basic equipment for quality instruction includes, but is not limited to, the following list: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Kindergarten-Grade 5, students learn fundamental movement skills and cues; begin to understand that the body functions in relation to physical activity; develop body control; become aware of the health-related fitness components; begin applying strategies, rules, etiquette, and conflict resolution techniques in dynamic situations; and identify safety practices and protocols while being physically active. Students engage in activities that develop basic levels of strength, endurance, and flexibility. Activities are presented to complement a student's natural inclination to view physical activity as challenging and enjoyable.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
 - (A) demonstrate and apply correct technique in a variety of locomotor skills and combinations during lead-up activities;
 - (B) demonstrate correct jumping and landing technique while performing a long jump and a full turn jump in both directions; and
 - (C) demonstrate advanced balancing to include equipment, cross lateralization during increasingly complex movements, and sequencing of four or more skills with repetition.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
 - (A) maintain balance and transfer body weight with control during dynamic activities and lead-up games; and

- (B) perform a combination of bending, stretching, twisting, curling, pushing, pulling, and swaying in a variety of activities.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
 - (A) demonstrate the key elements of manipulative skills, including eye on target, follow-through, body weight transfer, and body position, during games and activities;
 - (B) demonstrate the key elements of catching while moving during games and activities;
 - (C) demonstrate key elements of hand dribbling with either hand when stationary while protecting the ball from a defender during dynamic activities and lead-up games;
 - (D) combine foot dribbling with other skills during dynamic activities and lead-up games;
 - (E) demonstrate appropriate form when kicking and punting during dynamic activities and lead-up games;
 - (F) demonstrate correct technique in volleying in dynamic activities and lead-up games;
 - (G) demonstrate correct technique when striking an object with a hand or short- or long-handled implement in dynamic activities and lead-up games;
 - (H) jump a self-turned rope in a routine using a variety of advanced skills; and
 - (I) demonstrate entering and exiting a turned long rope using advanced jumping skills.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
 - (A) demonstrate the appropriate use of open space and closing space in small groups during dynamic activities and lead-up games;
 - (B) apply appropriate use of pathways and levels in small groups during dynamic activities and lead-up games; and
 - (C) apply speed, direction, and force with a short-handled implement during dynamic activities and lead-up games.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to create rhythmic routines in counts of eight using basic steps and coordinated movement patterns individually or in a group.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
 - (A) identify and demonstrate the relationships among a variety of game skills, including preparation, movement, follow-through, and recovery, used in net or wall, invasion, target, fielding, or striking games;
 - (B) demonstrate specific movement skills in designated dynamic activities and lead-up games with a partner or group; and
 - (C) engage appropriately in physical activity, sporting behavior, and game etiquette without teacher cue.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to participate in outdoor recreational skills and activities such as rock climbing, orienteering, hiking, paddle sports, archery, cycling, or challenge courses.

- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) describe the benefits of moderate to vigorous physical activity on overall health and wellness;
 - (B) describe the frequency, intensity, time, and type (FITT) principle and how it improves fitness; and
 - (C) differentiate between health-related and skill-related fitness components.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) analyze personal fitness goals for self-improvement; and
 - (B) track progress and analyze data, with teacher guidance, to target areas needing improvement.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) identify healthy foods that enhance physical activity; and
 - (B) explain the importance of proper hydration before, during, and after physical activity.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) describe and select proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities and games; and
 - (B) demonstrate correct safety precautions, including water, sun, cycling, skating, and scooter safety.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) accept and take responsibility for personal actions that affect self and others during dynamic activities and lead-up games;
 - (B) accept responsibility and demonstrate respect for differences and similarities in abilities of self and others during dynamic activities and lead-up games; and
 - (C) apply self-management skills to demonstrate self-control of impulses and emotions during dynamic activities and lead-up games.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
- (A) explain the importance of and demonstrate how to resolve conflict in socially acceptable ways and respond to winning and losing with dignity and understanding;
 - (B) identify and describe effective communication to enhance healthy interactions while settling disagreements; and
 - (C) identify and describe the concepts of empathy and mutual respect for the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to discuss the importance of accepting individual

challenges and use self-management skills to persevere in a positive manner during dynamic activities and lead-up games.

(15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to apply appropriate changes to performance based on feedback from peers.

(16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:

(A) differentiate among types of and participate in moderate to vigorous physical activity for a sustained period of time on a regular basis using technology when available; and

(B) analyze the level of personal enjoyment in a variety of activities in the school and community.

Chapter 116. Texas Essential Knowledge and Skills for Physical Education

Subchapter B. Middle School

§116.25. Implementation of Texas Essential Knowledge and Skills for Physical Education, Middle School, Adopted 2020.

- (a) The provisions of §§116.26-116.28 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for physical education as adopted in §§116.26-116.28 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§116.26-116.28 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§116.26-116.28 of this subchapter shall be implemented for the following school year.
- (e) Sections 116.21-116.24 of this subchapter shall be superseded by the implementation of §§116.25-116.28 of this subchapter.

§116.26. Physical Education, Grade 6, Adopted 2020.

- (a) Introduction.
 - (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-

discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.

- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ages and ability levels. Basic equipment for quality instruction includes, but is not limited to, the following: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Grades 6-8 physical education, students apply sport concepts; recognize key elements for success; develop plans for health-related fitness, skill-related fitness, and skill improvement; apply knowledge of safety practices and self-management; and understand in greater detail the function of the body. Students learn to use technology to assist in measuring and monitoring personal performance. An emphasis is placed on opportunities for participation, activity choices, enjoyment, and challenge, both in and out of school.

- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.
- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
- (A) perform a variety of locomotor skills and combinations during dynamic activities and games; and
 - (B) demonstrate correct jumping and landing technique during dynamic activities, game situations, and sports.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
- (A) demonstrate balance with control during dynamic activities and games; and
 - (B) demonstrate proper body positioning, proficiency, footwork, and offensive and defensive skills during dynamic activities and games.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) demonstrate correct technique when throwing to a moving target;
 - (B) demonstrate correct catching technique from different levels and trajectories with a variety of objects;
 - (C) demonstrate correct hand dribbling technique when changing both speed and direction while maintaining ball control;
 - (D) demonstrate correct foot dribbling technique with control while changing both speed and direction during dynamic activities and game situations;
 - (E) demonstrate correct technique in kicking and punting with accuracy during dynamic activities and lead-up games;
 - (F) demonstrate correct technique in volleying to a target with control and accuracy;
 - (G) demonstrate correct technique when striking an object with speed, accuracy, force, and distance using a hand or handled implement during dynamic activities and lead-up games; and
 - (H) create and perform a jump rope routine using a variety of advanced skills.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) demonstrate the appropriate use of open space and closing space during dynamic activities, games, and sports; and
 - (B) apply speed, direction, and force with a long-handled implement during dynamic activities, games, and sports.
- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to perform rhythmic routines with intermediate steps and movement patterns.

- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) demonstrate offensive and defensive strategies used in net or wall, invasion, target, striking, and fielding games;
 - (B) demonstrate combinations of locomotor, manipulative, and game skills in dynamic activities to achieve individual or team goals; and
 - (C) demonstrate appropriate sporting behavior with teammates, opponents, and officials.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to participate in self-selected, organized outdoor recreational skills, activities, and games.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) describe the long-term benefits of moderate to vigorous physical activity on overall health and wellness;
 - (B) describe the frequency, intensity, time, and type (FITT) principle and how it improves fitness in relation to aerobic and anaerobic activities; and
 - (C) describe health-related and skill-related fitness components and their impact on personal fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) develop an individual fitness plan using personal fitness goals; and
 - (B) analyze results of fitness assessments to identify strategies for self-improvement.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) identify macronutrients, including carbohydrates, fats, and proteins, and examine their relationship to optimal physical performance; and
 - (B) identify how environmental temperature and humidity each contribute to dehydration and heat illness.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) perform, without cue, the selection and use of proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities, games, and sports; and
 - (B) perform, without cue, the correct safety precautions, including water, sun, cycling, skating, and scooter safety.
- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) explain the importance of and accept responsibility for personal actions that affect self and others during game situations and sports;

- (B) explain the importance of and accept responsibility and demonstrate respect for differences and similarities in abilities of self and others during dynamic activities and lead-up games; and
- (C) apply self-management skills to demonstrate self-control of impulses and emotions, without cue, during games, situations, and sports.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
 - (A) discuss the importance of and resolve conflict, without cue, in socially acceptable ways, and respond to winning and losing with dignity and understanding;
 - (B) explain and demonstrate effective communication to enhance healthy interactions while settling disagreements; and
 - (C) demonstrate empathy and mutual respect for the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to discuss the importance of accepting individual challenges and demonstrate self-management skills to persevere in a positive manner during game situations and sports.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to analyze feedback to make appropriate changes to improve performance.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
 - (A) develop a plan using available technology to participate in moderate to vigorous physical activity for a sustained period of time on a regular basis; and
 - (B) describe how participation in a variety of physical activities builds confidence and increases personal enjoyment.

§116.27. Physical Education, Grade 7, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
- (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
- (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).

- (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ages and ability levels. Basic equipment for quality instruction includes, but is not limited to, the following: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.
- (5) In Grades 6-8 physical education, students apply sport concepts; recognize key elements for success; develop plans for health-related fitness, skill-related fitness, and skill improvement; apply knowledge of safety practices and self-management; and understand in greater detail the function

of the body. Students learn to use technology to assist in measuring and monitoring personal performance. An emphasis is placed on opportunities for participation, activity choices, enjoyment, and challenge, both in and out of school.

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

(b) Knowledge and skills.

- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
- (A) combine and apply a variety of locomotor skills during dynamic fitness, sport, and rhythmic activities; and
 - (B) apply correct jumping and landing technique during dynamic activities, game situations, and sports.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
- (A) move between positions with controlled balance during dynamic activities, game situations, and sports; and
 - (B) demonstrate proper body positioning, proficiency, and footwork and perform offensive and defensive skills during dynamic activities, game situations, and sports.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) apply correct throwing techniques with distance, power, and accuracy while both partners are moving during dynamic activities, game situations, and sports;
 - (B) apply correct catching technique with a variety of objects from different levels and trajectories during dynamic activities, game situations, and sports;
 - (C) apply offensive and defensive patterns in game strategies while hand dribbling;
 - (D) apply offensive and defensive foot dribbling strategies during game situations and sports;
 - (E) apply correct technique in kicking and punting with control, distance, and accuracy during game situations and sports;
 - (F) apply correct technique in volleying with both control and accuracy during game situations and sports;
 - (G) apply correct technique when striking an object with speed, accuracy, force, and distance during game situations and sports; and
 - (H) create and perform a jump rope routine using a variety of skills that require agility, speed, and endurance.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) execute the appropriate use of open space and closing space during dynamic activities, games, and sports; and
 - (B) execute the appropriate use of speed, direction, and force with or without an implement during dynamic activities, games, and sports.

- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to perform rhythmic routines with advanced steps and movement patterns with a partner.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) apply offensive and defensive strategies used in net or wall, invasion, target, striking, and fielding games and sports;
 - (B) apply combinations or sequences of game skills to achieve individual or team goals; and
 - (C) demonstrate self-responsibility and appropriate sporting behavior in game situations and sports.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to demonstrate a variety of correct techniques for outdoor recreational skills, activities, and games.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) analyze the long-term benefits of moderate to vigorous physical activity on overall health and wellness;
 - (B) apply basic frequency, intensity, time, and type (FITT) principle in a variety of aerobic and anaerobic activities; and
 - (C) apply health-related and skill-related fitness components and explain how each component impacts personal fitness.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) create a collaborative physical fitness plan to target areas for improvement in health-related fitness; and
 - (B) monitor and evaluate personal fitness goals and make appropriate changes for improvement.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) evaluate healthy food choices that show a balanced daily intake of macronutrients to enhance physical performance; and
 - (B) analyze and determine the appropriate times to consume traditional sports drinks that have the appropriate carbohydrate and sodium content.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) perform, without cue, the selection and use of proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities, games, and sports; and
 - (B) perform, without cue, the correct safety precautions, including water, sun, cycling, skating, and scooter safety.

- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
 - (A) discuss the importance of and accept responsibility and demonstrate respect for differences and similarities in abilities of self and others during game situations and sports; and
 - (B) analyze self-management skills to demonstrate self-control of impulses and emotions, without cue, during game situations and sports.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
 - (A) discuss the importance of and resolve conflict, without cue, in socially acceptable ways, and respond to winning and losing with dignity and understanding;
 - (B) communicate effectively to enhance healthy interactions while settling disagreements; and
 - (C) demonstrate empathy and mutual respect for the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to develop and apply a plan of action and make effective decisions when faced with challenges, obstacles, or difficulties during game situations and sports.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to provide constructive feedback to peers following teacher guidelines to improve performance.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
 - (A) implement a plan using available technology to participate in moderate to vigorous physical activity for a sustained period of time on a regular basis; and
 - (B) evaluate self-selected physical activities for personal enjoyment.

§116.28. Physical Education, Grade 8, Adopted 2020.

(a) Introduction.

- (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit

the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).

- (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in utilizing strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
- (4) Access to age-appropriate physical education equipment is essential to quality instruction. Basic, age-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Without basic, age-appropriate equipment, students will not have the necessary experiences to become physically literate, lifelong learners. All equipment should be age appropriate for the grade levels to be taught. The term "age appropriate" means that the equipment must include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ages and ability levels. Basic equipment for quality instruction includes, but is not limited to, the following: sports balls, including fleece balls, foam balls, tennis balls, beach balls, volleyballs, basketballs, soccer balls, footballs, baseballs, softballs, and unity balls; striking implements, including golf clubs, hockey sticks, baseball bats, pool noodles, tennis rackets, racquetball rackets, pickleball paddles, lollipop paddles, and ping pong paddles; goals for various sports, including soccer goals and basketball goals; nets and standards for a variety of sports, including volleyball, pickleball, badminton, and tennis; fitness-related equipment; other basic equipment, including scarves, bean bags, hula hoops, jump ropes, and scooters; classroom management equipment, including cones, mats, pinnies, poly spots, and ball inflators; and technology, including microphones, projectors, speakers, heart rate monitors, timers, and other technology appropriate for instruction.

- (5) In Grades 6-8 physical education, students apply sport concepts; recognize key elements for success; develop plans for health-related fitness, skill-related fitness, and skill improvement; apply knowledge of safety practices and self-management; and understand in greater detail the function of the body. Students learn to use technology to assist in measuring and monitoring personal performance. An emphasis is placed on opportunities for participation, activity choices, enjoyment, and challenge, both in and out of school.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (b) Knowledge and skills.
- (1) Movement patterns and movement skills--locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate locomotor skills. The student is expected to:
- (A) combine and apply a variety of locomotor skills during dynamic fitness, sport, and rhythmic activities; and
- (B) combine correct jumping and landing technique during dynamic activities, game situations, and sports.
- (2) Movement patterns and movement skills--non-locomotor skills. The physically literate student demonstrates competency in fundamental movement patterns and developmentally appropriate non-locomotor skills. The student is expected to:
- (A) combine and apply balance with control during dynamic activities, game situations, and sports; and
- (B) demonstrate proper body positioning, proficiency, and footwork and perform offensive and defensive skills during dynamic activities, game situations, and sports.
- (3) Movement patterns and movement skills--manipulative skills. The physically literate student demonstrates competency in developmentally appropriate manipulative skills. The student is expected to:
- (A) combine appropriate throwing techniques during game situations and sports;
- (B) apply appropriate catching technique from different levels and trajectories with an implement during game situations and sports;
- (C) perform, without cue, key elements in hand dribbling during game situations and sports;
- (D) perform, without cue, key elements in foot dribbling during game situations and sports;
- (E) apply correct technique in kicking and punting during game situations and sports with control, distance, and accuracy;
- (F) perform, without cue, key elements in volleying during game situations and sports;
- (G) perform, without cue, key elements in striking during game situations and sports; and
- (H) create and perform a jump rope routine with a partner or a small group using a variety of skills that include agility, speed, and endurance.
- (4) Movement patterns and movement skills--spatial and body awareness. The physically literate student demonstrates competency in spatial and body awareness, including pathways, shapes, levels, speed, direction, and force. The student is expected to:
- (A) perform, without cue, the appropriate use of open space and closing space during dynamic activities, games, and sports; and
- (B) perform, without cue, the appropriate speed, direction, and force with or without an implement during dynamic activities, games, and sports.

- (5) Movement patterns and movement skills--rhythmic activities. The physically literate student demonstrates competency in rhythmic activities and rhythmic combinations. The student is expected to create and perform with a small group a rhythmic routine with varying tempos using advanced steps and movement patterns.
- (6) Performance strategies--games and activities. The physically literate student demonstrates competency in performance strategies in invasion, target, net or wall, fielding, striking, and cooperative games. The student is expected to:
- (A) perform, without cue, offensive and defensive strategies used in net or wall, invasion, target, striking, and fielding games and sports;
 - (B) perform, without cue, combinations or sequences of game skills to achieve individual or team goals; and
 - (C) follow rules, demonstrate appropriate sporting behavior, self-officiate, and respect consequences for the game being played without cue.
- (7) Performance strategies--outdoor and recreational pursuits. The physically literate student demonstrates competency in outdoor and recreational pursuits. The student is expected to engage in a variety of self-selected outdoor recreational activities and games.
- (8) Health, physical activity, and fitness--fitness principles. The physically literate student demonstrates and recognizes a health-enhancing, physically active lifestyle. The student is expected to:
- (A) perform a variety of lifelong physical activities and explain their effects on overall health and wellness;
 - (B) perform basic frequency, intensity, time, and type (FITT) principle in a variety of self-selected aerobic and anaerobic activities; and
 - (C) develop and analyze a personal fitness plan using health-related and skill-related fitness components.
- (9) Health, physical activity, and fitness--analyze data. The physically literate student demonstrates competency in the ability to analyze data used during fitness performance. The student is expected to:
- (A) create and implement a personal physical fitness plan and analyze the results for effectiveness; and
 - (B) evaluate personal fitness goals and make appropriate changes for improvement.
- (10) Health, physical activity, and fitness--nutrition and hydration. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The student is expected to:
- (A) develop a healthy food choice plan that enhances physical performance; and
 - (B) determine hydration needs, without cue, based on physical performance and environmental factors.
- (11) Health, physical activity, and fitness--environmental awareness and safety practices. The physically literate student demonstrates competency in environmental awareness and understands safety practices. The student is expected to:
- (A) perform, without cue, the selection and use of proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities, games, and sports; and
 - (B) perform, without cue, the correct safety precautions, including pedestrian, water, sun, cycling, skating, and scooter safety.

- (12) Social and emotional health--personal responsibility and self-management. The physically literate student demonstrates competency in personal responsibility. The student is expected to:
- (A) discuss the importance of and accept responsibility and demonstrate respect for differences and similarities in abilities of self and others during game situations and sports; and
 - (B) evaluate self-management skills to demonstrate self-control of impulses and emotions, without cue, during games, situations, and sports.
- (13) Social and emotional health--resolving conflict and social interaction. The physically literate student demonstrates competency in resolving conflict and social interaction. The student is expected to:
- (A) discuss the importance of and resolve conflict, without cue, in socially acceptable ways, and respond to winning and losing with dignity and understanding;
 - (B) communicate effectively to enhance healthy interactions while settling disagreements; and
 - (C) demonstrate empathy and mutual respect for the feelings of others.
- (14) Social and emotional health--perseverance. The physically literate student perseveres while addressing challenges. The student is expected to develop and apply a plan of action and make effective decisions when faced with challenges, obstacles, or difficulties during game situations and sports.
- (15) Social and emotional health--accepting and providing constructive feedback. The physically literate student accepts and provides constructive feedback. The student is expected to provide constructive feedback to peers using a positive tone to improve performance.
- (16) Lifetime wellness--application of lifetime wellness. The physically literate student identifies the value of lifetime wellness. The student is expected to:
- (A) implement a plan using available technology to participate in moderate to vigorous physical activity for a sustained period of time on a regular basis; and
 - (B) participate in self-selected physical activities for personal enjoyment.

Chapter 116. Texas Essential Knowledge and Skills for Physical Education

Subchapter C. High School

§116.61. Implementation of Texas Essential Knowledge and Skills for Physical Education, Adopted 2020.

- (a) The provisions of §§116.62-116.64 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for physical education as adopted in §§116.62-116.64 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§116.62-116.64 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§116.62-116.64 of this subchapter shall be implemented for the following school year.
- (e) Sections 116.51-116.56 of this subchapter shall be superseded by the implementation of §§116.61-116.64 of this subchapter.

§116.62. Lifetime Fitness and Wellness Pursuits (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
 - (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-

discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.

- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in using strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
- (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities, and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
- (4) Access to course-appropriate physical education equipment is essential to quality instruction. Course-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Equipment should include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ability levels.
- (5) The Lifetime Fitness and Wellness Pursuits course offers current approaches for the foundation of personal fitness, physical literacy, lifetime wellness, and healthy living. Students in Lifetime Fitness and Wellness Pursuits will apply the knowledge and skills to demonstrate mastery of the concepts needed to achieve lifetime wellness. Students will participate in a variety of physical activities for attaining personal fitness and lifetime wellness.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (c) Knowledge and skills.

 - (1) Movement patterns and movement skills. While participating in physical activity, the physically literate student applies physiological and biomechanical principles to improve health-related fitness. The student is expected to:

 - (A) apply physiological and fitness principles related to exercise and training, including warm-up and cool-down, overload, frequency, intensity, time, and specificity; and
 - (B) apply basic biomechanical principles related to exercise and training, including force, leverage, and type of contraction.
 - (2) Performance strategies. During physical activity, the physically literate student applies skills, techniques, and safety practices associated with physical activity. The student is expected to:

- (A) apply appropriate procedures to ensure safety;
 - (B) apply appropriate practices and procedures to improve skills in various fitness activities;
 - (C) perform skills and appropriate techniques at a basic level of competency;
 - (D) modify movement during performance using appropriate internal and external feedback; and
 - (E) explain various methods to achieve personal fitness, including interval training, circuit training, high-intensity interval training (HIIT), and functional fitness training.
- (3) Health, physical activity, and fitness. The physically literate student applies fitness principles that encompass personal fitness programs, nutrition, technology, and environmental awareness. The student is expected to:
- (A) demonstrate appropriate safety procedures, including wearing proper attire, using equipment safely, practicing exercise etiquette, and recognizing situational environmental hazards;
 - (B) identify and describe exercise techniques that may be harmful or unsafe;
 - (C) explain the relationships among hydration, physical activity, and environmental conditions;
 - (D) explain the relationship between physical fitness and wellness;
 - (E) participate in a variety of activities that develop health-related physical fitness;
 - (F) describe training principles appropriate to enhance cardiorespiratory endurance, muscular strength and endurance, and flexibility;
 - (G) exhibit a basic level of competency in two or more aerobic and two or more anaerobic activities;
 - (H) select and use appropriate technology tools to evaluate, monitor, and improve health-related fitness;
 - (I) design and implement a personal fitness program that includes health-related fitness components;
 - (J) measure and evaluate personal skill-related components of physical fitness, including agility, balance, coordination, power, reaction time, and speed; and
 - (K) measure and evaluate personal fitness in terms of health-related fitness components.
- (4) Social and emotional health. During physical activity, the physically literate student develops positive self-management and social skills needed to work independently and with others. The student is expected to:
- (A) describe and analyze the relationship between physical activity and social and emotional health;
 - (B) discuss how improvement is possible with appropriate practice;
 - (C) identify and respond to challenges, successes, conflicts, and failures in physical activities in socially appropriate ways;
 - (D) explain how to accept successes and performance limitations of self and others by exhibiting appropriate behavior and response; and
 - (E) evaluate the impact of the use of technology on social and emotional health.
- (5) Lifetime wellness. The physically literate student comprehends practices that will impact daily performance, physical activity, and health throughout the lifespan. The student is expected to:
- (A) describe how sleep is essential to optimal performance and recovery;

- (B) identify myths associated with physical activity and nutritional practices;
- (C) explain the relationship between nutritional practices and physical activity;
- (D) explain the risks of over training;
- (E) evaluate consumer issues and trends related to physical fitness such as marketing claims promoting fitness and nutritional products, services, and supplements; and
- (F) analyze how nutrition, exercise, and other factors impact body composition.

§116.63. Lifetime Recreation and Outdoor Pursuits (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course.
 - (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
 - (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
 - (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in using strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
 - (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and

student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities, and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.

- (4) Access to course-appropriate physical education equipment is essential to quality instruction. Course-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Equipment should include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ability levels.
- (5) The Lifetime Recreation and Outdoor Pursuits course provides opportunities for students to develop competency in five or more lifelong recreational and outdoor pursuits for enjoyment and challenge. Students in Lifetime Recreation and Outdoor Pursuits participate in activities that promote physical literacy, respect for and connection to nature and the environment, and opportunities for enjoyment for a lifetime. Students will experience opportunities that enhance self-worth and support community engagement.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

- (1) Movement patterns and movement skills. The student demonstrates competency in five or more lifetime recreational and outdoor pursuits such as backpacking, camping, hiking, navigation, water sports, paddle sports, boater education, water safety education, angler education, hunter education, archery, outdoor survival and safety, climbing, adventure activities, challenge course or team building, lawn games, skating, skiing, cycling, and disc sports. The student is expected to:
 - (A) demonstrate execution of basic skills in lifetime recreation and outdoor pursuits;
 - (B) apply the rules and strategies of the selected lifetime recreation and outdoor pursuits; and
 - (C) design a conditioning program for the selected lifetime recreation and outdoor pursuits.
- (2) Performance strategies. The physically literate student applies movement concepts and principles to the learning, development, and execution of motor skills applicable to the selected lifetime recreational and outdoor pursuits. The student is expected to:
 - (A) modify movement during performance using appropriate internal and external feedback; and
 - (B) identify critical elements for a successful performance during a specific activity.
- (3) Health, physical activity, and fitness. The physically literate student exhibits a physically active lifestyle that improves health and provides opportunities for enjoyment and challenge. The student is expected to:
 - (A) participate in lifetime recreational and outdoor pursuits that provide for enjoyment and challenge;
 - (B) describe training principles for enhancing flexibility, muscular strength and endurance, and cardiorespiratory endurance;
 - (C) establish realistic and challenging health-related fitness goals;

- (D) select and use appropriate technology tools to evaluate, monitor, and improve health-related fitness;
- (E) analyze health and fitness benefits derived from participation in lifetime recreational and outdoor pursuits; and
- (F) design and participate in a personal health-related fitness program that has the potential to meet identified activity goals.
- (4) Social and emotional health. The physically literate student articulates the benefit of time spent in recreation or outdoor pursuits to promote mental, social, and emotional health. The student is expected to:
 - (A) demonstrate teamwork such as leadership, problem solving, trust, creativity, cooperation, conflict resolution, and communication while engaging in selected lifetime recreation and outdoor pursuits;
 - (B) demonstrate etiquette appropriate for selected lifetime recreation and outdoor activities;
 - (C) evaluate the impact of the use of technology on social and emotional health;
 - (D) analyze and summarize critical information on the mental, social, and emotional health benefits of engagement in outdoor pursuits; and
 - (E) design a personal wellness plan that includes time engaging in outdoor pursuits.
- (5) Lifetime wellness. The physically literate student recognizes the relationship between lifetime recreation or outdoor pursuits and health. The student is expected to:
 - (A) list and describe safety equipment used in selected lifetime recreation and outdoor pursuits;
 - (B) explain and follow safety procedures during selected lifetime recreation and outdoor pursuits;
 - (C) identify and apply the health-related fitness principles to selected lifetime recreation and outdoor pursuits;
 - (D) describe how sleep is essential to optimal performance and recovery;
 - (E) analyze the advantages and disadvantages of lifetime recreation and outdoor pursuits and their effects on personal fitness;
 - (F) provide evidence of developing and maintaining health-related fitness; and
 - (G) design safe practices and procedures to improve skill during an activity.

§116.64. Skill-Based Lifetime Activities (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for completion of this course.
- (b) Introduction.
 - (1) Physical education is the foundation of a well-balanced curriculum. "It is an academic subject with a planned and sequential K-12 curriculum based on the national standards for physical education. Physical education provides cognitive content and instruction designed to develop motor skills, knowledge, and behaviors for physical activity and physical fitness. Supporting schools to establish daily physical education can provide students with the ability and confidence to be physically active for a lifetime" (Centers for Disease Control and Prevention (CDC), CDC Healthy Schools, May 2019).
 - (A) Physical education is designed to develop motor skills, knowledge, and behaviors for active living, physical fitness, sportsmanship, self-efficacy, and emotional intelligence. Physical education addresses the three domains of learning: cognitive skills related to the knowledge of movement, affective skills related to feelings and attitudes about

- movement, and psychomotor skills related to the manual or physical skills in movement literacy (SHAPE America, 2014, p. 4).
- (B) Physically literate students have the ability to develop a lifetime of wellness. Physical literacy can be described as the ability to move with competence and confidence, to acquire knowledge and understanding, and to value and take responsibility for engagement in a wide variety of physical activities in multiple environments that benefit the healthy development of the whole person (Mandigo, Francis, Lodewyk & Lopez, 2012, and Whitehead, 2016).
 - (C) Research shows physical education is important to the development of the whole child and increases a lifetime of wellness. The Association for Supervision and Curriculum Development and the National Academy of Medicine support the belief that physical education, taught at a developmentally appropriate level, improves physical fitness and skill development, supports and improves academic achievement, reinforces self-discipline and teacher goal setting, reduces stress and increases blood flow to the brain, strengthens peer relationships, and improves self-confidence and self-esteem.
- (2) The physical education standards are categorized into five strands that are of equal importance and value. The movement patterns and movement skills strand guides the physically literate student in the development of fundamental movement patterns, spatial and body awareness, and rhythmic activities. The performance strategies strand guides the physically literate student in using strategies in fundamental components of games, activities, and outdoor and recreational pursuits. The health, physical activity, and fitness strand encompasses health-related fitness, environmental awareness, and safety practices that guide students to a health-enhancing, physically active lifestyle. The physically literate student demonstrates skills and mechanics used during physical activity and analyzes data used during fitness performance. The physically literate student recognizes the correlation between nutrition, hydration, and physical activity. The social and emotional health strand incorporates working with others, responding to class expectations, and applying self-management skills. The lifetime wellness strand engages students in physical activity for the purposes of self-expression, enjoyment, and challenge.
 - (3) Quality physical education programs include a comprehensive curriculum, physical activity, safety policies, safe environments, qualified physical education specialists instructing the class, and student assessment and do not use physical activity as a form of punishment. Texas state law outlines state requirements that support these essential components. In accordance with state law, physical education curriculum and instruction must be sequential, developmentally appropriate, and designed to meet the needs of all students, including students with disabilities, and of all physical ability levels. At least 50% of the physical education class must be used for actual student physical activity at a moderate or vigorous intensity level, which aligns with additional state requirements for a minimum number of minutes for moderate or vigorous physical activity in Kindergarten-Grade 8. Required student-to-teacher ratios of 45-to-1 ensure the proper supervision and safety of students in physical education classes, and school districts must identify how student safety will be maintained if that ratio is exceeded. State law also requires that school districts and charter schools annually assess the physical fitness of students in Grade 3 or higher who are enrolled in a physical education course.
 - (4) Access to course-appropriate physical education equipment is essential to quality instruction. Course-appropriate equipment for all students is imperative for the development of motor skills, manipulative skills, and eventually becoming a physically literate, lifelong learner. Equipment should include a variety of sizes, weights, and textures to provide differentiated experiences for students of various ability levels.
 - (5) The Skill-Based Lifetime Activities course offers students the opportunity to demonstrate mastery in basic sport skills, basic sport knowledge, and health and fitness principles. Students experience opportunities that promote physical literacy and lifetime wellness. Students in Skill-Based Lifetime Activities participate in a minimum of one lifelong activity from each of the following five categories during the course.

- (A) Target games are activities in which students send an object toward a target.
- (B) Striking and fielding games are activities in which students strike an object in order to score points within a game.
- (C) Fitness activities provide opportunities for students to apply fitness principles to accomplish an objective.
- (D) Rhythmic activities provide opportunities for students to demonstrate or create movement sequences with rhythm.
- (E) Innovative games and activities with international significance are those games and activities that use new or innovative equipment, have been created by students, or are played internationally.

(c) Knowledge and skills.

- (1) Movement patterns and movement skills. The physically literate student applies movement skills while participating in a minimum of five lifelong activities, including one from each of the following categories: target, striking and fielding, fitness, rhythmic, and innovative games and activities with international significance. The student is expected to:
 - (A) exhibit a level of competency in one or more target activities such as archery, disc golf, backyard target games, bowling, and golf;
 - (B) exhibit a level of competency in one or more striking and fielding activities such as kickball, softball, baseball, and racquet sports;
 - (C) exhibit a level of competency in one or more fitness activities that promote cardiorespiratory endurance, muscular strength, muscular endurance, and flexibility;
 - (D) exhibit a level of competency in one or more rhythmic activities; and
 - (E) exhibit a level of competency in one or more innovative games and activities with international significance such as cricket, futsal, speed ball, and team handball.
- (2) Performance strategies. The physically literate student applies tactics and strategies to be successful in skill-based lifetime activities. The student is expected to:
 - (A) perform skills and strategies consistently;
 - (B) modify movement during performance using appropriate internal and external feedback;
 - (C) describe appropriate practice procedures to improve skill and strategy in a sport;
 - (D) identify the critical elements for successful performance;
 - (E) demonstrate proper officiating techniques, including hand signals, verbal communication, and application of rules, to ensure safe participation in activities; and
 - (F) keep score accurately during games or activities.
- (3) Health, physical activity, and fitness. The physically literate student applies knowledge of health and fitness principles to participation in skill-based lifetime activities. The student is expected to:
 - (A) establish realistic and challenging health-related fitness goals for selected skill-based lifetime activities;
 - (B) apply appropriate safety procedures to prevent or reduce injuries in skill-based lifetime activities; and
 - (C) analyze health and fitness benefits derived from participating in skill-based lifetime activities.
- (4) Social and emotional health. The physically literate student applies principles for social and emotional health to participation in selected skill-based lifetime activities. The student is expected to:

- (A) acknowledge good play from an opponent during competition;
 - (B) explain the importance of accepting the roles and decisions of officials;
 - (C) explain the importance of accepting successes and performance limitations of self and others;
 - (D) discuss the importance of accepting personal responsibility to create and maintain a physically and emotionally safe and nonthreatening environment while officiating; and
 - (E) discuss and apply ways to respond to challenges, successes, and failures in physical activities in socially appropriate ways.
- (5) Lifetime wellness. The physically literate student applies wellness principles to participation in selected skill-based lifetime activities. The student is expected to
- (A) select and participate in at least one skill-based lifetime activity that provides for enjoyment and challenge from each category, including target, striking and fielding, fitness, rhythmic, and innovative games and activities with international significance; and
 - (B) describe how sleep is essential to optimal performance and recovery.

**Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40
(Second Reading and Final Adoption)**

November 20, 2020

**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 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40. The proposed new sections would update the standards to reflect current health education research and best practices and align with changes to requirements in statute. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (r), and (s); 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, §28.002(r), requires the SBOE to by rule adopt essential knowledge and skills for the health curriculum that address substance abuse.

TEC, §28.002(s), requires the SBOE to by rule adopt essential knowledge and skills for the health curriculum that address bullying.

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

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

EFFECTIVE DATE: The proposed effective date of the proposed new sections is August 1, 2022.

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 revisions 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 19 TAC §§115.11-115.17, 115.25-115.28, and 115.37-115.40.

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.

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

The review of the health education TEKS is taking place concurrently with the review of the physical education TEKS. In March 2019, applications to serve on the health education TEKS review work groups were posted on the TEA website. At the April 2019 meeting, SBOE members were asked to designate content advisors for the health education TEKS review. In May 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the health education TEKS. TEA staff provided applications for the health education review work groups to SBOE members on a monthly basis from June 2019 to March 2020.

In August 2019, content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the health education TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in September 2019 to review survey results and recommend specific topics that should be included in the proposed framework. The work group was also charged with identifying where student expectations from the current TEKS would fit into the proposed framework. The work group completed recommendations for Kindergarten only. Work Group B was convened in October 2019 and was charged with identifying where student expectations would fit into the proposed framework for all other grade levels and identifying the grade levels where topics developed by Work Group A should be taught. Work Group C was convened in December 2019 and again in early February 2020 to draft recommendations for student expectations in three of the six strands in the proposed framework. Work Group D was convened at the end of February 2020 to draft recommendations for the remaining strands in the proposed framework. Work Group E was convened in March 2020 to review the vertical alignment of the strands across all grade levels and to ensure horizontal alignment with the physical education TEKS. In May 2020, content advisors were sent the draft recommendations for review and met virtually to develop consensus recommendations to be provided to the SBOE. At the June-July 2020 SBOE meeting, the board asked TEA to convene another work group to address specific guidance provided by board members. TEA convened Work Group F virtually in July 2020 to develop final recommendations for revisions to the health education TEKS.

The proposed new sections would supersede the existing health education TEKS for elementary, middle school, and high school in §§115.1-115.7, 115.21-115.23, and 115.31-115.33. The proposal recommends an implementation date of the 2022-2023 school year.

The attachment to this item reflects the text of proposed new §§115.11-115.17, 115.25-115.28, and 115.37-115.40 for consideration by the SBOE for second reading and final authorization.

No changes are recommended since approved for first reading.

A public hearing on the proposed new sections is presented 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 (2021-2025), there are no fiscal implications to the state. However, in fiscal years 2019 and 2020, there was a fiscal impact to TEA to reimburse committee members for travel to review the health education TEKS. For fiscal years 2019 and 2020, the combined estimated cost to TEA was \$69,428. There will also be implications for the 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 the 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 revising the health education 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: No changes have been made to this section since published as proposed.

The proposed new sections 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 September 2020 SBOE meeting, notice of proposed new 19 TAC §§115.11-115.17, 115.25-115.28, and 115.37-115.40 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 9, 2020, and ended November 13, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the November 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the scheduled public hearing in November 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40.

Staff Members Responsible:

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

Attachment:

Text of Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.40

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 115. Texas Essential Knowledge and Skills for Health Education

Subchapter A. Elementary

§115.11. Implementation of Texas Essential Knowledge and Skills for Health Education, Adopted 2020.

- (a) The provisions of §§115.12-115.17 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for health education as adopted in §§115.12-115.17 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§115.12-115.17 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§115.12-115.17 of this subchapter shall be implemented for the following school year.
- (e) Sections 115.1-115.7 of this subchapter shall be superseded by the implementation of §§115.11-115.17 of this subchapter.

§115.12. Health Education, Kindergarten, Adopted 2020.

- (a) Introduction.
 - (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
 - (2) There are essential skills that repeat throughout the five strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.
 - (3) In Kindergarten-Grade 3, students gain an understanding of health information and skills through five strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; and alcohol, tobacco, and other drugs.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full

potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.

- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(b) Knowledge and skills.

- (1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to name the five senses.
- (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:
 - (A) name people who can provide health care guidance such as parents, family members, trusted adults, teachers, and health care professionals;
 - (B) identify personal hygiene and health habits that help individuals stay healthy such as hand washing and brushing teeth;
 - (C) discuss ways in which germs are transmitted, methods of preventing the spread of germs, and the importance of immunization; and
 - (D) identify head lice and biting insects that may cause illness and their proper removal and care.
- (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:

- (A) identify their own feelings and emotions;
 - (B) describe and practice calming and self-management strategies;
 - (C) discuss how friends can influence a person's behavior;
 - (D) demonstrate skills for making new acquaintances;
 - (E) demonstrate respect and communicate appropriately with individuals; and
 - (F) identify and practice ways to solve conflicts with a friend.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
- (A) describe positive social skills and personal qualities such as truth, kindness, reliability, and respectfulness; and
 - (B) discuss the meaning of goals and identify at least one health-related goal.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to discuss how to treat peers with different learning needs with dignity.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student identifies and explains healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
- (A) demonstrate an understanding that the human body is composed mostly of water and explain the importance of drinking water daily;
 - (B) identify healthy portion sizes for common food items;
 - (C) identify types of foods that help the body grow, including fruits and vegetables, dairy, and protein; and
 - (D) identify healthy and unhealthy snack choices.
- (7) Healthy eating and physical activity--risk and protective factors. The student identifies and explains risk and protective factors related to healthy eating and physical activity. The student is expected to:
- (A) describe basic facts of food allergy safety such as not sharing food and explain the importance of respecting others who have allergies; and
 - (B) identify habits that help individuals stay healthy such as getting the proper amount of sleep and daily physical activity.
- (8) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to:
- (A) discuss and demonstrate procedures for responding to emergencies, including reporting to a parent or trusted adult or contacting 911; and
 - (B) identify the purpose and demonstrate the proper use of protective equipment such as seat belts, booster seats, and bicycle helmets.
- (9) Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to:
- (A) identify roles and characteristics of a trusted adult;

- (B) identify and role play refusal skills such as saying "no" to protect personal space and to avoid unsafe situations and practice telling a parent or trusted adult if threatened; and
- (C) identify personal space and appropriate boundaries.
- (10) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
 - (A) name safe play environments; and
 - (B) name objects that may be dangerous such as knives, scissors, and screwdrivers and explain how they can be harmful.
- (11) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to identify situations when one should get help from a teacher, parent, or trusted adult when made to feel bullied, uncomfortable, or unsafe in a digital or online environment.
- (12) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
 - (A) identify bullying behaviors and the role of the bystander;
 - (B) identify ways to discourage bullying;
 - (C) describe appropriate actions to take in response to bullying such as telling a parent or a trusted adult; and
 - (D) explain how to get help from a parent or trusted adult when made to feel uncomfortable or unsafe by another person.
- (13) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
 - (A) discuss the proper usage of medications; and
 - (B) discuss the harmful effects of alcohol, tobacco, and drugs on physical health.
- (14) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to role play refusal skills and how to get help from a parent or trusted adult in unsafe situations involving the use or misuse of alcohol, tobacco, and other drugs.

§115.13. Health Education, Grade 1, Adopted 2020.

- (a) Introduction.
 - (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
 - (2) There are essential skills that repeat throughout the five strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to

schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.

- (3) In Kindergarten-Grade 3, students gain an understanding of health information and skills through five strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; and alcohol, tobacco, and other drugs.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.
 - (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
 - (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
 - (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (4) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (5) Students should first seek guidance in the area of health from a parent or legal guardian.
- (b) Knowledge and skills.
 - (1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to demonstrate use of the five senses.
 - (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:

- (A) identify types of health care professionals and describe the services they provide such as medical checkups, dental exams, and vision and hearing screenings;
- (B) describe personal hygiene and health habits that enhance individual health such as personal hygiene, oral hygiene, and getting enough sleep;
- (C) describe ways in which germs are transmitted, methods of preventing the spread of germs, and the importance of immunization; and
- (D) describe where head lice and biting insects that may cause illness, including ticks and mosquitos, are commonly encountered and how to avoid them.
- (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:
 - (A) identify their own feelings and emotions;
 - (B) discuss and explain how emotions can interrupt thinking and the self-management process;
 - (C) describe and practice calming and self-management strategies;
 - (D) describe ways in which peers and families can work together to build healthy relationships;
 - (E) describe ways to build and maintain friendships;
 - (F) identify ways to respectfully communicate verbally and nonverbally;
 - (G) identify feelings and emotions expressed by others; and
 - (H) identify and practice ways to solve conflicts with friends and peers.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
 - (A) discuss ways to be kind to self and how to identify areas for growth; and
 - (B) explain the importance of goal setting and task completion.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
 - (A) discuss and demonstrate how to treat peers with different learning needs with dignity and respect;
 - (B) identify situations that can create positive stress and positive emotions; and
 - (C) discuss the signs and symptoms associated with negative stress such as loss or grief.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student identifies and explains healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
 - (A) explain that fruits, proteins, vegetables, and dairy provide essential vitamins and minerals;
 - (B) identify recommended portion sizes by comparing portions to familiar objects such as a golf ball for a cookie or a frisbee for a dinner plate;
 - (C) identify the food groups and classify examples of foods into each group; and
 - (D) identify ingredients that make foods and drinks unhealthy such as added sugar and other sweeteners.

- (7) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to identify examples of health information provided by various media and how the examples affect nutritional habits and physical activity.
- (8) Healthy eating and physical activity--risk and protective factors. The student identifies and explains risk and protective factors related to healthy eating and physical activity. The student is expected to:
- (A) identify common food allergies and explain the importance of respecting others who have allergies; and
 - (B) describe habits that improve individual health such as getting enough sleep, eating nutritious foods, and exercising.
- (9) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to:
- (A) discuss and demonstrate strategies to keep self and others safe by staying away from dangerous situations and reporting to a parent or trusted adult or contacting 911; and
 - (B) identify the purpose and demonstrate proper use of protective equipment such as seat belts, booster seats, and bicycle helmets.
- (10) Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to:
- (A) practice refusal skills to protect personal space and avoid unsafe situations; and
 - (B) identify appropriate personal boundaries, privacy, and space.
- (11) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) describe the difference between safe and unsafe environments; and
 - (B) identify ways to avoid weapons, drugs, and harming oneself or others by staying away from dangerous situations and reporting to a parent or trusted adult.
- (12) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to demonstrate how to get help from a teacher, parent, or trusted adult when made to feel bullied, uncomfortable, or unsafe in a digital or online environment.
- (13) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) describe consequences for both the victim and the bully and the impact of bullying on the victim;
 - (B) discuss ways of discouraging bullying;
 - (C) explain the differences between teasing, joking, and playing around and bullying; and
 - (D) identify how to get help from a parent or trusted adult when made to feel uncomfortable or unsafe by another person.
- (14) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:

- (A) identify the difference between over-the-counter and prescription drugs; and
- (B) identify and describe the harmful effects of alcohol, tobacco, other drugs, and dangerous substances such as inhalants, vaping products, and household products on physical health.
- (15) Alcohol, tobacco, and other drugs--treatment. The student understands how to seek emergency help for self and others in poisoning and overdose situations. The student is expected to describe what poisoning or overdose could look like and identify how to respond, including who to contact for help.
- (16) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to identify how to get help from a parent or trusted adult related to alcohol, tobacco, and drug abuse.
- (17) Alcohol, tobacco, and other drugs--prevention. The student demonstrates refusal skills to avoid substance use and misuse. The student is expected to identify unsafe situations and practice strategies to avoid risky behaviors related to alcohol, tobacco, and other drugs.

§115.14. Health Education, Grade 2, Adopted 2020.

(a) Introduction.

- (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
- (2) There are essential skills that repeat throughout the five strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.
- (3) In Kindergarten-Grade 3, students gain an understanding of health information and skills through five strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; and alcohol, tobacco, and other drugs.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understanding the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.
 - (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and

decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.

(D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.

(E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(b) Knowledge and skills.

(1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to describe ways to protect the five senses such as wearing sunglasses or using a safe volume setting on audio devices.

(2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:

(A) describe the importance of individual health maintenance activities such as regular medical checkups, dental exams, and vision and hearing screenings;

(B) explain actions an individual should take when not feeling well;

(C) discuss the importance of practicing personal hygiene and health habits;

(D) explain ways in which germs are transmitted, methods of preventing the spread of germs, and the importance of immunization;

(E) identify common illnesses and diseases, including asthma, diabetes, and epilepsy, and their symptoms; and

(F) discuss the signs and symptoms of illness that may occur after contact with biting insects, including ticks and mosquitos.

(3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:

(A) communicate needs, wants, and emotions in healthy ways;

(B) describe and practice calming and self-management strategies;

(C) discuss and explain how thoughts and emotions are related;

- (D) explain the effect of peer influence on an individual's social and emotional health;
- (E) describe the qualities of a good friend;
- (F) describe and demonstrate respectful ways to communicate with family members, peers, teachers, and others;
- (G) identify the feelings and perspectives of others by interpreting their verbal and nonverbal cues; and
- (H) identify ways to prevent and repair broken friendships.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
 - (A) discuss ways to be kind to self and others;
 - (B) define personal growth and identify areas for one's personal growth; and
 - (C) list the steps and describe the importance of goal setting and task completion.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
 - (A) identify strategies for managing different learning needs of self and others; and
 - (B) identify positive and negative stressors and how they impact emotions and learning.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student identifies and explains healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
 - (A) identify types of nutrients;
 - (B) use familiar objects to identify healthy food portions from different food groups;
 - (C) identify healthy and unhealthy choices within the food groups; and
 - (D) identify the benefits of making healthy beverage choices, including water and milk, and limiting sweetened beverages such as soda and sports drinks.
- (7) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to identify various media that provide health information and how media can influence an individual's health choices such as television advertisements for fast foods and breakfast cereals.
- (8) Healthy eating and physical activity--risk and protective factors. The student identifies and explains risk and protective factors related to healthy eating and physical activity. The student is expected to:
 - (A) identify signs and symptoms of common food allergies; and
 - (B) identify the benefits of establishing healthy eating and physical activity habits that will last a lifetime.
- (9) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to describe steps one can take to reduce hazards, avoid accidents, and prevent accidental injuries for self and others.
- (10) Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to:

- (A) demonstrate refusal skills to protect personal space and avoid unsafe situations; and
- (B) discuss the importance of telling a parent or trusted adult when privacy or personal boundaries are not respected or when the student is made to feel unsafe.
- (11) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
 - (A) describe unsafe situations, including interacting with strangers;
 - (B) explain ways to avoid weapons and report the presence of unsupervised weapons to a parent or trusted adult; and
 - (C) identify the hazards of unsupervised and improper handling of guns and other weapons.
- (12) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
 - (A) identify unsafe requests made in a digital or online environment and how to take appropriate action;
 - (B) explain why obtaining help, especially from parents or trusted adults, is critical when making decisions regarding digital and online use; and
 - (C) identify consequences that result from cyberbullying and inappropriate digital and online usage.
- (13) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
 - (A) describe consequences for the bully and the impact of bullying on the victim;
 - (B) describe the difference between reporting and tattling; and
 - (C) explain why obtaining assistance, especially from parents or trusted adults, can be helpful when making decisions about personal safety.
- (14) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
 - (A) describe the purposes of prescription and over-the-counter drugs and their intended benefits; and
 - (B) explain the harmful effects on physical health and how to avoid alcohol, tobacco, other drugs, and dangerous substances such as inhalants, vaping products, and household products.
- (15) Alcohol, tobacco, and other drugs--treatment. The student understands how to seek emergency help for self and others in poisoning and overdose situations. The student is expected to describe what poisoning or overdose could look like and identify how to respond, including who to contact for help.
- (16) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
 - (A) identify unsafe requests related to alcohol, tobacco, and other drugs made by friends; and
 - (B) identify a trusted adult such as a parent, teacher, or law enforcement officer.

- (17) Alcohol, tobacco, and other drugs--prevention. The student demonstrates refusal skills to avoid substance use and misuse. The student is expected to identify ways to avoid unsafe situations related to alcohol, tobacco, and other drugs and demonstrate refusal skills.

§115.15. Health Education, Grade 3, Adopted 2020.

(a) Introduction.

- (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
- (2) There are essential skills that repeat throughout the five strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.
- (3) In Kindergarten-Grade 3, students gain an understanding of health information and skills through five strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; and alcohol, tobacco, and other drugs.
- (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
- (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.
- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and the identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.

- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (4) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (5) Students should first seek guidance in the area of health from a parent or legal guardian.
- (b) Knowledge and skills.
 - (1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to name, locate, and describe the primary functions and major components of body systems, including the skeletal, muscular, circulatory, and respiratory systems.
 - (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:
 - (A) explain the importance of seeking assistance in making decisions about health;
 - (B) describe methods of accessing information about health;
 - (C) identify the benefits of decision making about personal health;
 - (D) identify the importance of taking personal responsibility for developing and maintaining personal hygiene and health habits;
 - (E) explain ways in which germs are transmitted, methods of preventing the spread of germs, and the importance of immunization;
 - (F) identify that there are diseases such as allergies, asthma, diabetes, and epilepsy that are not caused by germs; and
 - (G) identify common vectors, including ticks and mosquitos, and explain how and when to perform a self-check for vectors.
 - (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:
 - (A) communicate needs, wants, and emotions in healthy ways;
 - (B) describe strategies for assessing thoughts and applying calming and self-management practices;
 - (C) discuss and explain how the brain develops through maturation;
 - (D) distinguish between healthy and harmful influences of friends and others;
 - (E) describe the characteristics of healthy and unhealthy friendships;
 - (F) describe the value of respectful communication;
 - (G) discuss how others may experience situations differently than oneself; and
 - (H) demonstrate strategies for resolving conflicts.

- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
- (A) define self-esteem and ways it is formed; and
 - (B) describe the importance of seeking guidance from a parent or trusted adult in setting goals.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student will develop and use appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
- (A) describe methods for managing challenges related to long-term health conditions;
 - (B) describe strategies to support others in managing different learning needs;
 - (C) describe positive outcomes of stress, including creativity, focus, energy, drive, and purpose;
 - (D) describe and practice healthy behaviors that reduce stress; and
 - (E) describe the importance of acceptance of oneself and others.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student identifies and explains healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
- (A) classify foods by the nutrients they provide;
 - (B) plan a balanced meal that follows government nutrition guidelines;
 - (C) examine nutrition labels to identify the difference between foods containing natural sugars and foods with added sugars or sweeteners; and
 - (D) identify and categorize foods based on saturated and unsaturated fat content.
- (7) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to describe the importance of accessing health information through a variety of credible health resources.
- (8) Healthy eating and physical activity--risk and protective factors. The student identifies and explains risk and protective factors related to healthy eating and physical activity. The student is expected to:
- (A) identify the common food allergens listed on food packaging; and
 - (B) describe how healthy and unhealthy behaviors affect body systems and demonstrate refusal skills in dealing with unhealthy eating situations.
- (9) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to develop a home-safety and emergency response plan such as a fire safety plan.
- (10) Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to identify refusal skills such as saying "no" when privacy, personal boundaries, or personal space are not respected.
- (11) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) identify reasons for avoiding violence, gangs, weapons, and drugs;

- (B) identify characteristics of safe home, school, and community environments; and
- (C) discuss the hazards of unsupervised and improper handling of guns and other weapons.
- (12) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
 - (A) identify and discuss the need for safety awareness in a digital or online environment;
 - (B) identify appropriate ways to communicate in digital and online environments;
 - (C) discuss who is appropriate to communicate with and what is appropriate information to share in digital and online environments;
 - (D) describe the importance of taking personal responsibility in digital and online environments; and
 - (E) explain consequences that result from cyberbullying and inappropriate digital and online usage.
- (13) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
 - (A) describe how to effectively respond to bullying and cyberbullying of oneself or others;
 - (B) explain the importance of seeking assistance in making decisions about personal safety; and
 - (C) identify examples of abuse and neglect and describe how to respond.
- (14) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
 - (A) identify misuse and proper use of over-the-counter and prescription drugs; and
 - (B) describe the harmful effects of alcohol, tobacco, other drugs, and dangerous substances, including inhalants, vaping products, and household products, on physical health.
- (15) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to describe the harmful effects of alcohol, tobacco, other drugs, and dangerous substances such as inhalants and household products on mental and social health.
- (16) Alcohol, tobacco, and other drugs--treatment. The student understands how to seek emergency help for self and others in poisoning and overdose situations. The student is expected to describe the signs of poisoning or overdose and identify how to respond, including who to contact for help.
- (17) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
 - (A) describe how friends can influence a person's decision to use or not use alcohol or drugs; and
 - (B) describe the difference between reporting and tattling and why it is important to report the use of alcohol, tobacco, and other drugs by friends or peers.
- (18) Alcohol, tobacco, and other drugs--prevention. The student demonstrates refusal skills to avoid substance use and misuse. The student is expected to demonstrate refusal skills related to alcohol, tobacco, and other drugs using assertive communication.

§115.16. Health Education, Grade 4, Adopted 2020.

(a) Introduction.

- (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.**
- (2) There are essential skills that repeat throughout the six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.**
- (3) In Grade 4 and higher, students gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.**

 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems will lay the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.**
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.**
 - (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.**
 - (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and the identification of safe and unsafe situations creates empowered and educated students able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.**
 - (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco,**

and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.

(F) Beginning in Grade 4, students learn about changes associated with adolescent development in the reproductive and sexual health strand. In subsequent grade levels, students identify the purpose of these changes and their role in fertilization and reproduction. Students learn the characteristics of healthy and unhealthy relationships and how to use communication and refusal skills to set personal boundaries in dating/romantic relationships. Students also identify how to respond to sexual harassment and abuse.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(b) Knowledge and skills.

(1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to name, locate, and describe the primary function and major components of the body systems, including the nervous, immune, digestive, and integumentary systems.

(2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:

(A) explain the importance of health information and how it can be used;

(B) describe how health care decision making is influenced by external factors such as cost and access;

(C) explain strategies for maintaining personal hygiene and health habits;

(D) distinguish between communicable and noncommunicable illnesses;

(E) explain actions to take when illness occurs, including asthma, diabetes, and epilepsy; and

(F) define vector-borne illnesses and describe how to reduce their risk.

(3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:

(A) analyze how thoughts and emotions influence behaviors;

(B) describe the importance of identifying and reframing thoughts and applying calming and self-management strategies when dealing with strong emotions, including anger;

(C) discuss and explain how the brain develops during childhood and the role the brain plays in behavior;

(D) identify positive and negative characteristics of social groups;

(E) explain the importance of being a positive role model;

(F) explain the importance of demonstrating consideration when communicating with individuals who use diverse methods to communicate such as different languages or adaptive methods;

(G) identify verbal, physical, and situational cues that indicate how others may feel; and

(H) explain the difference between assertive behavior and aggressive behavior.

- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
- (A) discuss ways to help build self-esteem of self, friends, and others;
 - (B) explain the advantages of setting short- and long-term goals; and
 - (C) explain the importance of time management with respect to a goal.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
- (A) describe methods for managing concerns related to long-term health conditions for self and others;
 - (B) differentiate between positive and negative stress;
 - (C) define sources of stress, including trauma, loss, and grief;
 - (D) discuss ways to promote a healthy body image; and
 - (E) identify self-harm behaviors that may present when someone is struggling to manage overwhelming emotions or lacks support and explain the importance of telling a parent or trusted adult if observed in self or others.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student identifies and explains healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
- (A) explain why the body needs each of the six major nutrients contained in foods;
 - (B) identify nutritional information on menus and food labels;
 - (C) determine appropriate portion sizes when eating out, including at fast food restaurants;
 - (D) identify the recommended guidelines for added sugar consumption and explain how excess sugar consumption can impact health, including causing dental cavities and obesity; and
 - (E) identify healthy fast food choices such as ordering smaller serving sizes and substituting salads for fries and grilled foods for fried foods and their associated impacts on health.
- (7) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to identify the physical, mental, and social benefits of physical fitness.
- (8) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to:
- (A) describe the importance of goal setting and set a goal for making healthy food choices; and
 - (B) gather data from a variety of credible sources to help make informed nutritional and physical activity choices.
- (9) Healthy eating and physical activity--risk and protective factors. The student identifies and explains risk and protective factors related to healthy eating and physical activity. The student is expected to:
- (A) describe the connection between physical activity and the prevention of obesity, heart disease, and diabetes; and

- (B) differentiate between healthy and unhealthy eating habits and demonstrate refusal skills in dealing with unhealthy eating situations.
- (10) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to identify and demonstrate strategies for preventing and responding to injuries.
- (11) Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to explain the importance of using refusal skills such as saying "no" when privacy, personal boundaries, or personal space are not respected.
- (12) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
 - (A) identify strategies for avoiding violence, gangs, weapons, and drugs;
 - (B) identify characteristics of gang behavior;
 - (C) identify strategies that can be used to promote safety in homes, schools, and communities; and
 - (D) demonstrate safety procedures that can be used in various situations, including violence in the home, school, and community.
- (13) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
 - (A) differentiate between appropriate and inappropriate ways to communicate in digital and online environments;
 - (B) explain what information is appropriate to share and who it is appropriate to share information with in digital and online environments; and
 - (C) discuss the consequences of cyberbullying and inappropriate digital and online communication in relation to home and school environments.
- (14) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
 - (A) analyze distinguishing characteristics of cyberbullying;
 - (B) describe the negative impact bullying, including cyberbullying, has on both the victim and the bully;
 - (C) explain the importance of seeking guidance from parents and other trusted adults on critical personal safety issues; and
 - (D) identify types of abuse and neglect and ways to seek help from a parent or trusted adult.
- (15) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
 - (A) explain why some drugs require a prescription; and
 - (B) identify the differences between prescription drugs, over-the-counter drugs, other drugs, and dangerous substances, including inhalants, vaping products, and household products.

- (16) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
 - (A) describe the short- and long-term harmful effects of alcohol, tobacco, other drugs, and dangerous substances such as inhalants and household products on mental and social health; and
 - (B) describe the legal consequences of the misuse of alcohol, tobacco, other drugs, and dangerous substances.
- (17) Alcohol, tobacco, and other drugs--treatment. The student understands how to seek emergency help for self and others in poisoning and overdose situations. The student is expected to describe the signs of poisoning or overdose and identify how to respond, including who to contact for help.
- (18) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
 - (A) distinguish between positive and negative peer influences and their effects on a person's decision to use or not use alcohol or drugs; and
 - (B) identify methods available to report unsafe situations related to alcohol, tobacco, and other drugs.
- (19) Alcohol, tobacco, and other drugs--prevention. The student demonstrates refusal skills to avoid substance use and misuse. The student is expected to:
 - (A) demonstrate refusal skills using assertive communication related to alcohol, tobacco, and other drugs; and
 - (B) identify ways to avoid drugs and discuss healthy alternative activities to the use of drugs and other substances.
- (20) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
 - (A) explain changes that occur in males and females during puberty and adolescent development; and
 - (B) define the menstrual cycle.

§115.17. Health Education, Grade 5, Adopted 2020.

(a) Introduction.

- (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
- (2) There are essential skills that repeat throughout the six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts. Health class educators are encouraged to partner with school counselors where available to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.

- (3) In Grade 4 and higher, students gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.
- (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems will lay the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.
 - (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
 - (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and the identification of safe and unsafe situations creates empowered and educated students able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
 - (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
 - (F) Beginning in Grade 4, students learn about changes associated with adolescent development in the reproductive and sexual health strand. In subsequent grade levels, students identify the purpose of these changes and their role in fertilization and reproduction. Students learn the characteristics of healthy and unhealthy relationships and how to use communication and refusal skills to set personal boundaries in dating/romantic relationships. Students also identify how to respond to sexual harassment and abuse.
- (4) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (5) Students should first seek guidance in the area of health from a parent or legal guardian.
- (b) Knowledge and skills.
- (1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to

- describe the structure, functions, and interdependence of the major body systems, including the reproductive, endocrine, and urinary systems.
- (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:
- (A) explain how to manage common minor illnesses such as colds and skin infections;
 - (B) identify how to distinguish between myth and fact when accessing information about health;
 - (C) identify decision-making skills that promote individual, family, and community health;
 - (D) describe the benefits of promoting health maintenance for individuals and households;
 - (E) analyze how personal hygiene helps prevent the spread of germs and communicable illnesses; and
 - (F) distinguish between treatments if infected by various vectors, including ticks and mosquitos.
- (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:
- (A) analyze how thoughts and emotions influence behaviors;
 - (B) practice and apply strategies for calming and self-management;
 - (C) explain ways of maintaining healthy relationships and resisting peer pressure in social groups;
 - (D) analyze how to identify perspectives and respectful ways to communicate disagreement with friends, family, teachers, and others;
 - (E) define and differentiate between sympathy and empathy toward others; and
 - (F) describe ways to engage in and promote positive interactions when conflict arises.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
- (A) identify and demonstrate strategies to help build self-esteem for self, friends, and others;
 - (B) describe benefits of setting and implementing short- and long-term goals and perseverance to achieve those goals; and
 - (C) discuss choices and decision making as part of goal setting.
- (5) Mental health and wellness--risk and protective factors. The student recognizes the influence of various factors on mental health and wellness. The student is expected to:
- (A) identify factors such as school climate and safety measures that affect an individual's physical, emotional, and social health; and
 - (B) discuss how brain development during childhood affects emotions and decision making.
- (6) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
- (A) compare and contrast healthy and unhealthy methods for managing concerns related to long-term health conditions for self and others;
 - (B) identify situations in which stress can help to achieve goals and build resiliency;

- (C) examine ways to reduce the impact of stress, trauma, loss, and grief;
 - (D) define eating disorders and disordered eating patterns as mental health concerns and the importance of seeking help from a parent or trusted adult for self or others if these patterns are observed;
 - (E) describe situations that call for professional mental and behavioral health services; and
 - (F) discuss healthy self-management alternatives to prevent harming oneself and the importance of telling a parent or trusted adult when someone is struggling to manage overwhelming emotions or lacks support.
- (7) Healthy eating and physical activity--food and beverage daily recommendations. The student analyzes and applies healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
- (A) identify foods that are sources of one or more of the six major nutrients;
 - (B) examine food labels and menus for nutritional content, calories, and serving sizes;
 - (C) identify the amount of sugar in common beverages and snacks and the daily recommended allowance for added sugar; and
 - (D) identify caffeine content of common beverages and health concerns associated with excess caffeine consumption.
- (8) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to explain the physical, mental, and social benefits of fitness.
- (9) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to:
- (A) describe the importance of goal setting and set a goal for achieving appropriate levels of physical activity; and
 - (B) research and evaluate health products and information about physical activity and nutritional choices.
- (10) Healthy eating and physical activity--risk and protective factors. The student analyzes and applies risk and protective factors related to healthy eating and physical activity. The student is expected to:
- (A) describe the connection between dietary choices and the prevention of obesity, heart disease, and diabetes; and
 - (B) identify attitudes and behaviors that can reduce the likelihood of developing chronic conditions such as obesity, heart disease, or diabetes.
- (11) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to analyze strategies for preventing and responding to injuries.
- (12) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) explain strategies for avoiding violence, gangs, weapons, and drugs and define human trafficking;
 - (B) examine characteristics of gang behavior;
 - (C) define safe haven and identify designated safe haven locations in the community; and

- (D) evaluate safety procedures that can be used in various situations, including violence in the home, school, and community.
- (13) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
- (A) distinguish between appropriate and inappropriate boundaries for digital and online communication and research;
- (B) explain the benefits of identity protection in digital and online environments; and
- (C) analyze the consequences of cyberbullying and inappropriate digital and online communication in relation to home, school, and community environments.
- (14) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) compare and contrast healthy and unhealthy behaviors that may be present in families or households;
- (B) identify forms of family violence, including physical, mental, and emotional violence;
- (C) identify methods available to report bullying;
- (D) identify ways to advocate for self and others to prevent bullying and cyberbullying behavior; and
- (E) explain the impact of abuse and neglect and the importance of reporting abuse and neglect.
- (15) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between the use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
- (A) explain the reasons to avoid the misuse of over-the-counter and prescription drugs;
- (B) identify and explain the importance of each component of prescription and over-the-counter drug labels; and
- (C) describe the physiological effects of alcohol, vaping products, tobacco, other drugs, and dangerous substances.
- (16) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) analyze the short- and long-term harmful effects of alcohol, tobacco, other drugs, and dangerous substances such as inhalants and household products on the functions of the body systems and mental and social health; and
- (B) analyze the short- and long-term harmful effects of alcohol, tobacco, other drugs, and dangerous substances and describe the legal consequences of their illegal use.
- (17) Alcohol, tobacco, and other drugs--treatment. The student understands how to seek emergency help for self and others in poisoning and overdose situations. The student is expected to describe the signs of poisoning or overdose and identify how to respond, including who to contact for help.
- (18) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
- (A) analyze how positive peer influence can be used to help a person decide not to use alcohol or drugs; and

- (B) describe the importance of seeking help and reporting unsafe situations related to alcohol, tobacco, and other drugs.
- (19) Alcohol, tobacco, and other drugs--prevention. The student demonstrates refusal skills to avoid substance use and misuse. The student is expected to:
 - (A) assess how being assertive, using refusal skills, and evaluating peer influence can affect decision making and problem solving;
 - (B) identify a variety of scenarios and the different types of refusal skills that can be used to avoid the use of alcohol, tobacco, and other drugs; and
 - (C) identify and describe healthy alternative activities to the use of drugs and other substances.
- (20) Reproductive and sexual health--healthy relationships. The student understands the characteristics of healthy romantic relationships. The student is expected to:
 - (A) define and distinguish between friendship, infatuation, dating/romantic relationships and marriage; and
 - (B) identify characteristics of healthy dating/romantic relationships and marriage, including sharing, kindness, honesty, respect, trust, patience, communication, and compatibility.
- (21) Reproductive and sexual health--personal safety, limits, and boundaries. The student understands how to set and respect personal boundaries to reduce the risk of sexual abuse and harassment. The student is expected to:
 - (A) define sexual harassment, sexual abuse, sexual assault, and sex trafficking;
 - (B) identify ways of reporting suspected sexual abuse involving self or others such as telling a parent or trusted adult;
 - (C) identify refusal skills such as saying "no" to any unwanted touch that violates personal boundaries in relationships; and
 - (D) discuss and explain the importance of making decisions regarding setting personal boundaries and respecting the boundaries of others related to physical intimacy such as holding hands, hugging, and kissing.
- (22) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
 - (A) explain the physical, social, and emotional changes that occur in males and females during puberty and adolescent development;
 - (B) describe the process of the menstrual cycle;
 - (C) identify and describe the role of hormones in the growth and development of secondary sex characteristics such as body hair growth and voice change in males; and
 - (D) define the processes of fertilization and reproduction.

Chapter 115. Texas Essential Knowledge and Skills for Health Education

Subchapter B. Middle School

§115.25. Implementation of Texas Essential Knowledge and Skills for Health Education, Adopted 2020.

- (a) The provisions of §115.26 and §115.27 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for health education as adopted in §115.26 and §115.27 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §115.26 and §115.27 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §115.26 and §115.27 of this subchapter shall be implemented for the following school year.
- (e) Sections 115.21-115.23 of this subchapter shall be superseded by the implementation of §§115.25-115.27 of this subchapter.

§115.26. Grade 6, Adopted 2020.

- (a) Introduction.
 - (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
 - (2) There are essential skills that repeat throughout the six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts.
 - (3) Students gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the

relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.

- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (F) Beginning in Grade 4, students learn about changes associated with adolescent development in the reproductive and sexual health strand. In subsequent grade levels, students identify the purpose of these changes and their role in fertilization and reproduction. Students learn the characteristics of healthy and unhealthy relationships and how to use communication and refusal skills to set personal boundaries in dating/romantic relationships. Students also identify how to respond to sexual harassment and abuse.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(b) Knowledge and skills.

- (1) Physical health and hygiene--body systems. The student examines the structure, function, and relationships of body systems and their relevance to personal health. The student is expected to explain how to maintain the healthy status of body systems.
- (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:
 - (A) compare immediate and long-term effects of personal health care choices such as personal and dental hygiene;
 - (B) develop criteria for evaluating the validity of health information and sources;
 - (C) describe ways to demonstrate decision-making skills based on health information;
 - (D) identify current health-related issues and recommendations or guidelines;
 - (E) explain the role of preventive health measures, immunizations, and treatment such as wellness exams and dental check-ups in disease prevention;

- (F) describe actions that should be taken when illness occurs, including asthma, diabetes, and epilepsy; and
- (G) describe and recognize the signs, symptoms, and treatments of vector-borne illnesses such as Lyme disease or West Nile Virus.
- (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:
 - (A) demonstrate healthy methods for communicating emotions in a variety of scenarios;
 - (B) assess and demonstrate healthy ways of responding to conflict;
 - (C) differentiate between positive and negative peer influence;
 - (D) describe methods for communicating important issues with and understanding perspectives of parents and peers;
 - (E) discuss and demonstrate how to listen and respect others' feelings and perspectives in a variety of scenarios; and
 - (F) identify strategies for using non-violent conflict resolution skills.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
 - (A) identify how physical and social changes impact self-esteem;
 - (B) identify possible health implications of long-term personal goals;
 - (C) create and discuss personal life goals that one wishes to achieve and consider the financial impact of graduating from high school, having a full-time job, and waiting until marriage if one plans to have children; and
 - (D) explain the steps in the decision-making process and the importance of following the steps.
- (5) Mental health and wellness--risk and protective factors. The student recognizes the influence of various factors on mental health and wellness. The student is expected to:
 - (A) identify hereditary mental health and wellness conditions;
 - (B) identify and discuss how adolescent brain development influences emotions, decision making, and logic; and
 - (C) relate physical environmental factors such as school climate and availability of resources to individual, family, and community health.
- (6) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
 - (A) examine the outcomes of healthy and unhealthy methods for managing challenges related to long-term health conditions of self and others;
 - (B) identify and describe lifetime strategies for coping with conditions that impact learning such as attention-deficit disorder (ADD), attention-deficit/hyperactivity disorder (ADHD), dyslexia, dysgraphia, and sensory issues;
 - (C) identify how to respond positively to develop resiliency;
 - (D) describe healthy and unhealthy self-management strategies for stress, anxiety, depression, trauma, loss, and grief;

- (E) identify causes and effects associated with disordered eating and eating disorders such as bulimia, anorexia, and binge eating disorder and the importance of seeking help from a parent or trusted adult for oneself or others related to disordered eating;
- (F) discuss the warning signs associated with suicide as identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;
- (G) describe why self-harm behaviors can occur when someone is struggling to manage overwhelming emotions or lacks support; and
- (H) identify suicide prevention resources such as the National Suicide Prevention Hotline.
- (7) Healthy eating and physical activity--food and beverage daily recommendations. The student analyzes and applies healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
 - (A) define micronutrients, including calcium and iron, and their recommended daily allowances;
 - (B) compare and contrast common food labels and menus for nutritional content and calories;
 - (C) describe healthy and unhealthy dietary practices;
 - (D) explain the importance of a realistic personal dietary plan; and
 - (E) evaluate the importance of choosing lower sodium alternatives to foods that have high levels of sodium such as salty snacks and canned vegetables.
- (8) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to:
 - (A) identify the CDC guidelines for daily physical activity throughout the lifespan; and
 - (B) analyze the benefits of regular physical activity on mental, physical, and social health.
- (9) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to:
 - (A) make a variety of healthy personal food choices and develop short- and long-term goals to achieve appropriate levels of physical activity and improve personal physical fitness levels; and
 - (B) explain the role of media and technology in influencing individual and community health related to physical activity and nutritional choices.
- (10) Healthy eating and physical activity--risk and protective factors. The student analyzes and applies risk and protective factors related to healthy eating and physical activity. The student is expected to:
 - (A) analyze the impact of moderate physical activity and dietary choices on the prevention of obesity, heart disease, and diabetes;
 - (B) identify strategies to adopt healthy behaviors to reduce the likelihood of developing chronic conditions such as obesity, heart disease, or diabetes;
 - (C) analyze internal and external factors that influence healthy eating and physical activity behaviors; and
 - (D) discuss the nutritional differences in preparing and serving fresh foods versus serving ready-prepared, processed foods.

- (11) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to describe basic first-aid procedures.
- (12) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) discuss and demonstrate strategies for avoiding violence, gangs, weapons, and human trafficking;
 - (B) examine safety procedures that can be used in various situations, including violence in the home, school, and community;
 - (C) describe the dangers associated with a variety of weapons; and
 - (D) explain the importance of complying with rules prohibiting possession of weapons.
- (13) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
- (A) discuss appropriate personal digital and online communication boundaries;
 - (B) develop strategies to resist inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography;
 - (C) discuss and analyze consequences resulting from inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography;
 - (D) discuss strategies and techniques for identity protection in digital and online environments;
 - (E) identify how technology is used to recruit or manipulate potential victims of sex trafficking; and
 - (F) identify the current legal consequences of cyberbullying and inappropriate digital and online communication.
- (14) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) identify strategies for managing unhealthy behaviors such as abuse, alcoholism, and neglect in the family or household;
 - (B) identify how exposure to family violence can influence behavior;
 - (C) assess healthy and appropriate ways of responding to and discouraging bullying and cyberbullying, including behavior that takes place at school;
 - (D) analyze the impact that bullying has on both victims and bullies;
 - (E) identify strategies for prevention and intervention of all forms of bullying or cyberbullying such as emotional, physical, social, and sexual; and
 - (F) discuss ways to seek the input of parents and other trusted adults in problem solving issues relating to violence and bullying.
- (15) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
- (A) describe the misuse and abuse of prescription and over-the-counter drugs, including combining drugs, and the dangers associated with each;

- (B) compare and contrast examples of prescription and over-the-counter drug labels;
 - (C) identify and describe practices used to safely store and properly dispose of prescription and over-the-counter drugs; and
 - (D) describe substance abuse and addiction to prescription drugs, over-the-counter drugs, alcohol, vaping products, tobacco, other drugs, and dangerous substances.
- (16) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) describe the short- and long-term health consequences of prescription and over-the-counter drug misuse and substance use disorders;
 - (B) discuss the legal consequences related to the use and misuse of drugs, including prescription drugs; and
 - (C) explain the importance of complying with rules prohibiting the possession of drugs.
- (17) Alcohol, tobacco, and other drugs--treatment. The student recognizes and understands the options for treatment and how to seek help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) identify ways to report a suspected abuse of drugs to a parent, school administrator, teacher, or trusted adult;
 - (B) identify signs and symptoms of alcohol; tobacco; drugs, including prescription drugs; and other substance use and misuse such as using medicine prescribed for someone else or for reasons other than intended;
 - (C) identify at least one example of who, when, where, and how to get help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances.
- (18) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
- (A) explain the impact of peer influence on decision making regarding the use of alcohol, tobacco, and other drugs;
 - (B) describe methods for differentiating between positive and negative relationships that can influence alcohol, tobacco, and other drug use;
 - (C) identify physical and social influences on alcohol, tobacco, and other drug use behaviors;
 - (D) explain the relationships between alcohol, tobacco, drugs, and other substances and the role each can play in unsafe situations such as drinking and driving; and
 - (E) identify methods available to report unsafe situations related to alcohol, tobacco, and other drugs.
- (19) Alcohol, tobacco, and other drugs--prevention. The student analyzes information and applies critical-thinking skills to avoid substance use and misuse and recognizes the benefits of delayed use. The student is expected to:
- (A) identify ways such as alternative activities and refusal skills to prevent or avoid the use of alcohol, tobacco, drugs, and other substances;
 - (B) demonstrate refusal skills in various scenarios where alcohol, tobacco, and other drugs may be present;
 - (C) identify and describe strategies for avoiding alcohol, tobacco, and other drugs, including opioids; and
 - (D) identify the benefits of various health behaviors such as choosing not to smoke.

- (20) Reproductive and sexual health--healthy relationships. The student understands the characteristics of healthy romantic relationships. The student is expected to:
- (A) compare and contrast the differences between friendship, infatuation, dating/romantic relationships, and marriage;
 - (B) describe how friendships provide a foundation for healthy dating/romantic relationships;
 - (C) list healthy ways to express friendship, affection, and love;
 - (D) describe characteristics of healthy dating/romantic relationships and marriage, including sharing, kindness, honesty, respect, trust, patience, communication, and compatibility;
 - (E) explain that each person in a dating relationship should be treated with dignity and respect; and
 - (F) describe how healthy marriages can contribute to healthy families and communities.
- (21) Reproductive and sexual health--personal safety, limits, and boundaries. The student understands how to set and respect personal boundaries to reduce the risk of sexual harassment, sexual abuse, and sexual assault. The student is expected to:
- (A) identify that physical, emotional, and sexual abuse and exploitation are all forms of abuse;
 - (B) identify the social and emotional impacts of sexual harassment, sexual abuse, sexual assault, and sex trafficking;
 - (C) list the characteristics of unhealthy or harmful relationships, including anger, controlling behavior, jealousy, manipulation, and isolation;
 - (D) identify ways of reporting suspected sexual abuse involving self or others such as telling a parent or trusted adult;
 - (E) explain how a healthy sense of self and decision making regarding safe boundaries and limits promotes healthy dating/romantic relationships;
 - (F) identify communication and refusal skills and how they can be applied in dating/romantic relationships; and
 - (G) explain the importance of clearly communicating, respecting personal boundaries, and using refusal skills related to physical intimacy such as holding hands, hugging, and kissing.
- (22) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
- (A) describe changes in male and female anatomy and physiology during puberty and how rates and patterns of development can vary between individuals;
 - (B) describe the process, characteristics, and variations of the menstrual cycle;
 - (C) analyze the role of hormones related to growth and development and personal health;
 - (D) describe the cellular process of fertilization in human reproduction; and
 - (E) identify significant milestones of fetal development.
- (23) Reproductive and sexual health--sexual risk. The student understands that there are risks associated with sexual activity and that abstinence from sexual activity is the only 100% effective method to avoid risks. The student is expected to:
- (A) identify teen pregnancy as a possible outcome of sexual activity;
 - (B) identify life goals that one wishes to achieve prior to becoming a parent;

- (C) define sexually transmitted infections (STIs) and sexually transmitted diseases (STDs) as infections or diseases that are spread through sex or sexual activity;
- (D) identify that there are emotional risks associated with sexual activity between unmarried persons of school age;
- (E) define abstinence as refraining from all forms of sexual activity and genital contact between individuals and discuss the importance of seeking support from parents, trusted adults, and peers to be abstinent;
- (F) explain why abstinence is the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- (G) identify why abstinence from sexual activity is the only method that is 100% effective in preventing pregnancy; STIs, including human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS); and the emotional risks associated with adolescent sexual activity;
- (H) list the benefits of abstinence from sexual activity such as increased self-esteem, self-confidence, student academic achievement, and alignment with personal, family, and moral or religious beliefs and values; and
- (I) explain how laws protect victims of sexual harassment, sexual abuse, and sexual assault.

§115.27. Grades 7-8, Adopted 2020.

(a) Introduction.

- (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
- (2) There are essential skills that repeat throughout the six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts.
- (3) Students gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empower students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.

- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (F) Beginning in Grade 4, students learn about changes associated with adolescent development in the reproductive and sexual health strand. In subsequent grade levels, students identify the purpose of these changes and their role in fertilization and reproduction. Students learn the characteristics of healthy and unhealthy relationships and how to use communication and refusal skills to set personal boundaries in dating/romantic relationships. Students also identify how to respond to sexual harassment and abuse.
- (4) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (5) Students should first seek guidance in the area of health from a parent or legal guardian.
- (b) Knowledge and skills.
 - (1) Physical health and hygiene--body systems. The student examines the structures, functions, and relationships of body systems and their relevance to personal health. The student is expected to describe the relationships among the body systems.
 - (2) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:
 - (A) list specific resources or facilities where members of the community can obtain medical care;
 - (B) explain ways to use health information to help self and others, including seizure awareness, diabetes education, and response plans such as first aid or cardiopulmonary resuscitation (CPR);
 - (C) identify barriers related to solving health problems and ways to overcome barriers; and
 - (D) explain the course, signs, symptoms, and treatments of vector-borne illnesses such as Lyme disease or West Nile Virus.
 - (3) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:

- (A) identify and analyze different emotions and casual thoughts in self;
 - (B) analyze the relationship between thoughts, feelings, and behaviors and demonstrate healthy techniques for managing reactions in times of emotional stress;
 - (C) evaluate the importance of social groups and peer influences and explain how they can affect individual mental health and wellness;
 - (D) demonstrate perspective-taking and communication skills for building and maintaining healthy relationships and determining when and how to end unhealthy relationships;
 - (E) analyze similarities and differences between one's own and others' perspectives;
 - (F) analyze and demonstrate appropriate ways to discourage inconsiderate and disrespectful behavior, including in school; and
 - (G) practice conflict resolution and mediation skills.
- (4) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to:
- (A) describe how internal and external factors influence self-esteem;
 - (B) identify and develop strategies for setting long-term personal goals;
 - (C) create and discuss personal life goals that one wishes to achieve and consider the financial impact of graduating from high school, having a full-time job, and waiting until marriage if one plans to have children; and
 - (D) identify decision-making skills that promote individual, family, and community mental health.
- (5) Mental health and wellness--risk and protective factors. The student recognizes the influence of various factors on mental health and wellness. The student is expected to:
- (A) understand genetic and biological factors in the potential development of mental health and wellness conditions;
 - (B) explain how adolescent brain development influences cognitive processing, emotions, and decision making;
 - (C) identify and describe how environmental influences such as air, water, or noise can affect an individual's mental health;
 - (D) discuss mental health-related social issues such as homelessness; and
 - (E) discuss the influence of childhood trauma and how to recognize, process, and overcome negative events.
- (6) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
- (A) describe methods to support others who have long-term physical health conditions;
 - (B) examine ways to influence peers positively and promote resiliency in others in stressful situations;
 - (C) differentiate between healthy and unhealthy self-management strategies for stress, anxiety, depression, trauma, loss, and grief;
 - (D) describe the consequences of disordered eating and eating disorders such as bulimia, anorexia, and binge eating disorder and the importance of seeking help from a parent or trusted adult for oneself or others related to disordered eating;

- (E) discuss protective factors of suicide identified by the Centers for Disease Control and Prevention (CDC);
- (F) research healthy self-management strategies to avoid harming oneself; and
- (G) examine how the use of suicide prevention resources such as the National Suicide Prevention Hotline can reduce the likelihood of suicide.
- (7) Healthy eating and physical activity--food and beverage daily recommendations. The student analyzes and applies healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
 - (A) analyze food labels and menus to determine nutritional value;
 - (B) analyze the impact of healthy dietary practices;
 - (C) develop a personal dietary plan; and
 - (D) identify and practice strategies for choosing healthy foods and beverages in diverse social environments, including at home, at school, and while dining out.
- (8) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to:
 - (A) apply the CDC guidelines for daily physical activity to construct a personal activity plan;
 - (B) explain the relationships between nutrition, physical activity, quality of life, and disease in terms of their mental, physical, and social benefits;
 - (C) identify how to balance caloric intake and physical activity expenditures; and
 - (D) develop a physical fitness plan using appropriate technology.
- (9) Healthy eating and physical activity--nutrition and physical activity literacy. The student obtains, processes, and understands basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to:
 - (A) develop and examine progress of short- and long-term goals toward achieving appropriate levels of physical activity, improving personal physical fitness level, and making healthy personal food choices; and
 - (B) explain how media influences buying decisions regarding physical fitness equipment or nutritional products.
- (10) Healthy eating and physical activity--risk and protective factors. The student analyzes and applies risk and protective factors related to healthy eating and physical activity. The student is expected to:
 - (A) analyze the impact of moderate physical activity and healthy dietary practices in the prevention of obesity, heart disease, and diabetes;
 - (B) analyze risk factors that may lead to the development of chronic conditions and formulate strategies to reduce the likelihood of developing chronic conditions;
 - (C) identify community resources that can assist in developing healthy eating and physical activity behaviors; and
 - (D) investigate and compare the differences in preparing and serving fresh food and serving ready-prepared, processed foods.
- (11) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to demonstrate basic first-aid procedures, including CPR and the choking rescue.

- (12) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) analyze strategies for and the benefits of avoiding violence, gangs, weapons, and human trafficking;
 - (B) define safe haven and identify designated safe haven locations in the community;
 - (C) examine safety procedures that can be used in various situations, including violence in the home, school, and community;
 - (D) evaluate the dangers associated with a variety of weapons; and
 - (E) evaluate the importance of complying with rules prohibiting possession of and the improper use of weapons.
- (13) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
- (A) develop strategies to resist inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography;
 - (B) discuss and analyze the consequences resulting from inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography;
 - (C) evaluate strategies and techniques for identity protection in digital and online environments;
 - (D) identify how technology is used to recruit or manipulate potential victims of sex trafficking; and
 - (E) research the current legal consequences of cyberbullying and inappropriate digital and online communication.
- (14) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) analyze strategies for managing unhealthy behaviors in the family or household such as abuse, alcoholism, and neglect;
 - (B) analyze how exposure to family violence can influence behavior;
 - (C) describe the serious effects of bullying, cyberbullying, or harassment such as suicidal ideation and other effects on the individual;
 - (D) explain the responsibility to report bullying behavior, including cyberbullying;
 - (E) describe the seriousness of various forms of bullying such as harassment;
 - (F) analyze strategies for preventing bullying, including cyberbullying and harassment;
 - (G) summarize the advantages of seeking advice and feedback regarding the use of decision-making and problem-solving skills related to personal safety; and
 - (H) discuss the importance of reporting suspected abuse or neglect of self and others.
- (15) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
- (A) differentiate between appropriate and inappropriate use of prescription and over-the-counter drugs, including combining drugs, and the outcomes of each;
 - (B) identify and describe the categories of prescription drugs and their proper uses;

- (C) identify and explain the importance of each component of an over-the-counter drug warning label;
 - (D) identify and describe the importance of the safe storage and proper disposal of prescription and over-the-counter drugs;
 - (E) describe how substance misuse, including prescription drug abuse, and substance use disorders affect the body systems and brain; and
 - (F) describe the harmful effects of addiction to alcohol, tobacco, drugs, and other substances such as inhalants and vaping and household products.
- (16) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) analyze and explain the short- and long-term health consequences of prescription and over-the-counter drug misuse and substance use disorders;
 - (B) analyze the importance of alternatives to drug and substance use and misuse on mental and social health; and
 - (C) analyze the legal consequences of the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances.
- (17) Alcohol, tobacco, and other drugs--treatment. The student recognizes and understands the options for treatment and how to seek help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) identify and describe treatment options for substance abuse and addiction;
 - (B) identify signs and symptoms of alcohol; tobacco; drugs, including prescription drugs; and other substance use and misuse such as using medicine prescribed for someone else or for reasons other than intended; and
 - (C) identify at least one example of who, when, where, and how to get help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances.
- (18) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
- (A) examine the effects and role of peer influence on decision making and problem solving regarding the use and misuse of alcohol, tobacco, and other drugs;
 - (B) examine social influences on alcohol, tobacco, and other drug use behaviors;
 - (C) discuss the influence of physical and social environmental factors on substance misuse and abuse;
 - (D) differentiate among the relationships of alcohol, tobacco, drugs, and other substances and the roles these substances play in unsafe situations such as drinking and driving; and
 - (E) identify support systems and describe ways to report the suspected abuse of drugs to a parent, school administrator, teacher, or other trusted adult.
- (19) Alcohol, tobacco, and other drugs--prevention. The student analyzes information and applies critical-thinking skills to avoid substance use and misuse and recognizes the benefits of delayed use. The student is expected to develop and apply strategies, including demonstrating refusal skills, for avoiding alcohol, tobacco, and other drugs in various scenarios.
- (20) Reproductive and sexual health--healthy relationships. The student understands the characteristics of healthy romantic relationships. The student is expected to:
- (A) describe types of relationships such as platonic, romantic, and casual;

- (B) explain how friendships provide a foundation for healthy dating/romantic relationships;
 - (C) describe healthy ways to express friendship, affection, and love;
 - (D) describe appropriate and effective methods of communicating emotions in healthy dating/romantic relationships and marriage;
 - (E) evaluate the importance of mutual respect, trust, support, honesty, commitment, and reliability in healthy dating/romantic relationships and marriage;
 - (F) describe behaviors in romantic relationships that enhance dignity, respect, and responsibility; and
 - (G) describe the benefits of healthy marriages, including companionship and social, emotional, financial, and health benefits.
- (21) Reproductive and sexual health--personal safety, limits, and boundaries. The student understands how to set and respect personal boundaries to reduce the risk of sexual harassment, sexual abuse, and sexual assault. The student is expected to:
- (A) explain that physical, emotional, and sexual abuse and exploitation are all forms of abuse;
 - (B) explain the social and emotional impacts of sexual harassment, sexual abuse, sexual assault, and sex trafficking;
 - (C) define dating violence and the characteristics of unhealthy or harmful relationships, including anger, controlling behavior, jealousy, manipulation, and isolation;
 - (D) identify protective strategies for avoiding unsafe situations that heighten the risk of sexual harassment, sexual abuse, sexual assault, sex trafficking, and teen dating violence;
 - (E) explain the importance of reporting to a parent or trusted adult sexual harassment, sexual abuse, sexual assault, sex trafficking, and dating violence involving self or others;
 - (F) describe how a healthy sense of self and making and respecting decisions regarding safe boundaries and limits promote healthy dating/romantic relationships;
 - (G) discuss and practice refusal skills to resist negative peer pressure and avoid dangerous situations in dating/romantic relationships;
 - (H) demonstrate how refusal skills can be used to set and reinforce limits and boundaries to avoid behaviors that increase sexual risk;
 - (I) explain the importance of clearly communicating and respecting personal boundaries and why individuals have the right to refuse sexual contact; and
 - (J) explain positive and negative peer influences regarding personal boundaries and consent.
- (22) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
- (A) compare and contrast the physical, hormonal, and emotional changes in males and females that occur during puberty and adolescence;
 - (B) identify how the process of fertilization occurs between a man and a woman through sexual intercourse;
 - (C) explain significant milestones of fetal development and the harmful effects on the fetus of certain substances such as alcohol, tobacco, and prescription drugs and environmental hazards such as lead;
 - (D) describe the physical signs that indicate pregnancy;
 - (E) describe the importance of telling a parent or trusted adult, obtaining early pregnancy testing, and seeking prenatal care if signs of pregnancy occur; and

- (F) define the emotional changes that may occur during and after pregnancy, including postpartum depression, and discuss resources for support and treatment.
- (23) Reproductive and sexual health--sexual risk. The student understands that there are risks associated with sexual activity and that abstinence from sexual activity is the only 100% effective method to avoid risks. The student is expected to:
- (A) explain how teen pregnancy is a possible outcome of sexual activity;
- (B) explain the short- and long-term educational, financial, and social impacts of pregnancy on teen parents, the child, families, and society;
- (C) identify the difference between bacterial and viral sexually transmitted diseases (STDs) and sexually transmitted infections (STIs), including long-term or lifetime effects such as infertility and cancer;
- (D) describe various modes of transmission of STDs and STIs, including skin-to-skin contact and the exchange of bodily fluids through sexual contact;
- (E) list the signs and symptoms of STDs and STIs, including human papillomavirus (HPV), human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), chlamydia, syphilis, gonorrhea, herpes, and trichomoniasis, and explain why not all STDs and STIs show symptoms initially;
- (F) explain the importance of STD and STI screening, testing, and early treatment for sexually active individuals, including during yearly physicals or if there is a concern;
- (G) identify community resources, a minor's right to consent under certain circumstances, and the importance of parent or trusted adult support for STD/STI testing and treatment;
- (H) identify emotional risks that can be associated with sexual activity for unmarried persons of school age, including stress, anxiety, and depression;
- (I) identify support from parents and trusted adults to be abstinent from sexual activity and create strategies for building peer support to be abstinent;
- (J) analyze the importance of abstinence as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- (K) analyze the effectiveness and the risks and failure rates (human-use reality rates) of condoms and other contraceptive methods in the prevention of STDs, STIs, and pregnancy;
- (L) explain that HPV vaccines can help prevent the transmission of HPV, a virus that can cause genital warts and cervical or other cancers in males and females;
- (M) research and explain the benefits of abstinence from sexual activity such as increased self-esteem, self-confidence, and student academic achievement;
- (N) define legal implications regarding teen pregnancy, including child support and acknowledgement of paternity;
- (O) describe legal implications, including the legal age of consent, and offenses regarding sexual activity as they relate to minor persons, including statutory rape, aggravated sexual assault, sexual assault, and indecency with a child; and
- (P) examine the legal ramifications of sexual offenses such as sexual harassment, sexual abuse, and sexual assault.

Chapter 115. Texas Essential Knowledge and Skills for Health Education

Subchapter C. High School

§115.37. Implementation of Texas Essential Knowledge and Skills for Health Education, Adopted 2020.

- (a) The provisions of §§115.38-115.40 of this subchapter shall be implemented by school districts.
- (b) No later than July 31, 2021, 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 for health education as adopted in §§115.38-115.40 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§115.38-115.40 of this subchapter shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§115.38-115.40 of this subchapter shall be implemented for the following school year.
- (e) Sections 115.31-115.33 of this subchapter shall be superseded by the implementation of §§115.37-115.40 of this subchapter.

§115.38. Health I (One-Half Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
 - (2) There are essential skills that repeat throughout six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts.
 - (3) Students will gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empowers students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including

developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.

- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (F) In the reproductive and sexual health strand, students identify the characteristics of healthy and unhealthy relationships and learn to use communication and refusal skills to set personal boundaries and develop strategies for responding to sexual harassment and abuse. Students describe the changes associated with adolescent development and explain the process of fertilization, fetal development, and the importance of prenatal care. Students also learn that sexual abstinence until marriage is the only 100% effective means of avoiding unplanned pregnancies and sexually transmitted infections (STIs) as well as the legal, financial, and social issues associated with sexual health and reproduction.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(c) Knowledge and skills.

(1) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:

- (A) analyze health information based on health-related standards;
- (B) develop and analyze strategies to prevent communicable and non-communicable diseases; and
- (C) discuss the importance of early detection and warning signs that prompt individuals of all ages to seek health care.

- (2) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:
 - (A) discuss and demonstrate ways to express empathy toward others; and
 - (B) analyze forms of communication such as passive, aggressive, or assertive and their impact on conflict resolution.
- (3) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to explain and demonstrate decision-making skills based on mental health information.
- (4) Mental health and wellness--risk and protective factors. The student recognizes the influence of various factors influencing mental health and wellness. The student is expected to:
 - (A) research and explain how genetic factors predispose a person to schizophrenia, bipolar disorder, depression, anxiety, and other mental health and wellness conditions; and
 - (B) analyze how adverse childhood experiences such as abuse, neglect, and trauma can influence brain development and how to recognize, process, and overcome negative effects for overall mental health and wellness.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
 - (A) discuss the warning signs and protective factors of suicide as identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;
 - (B) assess how the use of suicide prevention resources such as the National Suicide Prevention Hotline reduces the likelihood of suicide; and
 - (C) research and discuss data on and prevalence of local, state, and national suicide rates among various groups.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student analyzes and applies healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to:
 - (A) evaluate food labels and menus for nutritional content and value, including recommended daily calories;
 - (B) compare and contrast the impact of healthy and unhealthy dietary practices; and
 - (C) describe how a personal dietary plan affects overall health and how a plan might differ over the lifespan.
- (7) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to analyze the relationships between nutrition, physical activity, and quality of life as they relate to mental, physical, and social health benefits.
- (8) Healthy eating and physical activity--risk and protective factors. The student analyzes and applies risk and protective factors related to healthy eating and physical activity. The student is expected to:
 - (A) evaluate the differences in preparing and serving fresh food versus serving ready-prepared or processed foods; and
 - (B) research and discuss the social and economic impact of chronic conditions, including obesity, heart disease, and diabetes.

- (9) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to demonstrate basic first-aid procedures, including how to perform cardiopulmonary resuscitation (CPR) and choking rescue and how to use an automated external defibrillator (AED).
- (10) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) formulate strategies for avoiding violence, gangs, weapons, and human trafficking; and
 - (B) assess the dynamics of gang behaviors.
- (11) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
- (A) develop strategies to resist inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography; and
 - (B) identify appropriate responses to situations in which digital and online safety are at risk, including identity protection and recognition of predators.
- (12) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) research and analyze how exposure to family violence can influence cyclical behavioral patterns;
 - (B) create a personal action plan, including identifying areas of support, for use when encountering bullying, cyberbullying, or harassment; and
 - (C) describe the ramifications of bullying behavior.
- (13) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
- (A) examine examples of drug labels to determine the drug category and intended use;
 - (B) identify and describe the importance of the safe storage and proper disposal of prescription and over-the-counter drugs; and
 - (C) develop strategies for preventing the misuse of prescription and over-the-counter drugs, including recognizing the negative effects of combining drugs.
- (14) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to describe the interrelatedness of alcohol and other drugs to health problems.
- (15) Alcohol, tobacco, and other drugs--treatment. The student recognizes and understands the options for treatment and how to seek help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) investigate and identify treatment options for substance abuse and addiction and misuse, including prescription drugs; and
 - (B) explain how to report suspected abuse of drugs to a parent, school administrator, teacher, or trusted adult.

- (16) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:
- (A) compare and contrast social influences on alcohol, tobacco, and other drug use behaviors;
 - (B) design materials for health advocacy such as promoting a substance-free life; and
 - (C) discuss ways to participate in school-related efforts to address health-risk behaviors.
- (17) Alcohol, tobacco, and other drugs--prevention. The student analyzes information and applies critical-thinking skills to avoid substance use and misuse and recognizes the benefits of delayed use. The student is expected to:
- (A) analyze the relationship between the use of refusal skills and the avoidance of alcohol, tobacco, and other drugs; and
 - (B) analyze the role that alcohol and other drugs play in unsafe situations, including sexual abuse and assault.
- (18) Reproductive and sexual health--healthy relationships. The student understands the characteristics of healthy romantic relationships. The student is expected to:
- (A) differentiate between types of relationships such as platonic, romantic, and casual;
 - (B) analyze how friendships provide a foundation for healthy dating relationships; and
 - (C) identify character traits that promote healthy dating/romantic relationships and marriage.
- (19) Reproductive and sexual health--personal safety, limits, and boundaries. The student understands how to set and respect personal boundaries to reduce the risk of sexual harassment, sexual abuse, and sexual assault. The student is expected to:
- (A) describe the characteristics of sex trafficking such as grooming, controlling behavior, exploitation, force, fraud, coercion, and violence;
 - (B) analyze the characteristics of harmful relationships that can lead to dating violence;
 - (C) identify healthy strategies for preventing physical, sexual, and emotional abuse;
 - (D) analyze how a healthy sense of self and making and respecting decisions about safe boundaries and limits promote healthy dating/romantic relationships; and
 - (E) explain and demonstrate how refusal strategies can be used to say "no" assertively to unhealthy behaviors in dating/romantic relationships.
- (20) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
- (A) explain how the process of fertilization occurs between a man and a woman through sexual intercourse;
 - (B) analyze the physical signs that indicate pregnancy; and
 - (C) analyze the importance of telling a parent or trusted adult, obtaining early pregnancy testing, and seeking prenatal care if signs of pregnancy occur.
- (21) Reproductive and sexual health--sexual risk. The student understands that there are risks associated with sexual activity and that abstinence from sexual activity is the only 100% effective method to avoid risks. The student is expected to:
- (A) research and analyze the educational, financial, and social impacts of pregnancy on teen parents, the child, families, and society, including considering the effects on one's personal life goals;

- (B) describe various modes of transmission of sexually transmitted diseases (STDs) and STIs, including skin-to-skin contact, oral sex, vaginal sex, and anal sex;
- (C) describe signs and symptoms of STDs and STIs, including human papillomavirus (HPV), human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), chlamydia, syphilis, gonorrhea, herpes, and trichomoniasis, and identify that not all STDs and STIs show symptoms;
- (D) analyze the importance of STD and STI screening, testing, and early treatment for sexually active people, including if there is a concern or during yearly physicals;
- (E) analyze emotional risks that can be associated with sexual activity for unmarried persons of school age, including stress, anxiety, and depression;
- (F) analyze the importance and benefits of abstinence from sexual activity as it relates to emotional health and the prevention of pregnancy, STDs, and STIs;
- (G) analyze the effectiveness and the risks and failure rates (human-use reality rates) of barrier protection and other contraceptive methods, including how they work and may reduce the risk of STDs, STIs, and pregnancy; and
- (H) explain the legal responsibilities related to teen pregnancy, including child support and acknowledgement of paternity.

§115.39. Health II (One-Half Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. Recommended prerequisite: Health I. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) The goal of health education is to provide instruction that allows youth to develop and sustain health-promoting behaviors throughout their lives. The understanding and application of these standards will allow students the ability to gather, interpret, and understand health information; achieve health literacy; and adapt to the ever-evolving science of health. The health education knowledge and skills should be presented to students in a positive manner to support the development of a healthy self-concept and responsible decision making. The standards will help students reinforce, foster, and apply positive character traits.
 - (2) There are essential skills that repeat throughout six strands and embody the interconnection of health literacy. These skills include decision making, problem solving, goal setting, maintaining healthy relationships with self and others, seeking help and support, and recognizing various influences on health such as social, environmental, media, and genetic. These skills, developed early on and reinforced throughout a student's education, will foster mastery of health concepts.
 - (3) Students will gain an understanding of health information and skills through six strands: physical health and hygiene; mental health and wellness; healthy eating and physical activity; injury and violence prevention and safety; alcohol, tobacco, and other drugs; and reproductive and sexual health.
 - (A) Physical health and hygiene education helps to prepare students for improved lifelong health outcomes. Learning about body systems lays the foundation for personal health and hygiene. Health literacy and preventative behaviors empowers students to make informed choices to support self, family, and community.
 - (B) The mental health and wellness strand recognizes that the knowledge and skills necessary to manage emotions, reactions, and relationships are essential to reaching one's full potential. Students gain knowledge about social and emotional health, including developing a healthy self-concept, understanding risk and protective factors, and identifying and managing mental health and wellness concerns. In the early grades, students develop fluency around emotions and self-regulation and understand the relationship between feelings, thoughts, and behavior. In subsequent grades, students

learn and practice appropriate ways to solve interpersonal conflicts, work to develop a positive self-image, and develop healthy self-management skills.

- (C) The healthy eating and physical activity strand addresses the importance of nutrition and physical activity to support a healthy lifestyle. Students apply critical-thinking and decision-making skills to make positive health choices. Students learn about essential nutrients, food groups, portion control, government nutritional recommendations, and the health benefits of being physically active. Students evaluate the connection between physical activity and nutrition and the prevention of chronic diseases.
- (D) By focusing on injury and violence prevention and safety, the standards promote student well-being and awareness of dangerous situations. Supporting student well-being and providing instruction in digital citizenship, bullying, first aid, and identification of safe and unsafe situations creates empowered and educated students who are able to make decisions that keep themselves and others safe. Beginning in Kindergarten and continuing through high school, students gain knowledge and skills to support safety and wellness at school, at home, online, and in the community.
- (E) The standards under the alcohol, tobacco, and other drugs strand focus on a number of protective factors that develop empowered students who are able to make better-informed decisions, including understanding the impact of substance use on physical, mental, and social health. Through this strand, students learn key concepts about alcohol, tobacco, and other drugs, including the use, misuse, and physiological effects; short- and long-term impacts on health; treatment; risk and protective factors; and prevention. These concepts introduce healthy alternatives and ways for students to ask for and seek out help from parents and trusted adults.
- (F) In the reproductive and sexual health strand, students identify the characteristics of healthy and unhealthy relationships and learn to use communication and refusal skills to set personal boundaries and develop strategies for responding to sexual harassment and abuse. Students describe the changes associated with adolescent development and explain the process of fertilization, fetal development, and the importance of prenatal care. Students also learn that sexual abstinence until marriage is the only 100% effective means of avoiding unplanned pregnancies and sexually transmitted infections (STIs) as well as the legal, financial, and social issues associated with sexual health and reproduction.

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

(5) Students should first seek guidance in the area of health from a parent or legal guardian.

(c) Knowledge and skills.

(1) Physical health and hygiene--personal health and hygiene. The student understands health literacy, preventative health behaviors, and how to access and evaluate health care information to make informed decisions. The student is expected to:

- (A) analyze the cost, availability, and accessibility of health care services;
- (B) analyze methods of overcoming barriers related to solving health problems; and
- (C) analyze the influence of laws, policies, and practices, including those related to disease prevention, on health-related issues.

(2) Mental health and wellness--social and emotional health. The student identifies and applies strategies to develop socio-emotional health, self-regulation, and healthy relationships. The student is expected to:

- (A) evaluate positive and negative effects of various relationships on physical, emotional, and social health;

- (B) apply communication skills that demonstrate consideration and respect for individual differences and perspectives; and
- (C) evaluate the effectiveness of conflict resolution techniques in various situations.
- (3) Mental health and wellness--developing a healthy self-concept. The student develops the capacity for self-assessment and evaluation, goal setting, and decision making in order to develop a healthy self-concept. The student is expected to describe how internal and external factors influence self-esteem.
- (4) Mental health and wellness--risk and protective factors. The student recognizes the influence of various factors influencing mental health and wellness. The student is expected to formulate strategies for combating environmental factors that have a detrimental effect on mental health.
- (5) Mental health and wellness--identifying and managing mental health and wellness concerns. The student develops and uses appropriate skills to identify and manage conditions related to mental health and wellness. The student is expected to:
 - (A) describe the impact of positive stress on building resiliency and promoting mental health and wellness;
 - (B) discuss the impact of choosing healthy self-management strategies for stress, anxiety, depression, trauma, loss, and grief on mental health and wellness; and
 - (C) research and explain the behaviors associated with eating disorders and their impact on health.
- (6) Healthy eating and physical activity--food and beverage daily recommendations. The student analyzes and applies healthy eating strategies for enhancing and maintaining personal health throughout the lifespan. The student is expected to design a realistic, long-term personal dietary plan that promotes individual and family health.
- (7) Healthy eating and physical activity--physical activity. The student identifies, analyzes, and applies strategies for enhancing and maintaining optimal personal physical fitness throughout the lifespan. The student is expected to:
 - (A) compare and contrast the impact of active and sedentary lifestyles on overall health; and
 - (B) develop a physical fitness profile using appropriate technology.
- (8) Healthy eating and physical activity--nutrition and physical activity literacy. The student will obtain, process, and understand basic physical activity and nutrition information needed to make health-promoting decisions. The student is expected to:
 - (A) analyze the progress of short- and long-term goals in achieving appropriate levels of physical activity, improving personal physical fitness levels, and making healthy personal food choices; and
 - (B) analyze marketing and advertising techniques in health product and service promotion.
- (9) Healthy eating and physical activity--risk and protective factors. The student analyzes and applies risk and protective factors related to healthy eating and physical activity. The student is expected to:
 - (A) evaluate the connection between physical activity and dietary choices as they relate to the prevention of chronic conditions; and
 - (B) create a plan for accessing community resources that can assist in developing healthy eating and physical activity behaviors.
- (10) Injury and violence prevention and safety--safety skills and unintentional injury. The student identifies and demonstrates safety and first aid knowledge to prevent and treat injuries. The student is expected to discuss risk-taking behaviors, including driving under the influence and distracted driving, and their associated consequences.

- (11) Injury and violence prevention and safety--healthy home, school, and community climate. The student understands that individual actions and awareness can impact safety, community, and environment. The student is expected to:
- (A) discuss and evaluate ways to respond to harmful situations that involve weapons; and
 - (B) develop educational safety models for children and adults for use at home, school, and in the community.
- (12) Injury and violence prevention and safety--digital citizenship and media. The student understands how to be a safe and responsible citizen in digital and online environments. The student is expected to:
- (A) discuss and analyze consequences resulting from inappropriate digital and online communication such as sending and receiving photos, sexting, and pornography; and
 - (B) assess the legal and ethical ramifications of unacceptable behaviors in digital and online environments.
- (13) Injury and violence prevention and safety--interpersonal violence. The student understands the impact of interpersonal violence and the importance of seeking guidance and help to maintain personal safety. The student is expected to:
- (A) discuss and evaluate strategies for managing unhealthy behaviors in the family or household such as abuse, alcoholism, and neglect;
 - (B) identify and respond to situations requiring intervention for victims of bullying, cyberbullying, or harassment; and
 - (C) promote strategies for prevention and intervention of all forms of bullying and cyberbullying such as emotional, physical, social, and sexual.
- (14) Alcohol, tobacco, and other drugs--use, misuse, and physiological effects. The student understands the difference between use and misuse of different substances and how the use and misuse of substances impacts health. The student is expected to:
- (A) analyze how addiction to alcohol, tobacco, drugs, and other substances impacts community health;
 - (B) analyze the importance of alternative activities to drug and substance misuse and abuse; and
 - (C) identify individual and community protective factors and skills that prevent substance misuse and substance use disorders.
- (15) Alcohol, tobacco, and other drugs--short- and long-term impacts. The student identifies and analyzes the short- and long-term impacts of the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to:
- (A) discuss how substance misuse, including prescription drug misuse, and substance use disorders impact families and communities; and
 - (B) evaluate the impact of laws relating to the use and misuse of prescription and over-the-counter drugs, alcohol, tobacco, and other substances on self and community.
- (16) Alcohol, tobacco, and other drugs--treatment. The student recognizes and understands the options for treatment and how to seek help related to the use and misuse of alcohol; tobacco; drugs, including prescription drugs; and other substances. The student is expected to identify ways to support and assist someone who shows signs and symptoms of alcohol, tobacco, or drug use and misuse.
- (17) Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to:

- (A) discuss risk-taking behaviors such as drinking and driving with their associated legal, social, and physical consequences;
 - (B) analyze physical and social environmental influences on the misuse and abuse of prescription drugs in places such as school, sports, or entertainment; and
 - (C) design a public health information campaign related to safe havens, where to go for help, or reporting drug-related behaviors.
- (18) Alcohol, tobacco, and other drugs--prevention. The student analyzes information and applies critical-thinking skills to avoid substance use and misuse and recognizes the benefits of delayed use. The student is expected to develop strategies for preventing use or misuse of alcohol, tobacco, and other drugs, including opioids.
- (19) Reproductive and sexual health--healthy relationships. The student understands the characteristics of healthy romantic relationships. The student is expected to:
- (A) compare and contrast effective and ineffective methods of communicating emotions in healthy dating/romantic relationships and marriage;
 - (B) analyze behaviors in romantic relationships that enhance dignity and respect; and
 - (C) describe how a healthy marriage can provide a supportive environment for the nurturing and development of children.
- (20) Reproductive and sexual health--personal safety, limits, and boundaries. The student understands how to set and respect personal boundaries to reduce the risk of sexual harassment, sexual abuse, and sexual assault. The student is expected to:
- (A) identify community resources to support individuals who have experienced sexual harassment, sexual abuse, sexual assault, dating violence, and sex trafficking;
 - (B) explain the importance of reporting to a parent or trusted adult sexual harassment, sexual abuse, sexual assault, and dating violence involving self or others;
 - (C) discuss how refusal skills can be used to set limits and boundaries to avoid behaviors that increase sexual risk;
 - (D) analyze factors, including alcohol and other substances, that increase sexual risk and that affect setting, perceiving, respecting, and making decisions about boundaries; and
 - (E) examine and discuss influences and pressures to become sexually active and why it is wrong to violate another person's boundaries and manipulate or threaten someone into sexual activity.
- (21) Reproductive and sexual health--anatomy, puberty, reproduction, and pregnancy. The student analyzes adolescent development, the process of fertilization, and healthy fetal development. The student is expected to:
- (A) analyze the significance of hormonal, physical, emotional, and social changes in males and females and their relationship to sexual health;
 - (B) list factors such as heredity, environment, sexually transmitted diseases (STDs) and STIs, and the mother's health and nutrition that can affect fetal development from conception through birth;
 - (C) analyze the emotional changes that can occur during pregnancy; and
 - (D) describe the emotional changes that may occur during and after pregnancy, including postpartum depression, and identify resources for support and treatment.
- (22) Reproductive and sexual health--sexual risk. The student understands that there are risks associated with sexual activity and that abstinence from sexual activity is the only 100% effective method to avoid risks. The student is expected to:

- (A) analyze the options available to teenage parents such as parenting or the process of adoption and the legal rights of parties involved;
- (B) evaluate long-term or lifetime effects of bacterial and viral STDs and STIs, including infertility and cancer;
- (C) identify community resources, minors' right to consent under certain circumstances, and the importance of parent or trusted adult support for STD and STI testing and treatment;
- (D) analyze the effectiveness and the risks and failure rates (human-use reality rates) of barrier protection and other contraceptive methods, including how they work and may reduce the risk of STDs and STIs and pregnancy;
- (E) identify the effectiveness of vaccines in preventing the transmission of HPV, a virus that may cause genital warts and head and neck, cervical, anal, or other cancers in males and females;
- (F) analyze the benefits of abstinence from sexual activity, including focusing on personal development and encouraging individuals to build healthy relationships not complicated by sexual involvement;
- (G) identify support from parents and trusted adults and create strategies, including building peer support, to be abstinent or for return to abstinence if sexually active;
- (H) describe the legal implications, including the legal age of consent, and offenses regarding sexual activity as they relate to minor persons, including statutory rape, aggravated sexual assault, sexual assault, and indecency with a child; and
- (I) investigate and summarize current laws relating to sexual offenses such as sexual harassment, abuse, and assault.

§115.40. Your Health in the Real World (One-Half Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one-half credit for successful completion of this course. This course is recommended for students in Grades 9-12.
- (b) Introduction.
 - (1) Living your best life is understanding how to navigate the health care system. The objective of this course is to empower students and their families to sustain or improve their quality of life as it relates to their own health and the health of their community. To achieve this objective, students will understand health care terminology as it relates to insurance and public health. Further, students will acquire the knowledge and skills needed to utilize community, state, and federal health care services and related resources.
 - (2) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
 - (3) Students should first seek guidance in the area of health from a parent or legal guardian.
- (c) Knowledge and skills.
 - (1) Health literacy--health consumerism. The student understands medical terminology in health decision making. The student is expected to:
 - (A) identify and characterize medical expressions or terms used by health care professionals; and
 - (B) define basic terminology for general use such as reading prescription labels.
 - (2) Health literacy--health consumerism. The student interprets personal medical information for health decision making. The student is expected to:
 - (A) interpret and apply take-home instructions from a health care professional;

- (B) identify normal vital signs, including temperature, blood pressure, heart rate, body mass index (BMI), oxygen, and blood glucose levels;
- (C) interpret medication labels, including supplements and over-the-counter and prescription drugs; and
- (D) analyze the importance of each component of personal medical history, including immunizations, previous treatments, current medical records, and family history.
- (3) Health literacy--health consumerism. The student analyzes the different facets of health insurance. The student is expected to:
 - (A) differentiate between types of insurance, including health, vision, and dental insurance;
 - (B) evaluate the advantages, disadvantages, and costs of public and private insurance benefits;
 - (C) compare and contrast different components of insurance, including copay and deductible;
 - (D) describe different ways to pay for health care, including paying cash, health savings accounts, and flexible spending accounts; and
 - (E) interpret the components of a medical bill such as the explanation of benefits (EOB).
- (4) Health literacy--health consumerism. The student identifies the proper use of medications and becomes familiar with the effects of pharmaceuticals. The student is expected to:
 - (A) compare and contrast the differences between generic and name-brand medications;
 - (B) identify cost differentials of similar medications and the rights of the consumer, including the ability to ask a pharmacist for other options;
 - (C) explain the limitations of medications, including the differences between symptomatic treatment and treatment for a cure;
 - (D) identify different types of improper use of medications, including using expired medications and using, overusing, and misusing non-prescribed medications;
 - (E) identify ways to properly dispose of medications and equipment and explain the importance of proper disposal; and
 - (F) explain what Food and Drug Administration (FDA) approval means, including off-label use.
- (5) Health literacy--patient advocacy. The student identifies alternatives to health insurance coverage. The student is expected to:
 - (A) research and describe available health care sharing plans;
 - (B) identify the options of community health care resources, including federally qualified healthcare centers (FQHC) and non-profit community clinics; and
 - (C) identify available community resources such as medical, dental, vision, pharmacy, x-ray, and laboratory services.
- (6) Health literacy--patient advocacy. The student demonstrates proper patient/health care professional communication. The student is expected to:
 - (A) define the Health Information Privacy and Portability Act (HIPPA) and explain how it relates to confidentiality of medical records;
 - (B) identify patient and physician privileges and expectations, including rights to sexually transmitted infection (STI) testing and pregnancy health care;
 - (C) define the role of a chaperone in a medical setting, including the patient's ability to request or remove one;

- (D) demonstrate the ability to have a collaborative conversation with a health care professional, including asking questions and advocating for self and others;
 - (E) analyze the impact of medical bias on health outcomes; and
 - (F) evaluate resources relevant to patients' legal rights, including the Centers for Medicare and Medicaid Services' Patient's Bill of Rights (2020).
- (7) Health literacy--health applications and technology. The student analyzes and evaluates software applications and other technology as they relate to personal health care. The student is expected to:
- (A) compare and contrast remote (telehealth and e-medicine) and in-person health care and treatment;
 - (B) research and describe the effects of inequitable distribution of technology in health care, including medical facilities and home environments;
 - (C) differentiate between credible and false health information on the internet and social media;
 - (D) analyze the risks of sharing private health information; and
 - (E) evaluate the use and effectiveness of a personal fitness device or health application.
- (8) Health literacy--navigating the health care system. The student examines and interprets various health insurance plans, government guidelines for health plans, and coverage of non-traditional health care. The student is expected to:
- (A) compare and contrast insurance plans, including health maintenance organization (HMO), preferred provider organization (PPO), Medicare, Medicaid, and the Children's Health Insurance Program (CHIP);
 - (B) research and explain current federal, state, and local government guidelines for health insurance; and
 - (C) distinguish between insurable and non-insurable health services, including elective procedures and integrative and non-traditional health care.
- (9) Health care occupations--working within the health care system. The student explores different careers in the health care industry and analyzes their various roles. The student is expected to:
- (A) explore and describe a variety of careers in the health care industry; and
 - (B) analyze the various roles in the health care delivery system, including health care administration, health care professionals, public health professionals, corporate health care, and research and development.
- (10) Public health--policy resources. The student understands the resources available for protecting and improving the health of people and their local, national, and international communities. The student is expected to:
- (A) identify the roles of leading public health organizations such as county health departments, the Centers for Disease Control and Prevention (CDC), and the World Health Organization (WHO);
 - (B) compare and contrast the characteristics of U.S. and global health issues;
 - (C) explain the ways that local, state, national, and international organizations support public health; and
 - (D) analyze the effects of public policy on the prevention of communicable and noncommunicable diseases.
- (11) Public health--policy recommendations. The student applies public health resources to create solutions to daily health challenges. The student is expected to:

- (A) research and discuss an emerging health issue or topic such as health equity or a pandemic;
 - (B) appraise the impact of leading health organizations on emerging health issues and topics;
 - (C) explore and explain the effects of environmental policy on public health;
 - (D) analyze the interconnectedness of different sectors of the health care industry and how they improve public health; and
 - (E) evaluate the impact of public health policy on emergency preparedness.
- (12) Public health--mental health. The student recognizes the interconnectedness of mental health and public health. The student is expected to:
- (A) examine the relationship between mental health and physical health;
 - (B) evaluate the importance of social interaction and its impact on health;
 - (C) describe the connection between mental health and the increase in homelessness and incarceration; and
 - (D) analyze the impact of social stigma on accessing mental health services, including barriers to treatment.
- (13) Prevention--healthy living. The student evaluates the effects of health behaviors on preventing disease. The student is expected to:
- (A) appraise the effect of biological family medical history (genetics), including maternal and paternal, on health outcomes or risk for illness;
 - (B) explore the benefits of regular checkups;
 - (C) classify primary, secondary, and tertiary preventions;
 - (D) define comorbidities and their impact on health;
 - (E) examine health risk factors such as sedentary lifestyle and poor diet that can lead to negative health outcomes;
 - (F) explore and describe preventative services covered by insurance plans;
 - (G) explain the importance of vaccines across the lifespan;
 - (H) evaluate the effectiveness of a personal health plan that includes nutrition, exercise, healthy weight, and sleep in preventing chronic disease; and
 - (I) evaluate the effectiveness of prevention campaigns on health behavior such as substance use, misuse, and abuse.

**Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45
(Second Reading and Final Adoption)**

November 20, 2020

**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 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020. The proposed new sections would update the standards to ensure they remain current.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (j), and (n); 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, §28.002(j), allows the SBOE to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed 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 2021-2022 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised high school science TEKS.

PREVIOUS BOARD ACTION: The SBOE originally adopted the TEKS for science effective September 1, 1998. The SBOE adopted revisions to the science TEKS for high school effective August 4, 2009, and August 27, 2018. A discussion item on Chapter 112 was presented to the Committee of the Full Board at the June-July 2020 SBOE meeting. The SBOE approved for first reading and filing authorization proposed new 19 TAC §§112.41-112.45 at the September 2020 meeting.

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 September 2019 meeting, SBOE members were asked to designate content advisors for the review and revision of the science Texas Essential Knowledge and Skills (TEKS). In December 2019, applications to serve on science TEKS review work groups were posted on the Texas Education Agency (TEA) website. Additionally, in December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the science TEKS. TEA staff provided applications for the science review work groups to SBOE members on a monthly basis from December 2019 to June 2020. At the January 2020 SBOE meeting, the SBOE provided specific guidance for the TEKS review work groups.

Also in January 2020, science TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the science TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in February 2020 to review survey results, content advisor consensus recommendations, and the SBOE's guidance to work groups to develop recommendations for how science TEKS review work groups can address these areas. Work Group B was convened virtually in June and July 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Physics, and Integrated Physics and Chemistry. Additionally, in July 2020, members from Work Group B met with Work Group C to discuss vertical alignment of the high school and middle school TEKS. Work Group C continued to meet virtually in August, September, and October 2020.

The SBOE approved for first reading and filing authorization proposed new 19 TAC §§112.41-112.45 at the September 2020 meeting. The proposed new sections would introduce revised standards for Biology, Chemistry, Physics, and Integrated Physics and Chemistry as well as related implementation language. The revised standards would ensure that the requirements for these courses remain current. The proposal recommends an implementation date of the 2023-2024 school year.

Since approved for first reading, a change is recommended to §112.45(c)(8)(A), relating to characteristics and behavior of waves, that would adjust the language of the student expectation to provide additional clarity.

The attachment to this item reflects the text of proposed new 19 TAC §§112.41-112.45 for consideration by the SBOE for second reading and final adoption.

A public hearing on proposed new 19 TAC §§112.41-112.45 is presented 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 (2021-2025), there are no fiscal implications to the state. However, in fiscal years 2019 and 2020, there was a fiscal impact to TEA to reimburse committee members for travel to review the science TEKS. For fiscal year 2020, the estimated cost to TEA was \$23,609. There will also be implications for the 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 the 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 revised science 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: No changes have been made to this section since published as proposed.

The proposed new rules 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 September 2020 SBOE meeting, notice of proposed new 19 TAC §§112.41-112.45 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 9, 2020, and ended November 13, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the November 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the scheduled public hearing in November 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020; and

Make an affirmative finding that immediate adoption of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), 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 Support Services
Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 112. Texas Essential Knowledge and Skills for Science

Subchapter C. High School

§112.41. Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020.

- (a) The provisions of §§112.42-112.45 of this subchapter shall be implemented by school districts.
- (b) No later than July 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 for science as adopted in §§112.42-112.45 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§112.42-112.45 of this subchapter shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§112.42-112.45 of this subchapter shall be implemented for the following school year.
- (e) Sections 112.34, 112.35, 112.38, and 112.39 of this subchapter shall be superseded by the implementation of §§112.42-112.45 of this subchapter.

§112.42. Biology (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-11.
- (b) Introduction.
 - (1) Biology. Students in Biology focus on patterns, processes, and relationships of living organisms through four main concepts: biological structures, functions, and processes; mechanisms of genetics; biological evolution; and interdependence within environmental systems. By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.
 - (2) Nature of science. 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 currently scientifically testable.
 - (3) Scientific hypotheses and theories. Students are expected to know that:
 - (A) 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; and
 - (B) 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.

- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
- (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. 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).
- (6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for understanding the ideas presented. 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.
- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
- (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
- (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
- (D) use appropriate tools such as microscopes, slides, Petri dishes, laboratory glassware, metric rulers, digital balances, pipets, filter paper, micropipettes, gel electrophoresis and polymerase chain reaction (PCR) apparatuses, microcentrifuges, water baths, incubators, thermometers, hot plates, data collection probes, test tube holders, lab notebooks or journals, hand lenses, and models, diagrams, or samples of biological specimens or structures;
- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

- (F) organize quantitative and qualitative data using scatter plots, line graphs, bar graphs, charts, data tables, digital tools, diagrams, scientific drawings, and student-prepared models;
- (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
- (H) distinguish among scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
 - (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
 - (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
 - (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts--biological structures, functions, and processes. The student knows that biological structures at multiple levels of organization perform specific functions and processes that affect life. The student is expected to:
 - (A) relate the functions of different types of biomolecules, including carbohydrates, lipids, proteins, and nucleic acids, to the structure and function of a cell;
 - (B) compare and contrast prokaryotic and eukaryotic cells, including their complexity, and compare and contrast scientific explanations for cellular complexity;
 - (C) investigate homeostasis through the cellular transport of molecules; and
 - (D) compare the structures of viruses to cells and explain how viruses spread and cause disease.

- (6) Science concepts--biological structures, functions, and processes. The student knows how an organism grows and the importance of cell differentiation. The student is expected to:
- (A) explain the importance of the cell cycle to the growth of organisms, including stages of the cell cycle and deoxyribonucleic acid (DNA) replication models;
 - (B) explain the process of cell specialization through cell differentiation, including the role of environmental factors; and
 - (C) relate disruptions of the cell cycle to how they lead to the development of diseases such as cancer.
- (7) Science concepts--mechanisms of genetics. The student knows the role of nucleic acids in gene expression. The student is expected to:
- (A) identify components of DNA, explain how the nucleotide sequence specifies some traits of an organism, and examine scientific explanations for the origin of DNA;
 - (B) describe the significance of gene expression and explain the process of protein synthesis using models of DNA and ribonucleic acid (RNA);
 - (C) identify and illustrate changes in DNA and evaluate the significance of these changes; and
 - (D) describe the function of molecular technologies such as polymerase chain reaction (PCR), gel electrophoresis, and genetic engineering that are applicable in current research and engineering practices.
- (8) Science concepts--mechanisms of genetics. The student knows the role of nucleic acids and the principles of inheritance and variation of traits in Mendelian and non-Mendelian genetics. The student is expected to:
- (A) analyze the significance of chromosome reduction, independent assortment, and crossing-over during meiosis in increasing diversity in populations of organisms that reproduce sexually; and
 - (B) predict possible outcomes of various genetic combinations using monohybrid and dihybrid crosses, including non-Mendelian traits of incomplete dominance, codominance, sex-linked traits, and multiple alleles.
- (9) Science concepts--biological evolution. The student knows evolutionary theory is a scientific explanation for the unity and diversity of life that has multiple lines of evidence. The student is expected to:
- (A) analyze and evaluate how evidence of common ancestry among groups is provided by the fossil record, biogeography, and homologies, including anatomical, molecular, and developmental; and
 - (B) examine scientific explanations for varying rates of change such as gradualism, abrupt appearance, and stasis in the fossil record.
- (10) Science concepts--biological evolution. The student knows evolutionary theory is a scientific explanation for the unity and diversity of life that has multiple mechanisms. The student is expected to:
- (A) analyze and evaluate how natural selection produces change in populations and not in individuals;
 - (B) analyze and evaluate how the elements of natural selection, including inherited variation, the potential of a population to produce more offspring than can survive, and a finite supply of environmental resources, result in differential reproductive success;
 - (C) analyze and evaluate how natural selection may lead to speciation; and

- (D) analyze evolutionary mechanisms other than natural selection, including genetic drift, gene flow, mutation, and genetic recombination, on the gene pool of a population.
- (11) Science concepts--biological structures, functions, and processes. The student knows the significance of matter cycling, energy flow, and enzymes in living organisms. The student is expected to:
- (A) explain how matter is conserved and energy is transferred during photosynthesis and cellular respiration using models, including chemical equations; and
- (B) identify and investigate the role of enzymes in facilitating cellular processes.
- (12) Science concepts--biological structures, functions, and processes. The student knows that multicellular organisms are composed of multiple systems that interact to perform complex functions. The student is expected to:
- (A) analyze the interactions that occur among systems that perform the functions of regulation, nutrient absorption, reproduction, and defense from injury or illness in animals; and
- (B) explain how the functions of transport, reproduction, and response in plants are facilitated by their structures.
- (13) Science concepts--interdependence within environmental systems. The student knows that interactions at various levels of organization occur within an ecosystem to maintain stability. The student is expected to:
- (A) investigate and evaluate how ecological relationships, including predation, parasitism, commensalism, mutualism, and competition, influence ecosystem stability;
- (B) analyze how ecosystem stability is affected by disruptions to the cycling of matter and flow of energy through trophic levels using models;
- (C) explain the significance of the carbon and nitrogen cycles to ecosystem stability and analyze the consequences of disrupting these cycles; and
- (D) explain how environmental change, including change due to human activity, affects biodiversity and analyze how changes in biodiversity impact ecosystem stability.

§112.43. Chemistry (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: one credit of high school science and Algebra I. Recommended prerequisite: completion of or concurrent enrollment in a second year of mathematics. This course is recommended for students in Grades 10-12.
- (b) Introduction.
- (1) Chemistry. In Chemistry, students conduct laboratory and field investigations, use scientific practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include characteristics of matter, use of the Periodic Table, development of atomic theory, chemical bonding, chemical stoichiometry, gas laws, solution chemistry, acid-base chemistry, thermochemistry, and nuclear chemistry. Students investigate how chemistry is an integral part of our daily lives. By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.
- (2) Nature of science. 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 currently scientifically testable.

- (3) Scientific hypotheses and theories. Students are expected to know that:
 - (A) 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; and
 - (B) 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.
 - (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations includes descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
 - (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
 - (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
 - (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. 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).
 - (6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for understanding the ideas presented. 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.
 - (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
 - (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
 - (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
 - (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

- (D) use appropriate tools such as Safety Data Sheets (SDS), scientific or graphing calculators, computers and probes, electronic balances, an adequate supply of consumable chemicals, and sufficient scientific glassware such as beakers, Erlenmeyer flasks, pipettes, graduated cylinders, volumetric flasks, and burettes;
- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
- (F) organize quantitative and qualitative data using oral or written lab reports, labeled drawings, particle diagrams, charts, tables, graphs, journals, summaries, or technology-based reports;
- (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
- (H) distinguish between scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
 - (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
 - (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
 - (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts. The student understands the development of the Periodic Table and applies its predictive power. The student is expected to:
 - (A) explain the development of the Periodic Table over time using evidence such as chemical and physical properties;

- (B) predict the properties of elements in chemical families, including alkali metals, alkaline earth metals, halogens, noble gases, and transition metals, based on valence electrons patterns using the Periodic Table; and
- (C) analyze and interpret elemental data, including atomic radius, atomic mass, electronegativity, ionization energy, and reactivity to identify periodic trends.
- (6) Science concepts. The student understands the development of atomic theory and applies it to real-world phenomena. The student is expected to:
 - (A) construct models using Dalton's Postulates, Thomson's discovery of electron properties, Rutherford's nuclear atom, Bohr's nuclear atom, and Heisenberg's Uncertainty Principle to show the development of modern atomic theory over time;
 - (B) describe the structure of atoms and ions, including the masses, electrical charges, and locations of protons and neutrons in the nucleus and electrons in the electron cloud;
 - (C) investigate the mathematical relationship between energy, frequency, and wavelength of light using the electromagnetic spectrum and relate it to the quantization of energy in the emission spectrum;
 - (D) calculate average atomic mass of an element using isotopic composition; and
 - (E) construct models to express the arrangement of electrons in atoms of representative elements using electron configurations and Lewis dot structures.
- (7) Science concepts. The student knows how atoms form ionic, covalent, and metallic bonds. The student is expected to:
 - (A) construct an argument to support how periodic trends such as electronegativity can predict bonding between elements;
 - (B) name and write the chemical formulas for ionic and covalent compounds using International Union of Pure and Applied Chemistry (IUPAC) nomenclature rules;
 - (C) classify and draw electron dot structures for molecules with linear, bent, trigonal planar, trigonal pyramidal, and tetrahedral molecular geometries as explained by Valence Shell Electron Pair Repulsion (VSEPR) theory; and
 - (D) analyze the properties of ionic, covalent, and metallic substances in terms of intramolecular and intermolecular forces.
- (8) Science concepts. The student understands how matter is accounted for in chemical substances. The student is expected to:
 - (A) define mole and apply the concept of molar mass to convert between moles and grams;
 - (B) calculate the number of atoms or molecules in a sample of material using Avogadro's number;
 - (C) calculate percent composition of compounds; and
 - (D) differentiate between empirical and molecular formulas.
- (9) Science concepts. The student understands how matter is accounted for in chemical reactions. The student is expected to:
 - (A) interpret, write, and balance chemical equations, including synthesis, decomposition, single replacement, double replacement, and combustion reactions using the law of conservation of mass;
 - (B) differentiate among acid-base reactions, precipitation reactions, and oxidation-reduction reactions;
 - (C) perform stoichiometric calculations, including determination of mass relationships, gas volume relationships, and percent yield; and

- (D) describe the concept of limiting reactants in a balanced chemical equation.
- (10) Science concepts. The student understands the principles of the kinetic molecular theory and ideal gas behavior. The student is expected to:
- (A) describe the postulates of the kinetic molecular theory;
- (B) describe and calculate the relationships among volume, pressure, number of moles, and temperature for an ideal gas; and
- (C) define and apply Dalton's law of partial pressure.
- (11) Science concepts. The student understands and can apply the factors that influence the behavior of solutions. The student is expected to:
- (A) describe the unique role of water in solutions in terms of polarity;
- (B) distinguish among types of solutions, including electrolytes and nonelectrolytes and unsaturated, saturated, and supersaturated solutions;
- (C) investigate factors that influence solid and gas solubilities such as temperature using solubility curves and rates of dissolution such as temperature, agitation, and surface area;
- (D) investigate the general rules regarding solubility and predict the products of a double replacement reaction;
- (E) calculate the concentration of solutions in units of molarity; and
- (F) calculate the dilutions of solutions using molarity.
- (12) Science concepts. The student understands and applies various rules regarding acids and bases. The student is expected to:
- (A) name and write the chemical formulas for acids and bases using IUPAC nomenclature rules;
- (B) define acids and bases and distinguish between Arrhenius and Bronsted-Lowry definitions;
- (C) differentiate between strong and weak acids and bases;
- (D) predict products in acid-base reactions that form water; and
- (E) define pH and calculate the pH of a solution using the hydrogen ion concentration.
- (13) Science concepts. The student understands the energy changes that occur in chemical reactions. The student is expected to:
- (A) explain everyday examples that illustrate the four laws of thermodynamics;
- (B) investigate the process of heat transfer using calorimetry;
- (C) classify processes as exothermic or endothermic and represent energy changes that occur in chemical reactions using thermochemical equations or graphical analysis; and
- (D) perform calculations involving heat, mass, temperature change, and specific heat.
- (14) Science concepts. The student understands the basic processes of nuclear chemistry. The student is expected to:
- (A) describe the characteristics of alpha, beta, and gamma radioactive decay processes in terms of balanced nuclear equations;
- (B) compare fission and fusion reactions; and
- (C) give examples of applications of nuclear phenomena such as nuclear stability, radiation therapy, diagnostic imaging, solar cells, and nuclear power.

§112.44. Integrated Physics and Chemistry (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9 and 10.
- (b) Introduction.
- (1) Integrated Physics and Chemistry. In Integrated Physics and Chemistry, students conduct laboratory and field investigations, use engineering practices, use scientific practices during investigation, and make informed decisions using critical thinking and scientific problem solving. This course integrates the disciplines of physics and chemistry in the following topics: force, motion, energy, and matter. By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.
- (2) Nature of science. 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 currently scientifically testable.
- (3) Scientific hypotheses and theories. Students are expected to know that:
- (A) 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; and
- (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
- (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. 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).
- (6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for understanding the ideas presented. 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.

- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

- (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
- (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
- (D) use appropriate tools such as data-collecting probes, software applications, the internet, standard laboratory glassware, metric rulers, meter sticks, spring scales, multimeters, Gauss meters, wires, batteries, light bulbs, switches, magnets, electronic balances, mass sets, Celsius thermometers, hot plates, an adequate supply of consumable chemicals, lab notebooks or journals, timing devices, models, and diagrams;
- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
- (F) organize quantitative and qualitative data using labeled drawings and diagrams, graphic organizers, charts, tables, and graphs;
- (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
- (H) distinguish between scientific hypotheses, theories, and laws.

- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

- (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
- (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
- (C) use mathematical calculations to assess quantitative relationships in data; and
- (D) evaluate experimental and engineering designs.

- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
- (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
- (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
- (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts. The student knows the relationship between force and motion in everyday life. The student is expected to:
- (A) investigate, analyze, and model motion in terms of position, velocity, acceleration, and time using tables, graphs, and mathematical relationships;
 - (B) analyze data to explain the relationship between mass and acceleration in terms of the net force on an object in one dimension using force diagrams, tables, and graphs;
 - (C) apply the concepts of momentum and impulse to design, evaluate, and refine a device to minimize the net force on objects during collisions such as those that occur during vehicular accidents, sports activities, or the dropping of personal electronic devices;
 - (D) describe the nature of the four fundamental forces: gravitation; electromagnetic; the strong and weak nuclear forces, including fission and fusion; and mass-energy equivalency; and
 - (E) construct and communicate an explanation based on evidence for how changes in mass, charge, and distance affect the strength of gravitational and electrical forces between two objects.
- (6) Science concepts. The student knows the impact of energy transfer and energy conservation in everyday life. The student is expected to:
- (A) design and construct series and parallel circuits that model real-world circuits such as in-home wiring, automobile wiring, and simple electrical devices to evaluate the transfer of electrical energy;
 - (B) design, evaluate, and refine a device that generates electrical energy through the interaction of electric charges and magnetic fields;
 - (C) plan and conduct an investigation to provide evidence that energy is conserved within a closed system;
 - (D) investigate and demonstrate the movement of thermal energy through solids, liquids, and gases by convection, conduction, and radiation such as weather, living, and mechanical systems;
 - (E) plan and conduct an investigation to evaluate the transfer of energy or information through different materials by different types of waves such as wireless signals, ultraviolet radiation, and microwaves;
 - (F) construct and communicate an evidence-based explanation for how wave interference, reflection, and refraction are used in technology such as medicine, communication, and scientific research; and
 - (G) evaluate evidence from multiple sources to critique the advantages and disadvantages of various renewable and nonrenewable energy sources and their impact on society and the environment.

- (7) Science concepts. The student knows that relationships exist between the structure and properties of matter. The student is expected to:
- (A) model basic atomic structure and relate an element's atomic structure to its bonding, reactivity, and placement on the Periodic Table;
 - (B) use patterns within the Periodic Table to predict the relative physical and chemical properties of elements;
 - (C) explain how physical and chemical properties of substances are related to their usage in everyday life such as in sunscreen, cookware, industrial applications, and fuels;
 - (D) explain how electrons can transition from a high energy level to a low energy state, emitting photons at different frequencies for different energy transitions;
 - (E) explain how atomic energy levels and emission spectra present evidence for the wave particle duality; and
 - (F) plan and conduct an investigation to provide evidence that the rate of reaction or dissolving is affected by multiple factors such as particle size, stirring, temperature, and concentration.
- (8) Science concepts. The student knows that changes in matter affect everyday life. The student is expected to:
- (A) investigate how changes in properties are indicative of chemical reactions such as hydrochloric acid with a metal, oxidation of metal, combustion, and neutralizing an acid with a base;
 - (B) develop and use models to balance chemical equations and support the claim that atoms, and therefore mass, are conserved during a chemical reaction;
 - (C) research and communicate the uses, advantages, and disadvantages of nuclear reactions in current technologies; and
 - (D) construct and communicate an evidence-based explanation of the environmental impact of the end-products of chemical reactions such as those that may result in degradation of water, soil, air quality, and global climate change.

§112.45. Physics (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite or corequisite: Algebra I. This course is recommended for students in Grades 9-12.
- (b) Introduction.
- (1) Physics. In Physics, students conduct laboratory and field investigations, use scientific practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include: laws of motion, changes within physical systems and conservation of energy and momentum, forces, characteristics and behavior of waves, and electricity and magnetism. Students will apply conceptual knowledge and collaborative skills to experimental design, implementation, and interpretation. By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.
 - (2) Nature of science. 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 currently scientifically testable.

- (3) Scientific hypotheses and theories. Students are expected to know that:
- (A) 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; and
 - (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
 - (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. 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).
- (6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for understanding the ideas presented. 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.
- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
 - (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
 - (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations, and use engineering practices to design solutions to problems;
 - (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
 - (D) use appropriate tools such as balances, ballistic carts or equivalent, batteries, computers, constant velocity cars, convex lenses, copper wire, discharge tubes with power supply (H,

He, Ne, Ar), data acquisition probes and software, dynamics and force demonstration equipment, electrostatic generators, electrostatic kits, friction blocks, graph paper, graphing technology, hand-held visual spectrometers, inclined planes, iron filings, lab masses, laser pointers, magnets, magnetic compasses, metric rulers, motion detectors, multimeters (current, voltage, resistance), optics bench, optics kit, photogates, plane mirrors, prisms, protractors, pulleys, resistors, rope or string, scientific calculators, stopwatches, springs, spring scales, switches, tuning forks, wave generators, or other equipment and materials that will produce the same results;

- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using bar charts, line graphs, scatter plots, data tables, labeled diagrams, and conceptual mathematical relationships;
 - (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
 - (H) distinguish among scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
- (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
- (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts. The student knows and applies the laws governing motion in a variety of situations. The student is expected to:

- (A) analyze different types of motion by generating and interpreting position versus time, velocity versus time, and acceleration versus time using hand graphing and real-time technology such as motion detectors, photogates, or digital applications;
 - (B) define scalar and vector quantities related to one- and two-dimensional motion and combine vectors using both graphical vector addition and the Pythagorean theorem;
 - (C) describe and analyze motion in one dimension using equations with the concepts of distance, displacement, speed velocity, frames of reference, and acceleration;
 - (D) describe and analyze acceleration in uniform circular and horizontal projectile motion in two dimensions using equations;
 - (E) explain and apply the concepts of equilibrium and inertia as represented by Newton's first law of motion using relevant real-world examples such as rockets, satellites, and automobile safety devices;
 - (F) calculate the effect of forces on objects, including tension, friction, normal, gravity, centripetal, and applied forces, using free body diagrams and the relationship between force and acceleration as represented by Newton's second law of motion;
 - (G) illustrate and analyze the simultaneous forces between two objects as represented in Newton's third law of motion using free body diagrams and in an experimental design scenario; and
 - (H) describe and calculate, using scientific notation, how the magnitude of force between two objects depends on their masses and the distance between their centers, and predict the effects on objects in linear and orbiting systems using Newton's law of universal gravitation.
- (6) Science concepts. The student knows the nature of forces in the physical world. The student is expected to:
- (A) use scientific notation and predict how the magnitude of the electric force between two objects depends on their charges and the distance between their centers using Coulomb's law;
 - (B) identify and describe examples of electric and magnetic forces and fields in everyday life such as generators, motors, and transformers;
 - (C) investigate and describe conservation of charge during the processes of induction, conduction, and polarization using different materials such as electroscopes, balloons, rods, fur, silk, and Van der Graaf generators;
 - (D) analyze, design, and construct series and parallel circuits using schematics and materials such as switches, wires, resistors, lightbulbs, batteries, voltmeters, and ammeters; and
 - (E) calculate current through, potential difference across, resistance of, and power used by electric circuit elements connected in both series and parallel circuits using Ohm's law.
- (7) Science concepts. The student knows that changes occur within a physical system and applies the laws of conservation of energy and momentum. The student is expected to:
- (A) calculate and explain work and power in one dimension and identify when work is and is not being done by or on a system;
 - (B) investigate and calculate mechanical, kinetic, and potential energy of a system;
 - (C) apply the concept of conservation of energy using the work-energy theorem, energy diagrams, and energy transformation equations, including transformations between kinetic, potential, and thermal energy;
 - (D) calculate and describe the impulse and momentum of objects in physical systems such as automobile safety features, athletics, and rockets; and

- (E) analyze the conservation of momentum qualitatively in inelastic and elastic collisions in one dimension using models, diagrams, and simulations.
- (8) Science concepts. The student knows the characteristics and behavior of waves. The student is expected to:
- (A) examine and describe simple harmonic motion such as masses on springs and pendulums and wave energy propagation in various types of media such as surface waves on a body of water and pulses in ropes;
 - (B) compare the characteristics of transverse and longitudinal waves, including electromagnetic and sound waves;
 - (C) investigate and analyze characteristics of waves, including velocity, frequency, amplitude, and wavelength, and calculate using the relationships between wave speed, frequency, and wavelength;
 - (D) investigate behaviors of waves, including reflection, refraction, diffraction, interference, standing wave, the Doppler effect and polarization and superposition; and
 - (E) compare the different applications of the electromagnetic spectrum, including radio telescopes, microwaves, and x-rays;
 - (F) investigate the emission spectra produced by various atoms and explain the relationship to the electromagnetic spectrum; and
 - (G) describe and predict image formation as a consequence of reflection from a plane mirror and refraction through a thin convex lens.
- (9) Science concepts. The student knows examples of quantum phenomena and their applications. The student is expected to:
- (A) describe the photoelectric effect and emission spectra produced by various atoms and how both are explained by the photon model for light;
 - (B) investigate Malus's Law and describe examples of applications of wave polarization, including 3-D movie glasses and LCD computer screens;
 - (C) compare and explain how superposition of quantum states is related to the wave-particle duality nature of light; and
 - (D) give examples of applications of quantum phenomena, including the Heisenberg uncertainty principle, quantum computing, and cybersecurity.

Commissioner's Comments

November 18, 2020

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

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

BOARD RESPONSE: Review and comment.

BACKGROUND INFORMATION AND 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

Decision on the Percentage Distribution of the Permanent School Fund

November 20, 2020

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

SUMMARY: This item provides an opportunity for the board to evaluate and approve, in a final vote, the Permanent School Fund (PSF) percentage distribution rates for fiscal years 2022 and 2023. The board will consider various factors associated with the distribution rate such as expected returns, inflation, student growth, and current economic conditions. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2022-2023 biennium.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#); Texas Education Code ([TEC](#)), [§43.0051](#); and 19 Texas Administrative Code (TAC) Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

TEC §43.0051, authorizes the SBOE to transfer funds to the real estate special fund account to achieve the best interest of the permanent school fund.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

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

PREVIOUS BOARD ACTION: At the July 2020 meeting, the board approved a range of between 3.76% and 4.68% for the percentage distribution rate to the Available School Fund (ASF) from the PSF for fiscal years 2022 and 2023. At the September 2020 meeting, the board determined in a first vote, that the percentage distribution rate from the PSF to the ASF for the 2022-2023 biennium would be 4.00%.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The distribution rate is to be determined by a vote of two-thirds of the total membership of the SBOE taken before the regular session of the legislature convenes. If the SBOE does not adopt a rate, then the legislature will adopt a rate by general law or appropriation. The current rate is 2.97% of the average market value for the trailing 16 state fiscal quarters ending November 30, 2018.

The General Appropriations Act (HB 1) **Permanent School Fund Distribution Rate** requires the following: At least 45 days prior to the adoption of the distribution rate from the PSF to the ASF by the SBOE, the Texas Education Agency shall report to the Legislative Budget board and the governor on the following:

- a. The distribution rate or rates under consideration;
- b. The assumptions and methodology used in determining the rate or rates under consideration;
- c. The annual amount the distribution rate or rates under consideration are estimated to provide, and the difference between them and the annual distribution amounts for the preceding three biennia; and
- d. The optimal distribution amount for the preceding biennium, based on an analysis of intergenerational equity, and the difference between it and the actual distribution amount.

Staff Member Responsible:

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

Legislative Recommendations for the 87th Texas Legislature

November 20, 2020

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

SUMMARY: This item provides an opportunity for the board to make decisions on legislative recommendations to the 87th Texas Legislature.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), §7.102.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: In preparation for each legislative session, the board adopts recommendations for legislative action which are designed to improve the public education system of Texas. A handout compiling the board members' priority issues will be provided at the meeting.

FISCAL IMPACT: Fiscal implications will be determined based on actions taken with respect to the legislative recommendations.

PUBLIC AND STUDENT BENEFIT: If enacted, these legislative initiatives would help improve student performance.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the adoption of the board's legislative recommendations to the 87th Texas Legislature.

Staff Member Responsible:

Hunter Thompson, Director of Governmental Relations

Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2021*

November 20, 2020

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

SUMMARY: This item provides the opportunity for the State Board of Education (SBOE) to adopt materials submitted for review in response to *Proclamation 2021*. The board issued *Proclamation 2021* in June 2019, calling for instructional materials for prekindergarten. Products submitted in response to *Proclamation 2021* were reviewed in the summer of 2020. This item presents the final report from the commissioner of education regarding the coverage of the Texas Prekindergarten Guidelines (TPG), alleged factual errors, and information regarding whether a publisher on the list has previously refused to rebid instructional materials.

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

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

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

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

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

PREVIOUS BOARD ACTION: *Proclamation 2021* was issued by the SBOE in June 2019. Amendments to *Proclamation 2021* were approved at the January 2020 SBOE meeting. In July 2020, the board ratified a deadline extension in *Proclamation 2021* for publishers unable to meet the published deadline for providing pre-adoption samples, final correlations to the TPG, *Certification of Editorial Review*, *Affidavit of Authorship or Contribution*, and *Report on Interoperability and Ease of Use* due to closures and business disruptions related to COVID-19.

BACKGROUND INFORMATION AND JUSTIFICATION: The review of *Proclamation 2021* instructional materials concluded in June 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Require that all publishers make corrections listed in the *Proclamation 2021 Report of Required Corrections* and the *Report of Editorial Changes*;

Require that all instructional materials meet established manufacturing standards and specifications;

Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.0 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;

Approve changes and corrections submitted in response to written comments and public testimony; and

Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2021 *List of Instructional Materials Eligible for Adoption*.

Staff Members Responsible:

Melissa Lautenschlager, Director, Instructional Materials and Implementation

Amie Williams, Director, Review and Adoption

Attachment I: Proclamation 2021 *List of Instructional Materials Eligible for Adoption*

Attachment II: [*Report of Required Corrections* \(Accessible version\)](#)

Attachment III: [*Report of Editorial Changes* \(Accessible version\)](#)

Attachment IV: Proclamation 2021 *State Review Panel Comments*

Separate Exhibit I: Proclamation 2021 *Report of Required Corrections*—Additional Corrections Reported after 8/17/2020

Separate Exhibit II: Proclamation 2021 *Editorial Changes*—Additional Corrections Reported after 8/17/2020

Proclamation 2021 List of Instructional Materials Eligible for Adoption

Publisher	Title	ISBN	I: Social & Emotional		II: Language & Development		III: Emergent Literacy Reading		IV: Emergent Literacy Writing		V: Math		VI: Science		VII: Social Studies		VIII: Fine Arts		IX: Physical Development		X: Tech Apps	
			Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher
Benchmark Education	<i>Ready to Advance Early Learning Program Texas</i>	9781078641463	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Benchmark Education	<i>Listos y Adelante Early Learning Texas</i>	9781078641470	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
CLI @ The University of Texas Health Science Center at Houston	<i>CIRCLE Pre-K Curriculum</i>	9781952259005	100.00%	100.00%	87.50%	96.15%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	90.91%	90.91%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
CLI @ The University of Texas Health Science Center at Houston	<i>CIRCLE Pre-K Curriculum: Spanish Edition</i>	9781952259012	100.00%	100.00%	100.00%	95.45%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	90.91%	90.91%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Children's Literacy Initiative	<i>Blueprint for Early Learning</i>	9781734567212	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
EDUSPARK, INC.	<i>EDUSPARK Pre-K System</i>	9781948617024	100.00%	95.00%	100.00%	92.31%	95.45%	95.45%	80.00%	90.00%	90.91%	91.30%	90.91%	90.91%	100.00%	81.82%	100.00%	100.00%	80.00%	85.71%	100.00%	100.00%
EDUSPARK, INC.	<i>Sistema EDUSPARK Pre-K</i>	9781948617161	100.00%	95.00%	100.00%	100.00%	100.00%	100.00%	80.00%	90.00%	90.91%	91.30%	90.91%	90.91%	85.71%	90.91%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Frog Street Press, Inc.	<i>Frog Street Pre-K 2020 English</i>	9781632377951	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Frog Street Press, Inc.	<i>Frog Street Pre-K 2020 Spanish</i>	9781632377968	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
HighScope Educational Research Foundation	<i>The HighScope Curriculum</i>	9781573798204	100.00%	100.00%	87.50%	100.00%	86.38%	86.38%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	85.71%	72.73%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Kaplan Early Learning Company	<i>Connect4Learning: The Pre-K Curriculum</i>	9780876598986	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Kaplan Early Learning Company	<i>Connect4Learning: The Pre-K Curriculum (Spanish)</i>	9780876598993	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Learning Without Tears	<i>Get Set for School Complete Pre-K Program</i>	9781950578306	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Learning Without Tears	<i>Programa Completo de Prekínder Get Set for School</i>	9781950578696	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	90.91%	90.91%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
QuaverEd	<i>Quaver Pre-K Curriculum</i>	9781642850918	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Robert-Leslie Publishing, The Early Childhood Company	<i>InvestiGator Club</i>	9781599274409	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Robert-Leslie Publishing, The Early Childhood Company	<i>InvestiGator Club Spanish</i>	9781599274102	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Savvas Learning Company LLC formerly Pearson K12 Learning	<i>Three Cheers for Pre-K Essentials Package - Texas Edition</i>	9780768585445	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Proclamation 2021 List of Instructional Materials Eligible for Adoption by State Board of Education

Publisher	Title	ISBN	I: Social & Emotional		II: Language & Development		III: Emergent Literacy Reading		IV: Emergent Literacy Writing		V: Math		VI: Science		VII: Social Studies		VIII: Fine Arts		IX: Physical Development		X: Tech Apps	
			Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher	Student	Teacher
Savvas Learning Company LLC formerly Pearson K12 Learning	<i>Uno, dos, tres Prekinder! Essentials Package - Texas Edition</i>	9780768586879	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Scholastic Inc.	<i>PreK On My Way</i>	9781338689105	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Scholastic Inc.	<i>PreK On My Way en Espanol</i>	9781338689112	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Teaching Strategies LLC	<i>The Creative Curriculum® for Texas</i>	9781645530596	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Teaching Strategies LLC	<i>El Curriculo Creativo para Texas</i>	9781645531593	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>STEAM Themes: A clear and concise STEAM program for Prekindergarten Teaching - Print</i>	9781788053082	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>STEAM Themes: A clear and concise STEAM program for Prekindergarten Teaching - Print with Online</i>	9781788052795	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>STEAM Themes: A clear and concise STEAM program for Prekindergarten Teaching - Online</i>	9781788052566	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>Live and Learn: A Prekindergarten Program - Print</i>	9781788052573	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>Live and Learn: A Prekindergarten Program - Print With Online</i>	9781788052696	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
TPS Publishing, Inc.	<i>Live and Learn: A Prekindergarten Program - Only Online</i>	9781788052702	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

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State Review Panel Comments

Benchmark Education Company LLC						
Prekindergarten, English <i>Ready to Advance Early Learning Program Texas</i> (ISBN 9781078641463)						
Ready to Advance Early Learning Program Texas						
User Name: texasreview Password: benchmark2020						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781078630269 9781078638647	U2_W1_D3: pp. 20-21	p. 21, Oral Language: Express Likes and Dislikes, bullets 3-4	Focus on Feelings.	No publisher response
Children's Learning Institute at The University of Texas Health Science Center at Houston						
Prekindergarten Systems, English <i>CIRCLE Pre-K Curriculum</i> (ISBN 9781952259005)						
CIRCLE Pre-K Curriculum						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781952259029	N/A	Topic 1 My Home and Family Learning Centers (click blue tab) Construction center section bullet 1, star icon	SRP comment: "vague coverage of standard: may add teacher note for students to respond in sentences with 4 or more words."	Additional text: Join children in the center to support and encourage language. Model using complex sentences with four or more words. Ask questions and offer sentence stems to help children use complete, complex sentences.
State Review Panel	Teacher	9781952259029	N/A	Topic 1 My Home and Family Learning Centers (click blue tab) Construction center section bullet 3, star icon	SRP comment: "vague coverage of the standard: maybe add stems for students to make complex sentences"	Additional text: Prompt children to tell about their drawings. Ask questions and offer sentence stems to help children give detailed descriptions using complete sentences.
State Review Panel	Teacher	9781952259029	N/A	Pictures Need a Thousand Words: GUIDED PRACTICE, first set of bullets, bullet 2, 3, 4, 9	SRP comment: "vaguely covered, need to include a focus on pointing out people and describing them with more direction/examples for teacher"	Added additional prompts to elicit a wider variety of words Bullet 2: "What is that called?" (label) Bullet 3: "Who goes to a _____?" (label) Bullet 4: "What clothes do you wear to a _____?" (label) Bullet 9: "What do people do at a _____?" (describe)
State Review Panel	Teacher	9781952259029	N/A	Grid It Game lesson INTRODUCE	SRP comment: Suggestion from reviewers to add more opportunities for children to count up to 10 items	Text added: "Let's count to see how many spaces there are: 1, 2, 3... 10. There are 10 spaces!"
State Review Panel	Teacher	9781952259029	N/A	Grid It Game lesson GUIDED PRACTICE, last paragraph	SRP comment: Suggestion from reviewers to add more opportunities for children to count up to 10 items	Text added: Have the child count the total number of counters on their grid.
State Review Panel	Teacher	9781952259029	N/A	Our Flags lesson TEACHER TIPS, first bullet	SRP comment: Suggestion from reviewer to add a note about extending this lesson over a few days to spend more time on these outcomes	Text added: To give children more opportunities to build their knowledge about the flags, you might spend one day on the US flag, one day on the Texas flag, and a third day comparing the two flags.

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Prekindergarten Systems, Spanish CIRCLE Pre-K Curriculum: Spanish Edition (ISBN 9781952259012)						
CIRCLE Pre-K Curriculum: Spanish Edition						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781952259036	N/A	Subtema 1 - Mi hogar y mi familia (click)Centros de aprendizaje tab (click)Construcción bullet 1, star icon	SRP comment for English citation: "vague coverage of standard: may add teacher note for students to respond in sentences with 4 or more words."	Additional text: Acompañe a los niños en el centro para dar apoyo e incentivar el lenguaje. Modele usando oraciones complejas con cuatro o más palabras. Haga preguntas y ofrezca comienzos de oraciones para ayudar a los niños a usar oraciones complejas completas.
State Review Panel	Teacher	9781952259036	N/A	Topic 1 My Home and Family Learning Centers (click blue tab)Construction center section	SRP comment for English citation: "vague coverage of the standard: maybe add stems for students to make complex sentences"	Additional text: Anime a los niños a hablar sobre sus dibujos. Haga preguntas y ofrezca comienzos de oraciones para ayudar a los niños a hacer descripciones detalladas usando oraciones completas.
State Review Panel	Teacher	9781952259036	N/A	bullet 3, star icon	SRP comment: "vaguely covered, need to include a focus on pointing out people and describing them with more direction/examples for teacher"	Added additional prompts to elicit a wider variety of words Bullet 2: "¿Cómo se llama eso?". (etiquetar) Bullet 3: "¿Quién va a (el/la) _____?". (etiquetar) Bullet 4: "¿Qué ropa te pones para ir a _____?". (etiquetar) Bullet 9: "¿Qué hace la gente en (el/la) _____?". (describir)
State Review Panel	Teacher	9781952259036	N/A	Pictures Need a Thousand Words: GUIDED PRACTICE, first set of bullets, bullet 2, 3, 4, 9	SRP comment: Suggestion from reviewers to add more opportunities for children to count up to 10 items	Additional text: Vamos a contar los espacios para ver cuántos hay: 1, 2, 3... 10. ¡Hay 10 espacios!".
State Review Panel	Teacher	9781952259036	N/A	Juego de contar en la cuadrícula lesson PRESENTE	SRP comment: Suggestion from reviewers to add more opportunities for children to count up to 10 items	Additional text: Pida al niño que cuente el número total de fichas en su cuadrícula.
State Review Panel	Teacher	9781952259036	N/A	Juego de contar en la cuadrícula lesson GUÍE LA PRÁCTICA, last paragraph	SRP comment: Suggestion from reviewer to add a note about extending this lesson over a few days to spend more time on these outcomes	Additional text: Para brindar a los niños más oportunidades de desarrollar su conocimiento sobre las banderas, podría dedicar un día a la bandera de los Estados Unidos, un día a la bandera de Texas y un tercer día comparando las dos banderas.

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State Review Panel Comments

Kaplan Early Learning Company						
Prekindergarten, English <i>Connect4Learning: The Pre-K Curriculum, Revised</i> (ISBN 9780876598986)						
Connect4Learning: The Pre-K Curriculum						
User Name: proclamation2021@c4l.com Password: 12C4L3						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9780876598900	56	N/A	Confusing and looks like deleting word parts	No publisher response
Prekindergarten, Spanish <i>Connect4Learning: La Currícula de Preescolar</i> (ISBN 9780876598993)						
Connect4Learning: The Pre-K Curriculum, (Spanish)						
User Name: proclamation2021@c4l.com Password: 12C4L3						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9780876598603	161	N/A	We feel that rhyming words should be in Spanish	No publisher response
Learning Without Tears						
Prekindergarten, Spanish <i>Programa Completo de Prekinder Get Set for School</i> (ISBN 9781950578696)						
Teacher ToolKit Student-Facing Apps						
User Name: TXESC1@lwtears.com (through ESC5) Password: password1				Educator PIN: TXESC1 through TXESC5 Select: Student 1 Secret Code: AA		
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781950578429	37	N/A	Please add a note for teacher to explicitly teach. Suggestion from the guidelines says to use "mio"	No publisher response
State Review Panel	Teacher	9781950578429	201	N/A	accepted because teacher talk uses past tense, need to add explicit instruction on past tense usage.	No publisher response
State Review Panel	Teacher	9781950578429	291	N/A	As an introduction to the lesson, go outside and see if you can observe what trees do in the wind.	No publisher response

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State Review Panel Comments

QuaverEd						
Prekindergarten, English <i>Quaver Pre-K Curriculum</i> (ISBN 9781642850918)						
Quaver Pre-K Curriculum						
User Name: QuaverPreKTEA Password: QuaverPreK						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	N/A	N/A	N/A	Overall	Overall: The repeated use of "Lots" throughout the directions and it also included some incomplete sentences with the use of "Lots" when referencing materials in creative stations.	No publisher response
State Review Panel	N/A	N/A	N/A	Overall	Overall this was a well organized curriculum. I appreciate that it was laid out vertically and well ordered. Drop down areas allow the teacher to easily access the areas they need. Details for introducing centers is great for new teachers and gives experienced teachers areas to reference. The use of centers and dramatic play to connect the units was also evident throughout.	No publisher response
Robert-Leslie Publishing, The Early Childhood Company®						
Prekindergarten, Spanish <i>The InvestiGator Club Spanish Prekindergarten Learning System</i> (ISBN 9781599274102)						
The InvestiGator Club Spanish Prekindergarten Learning System						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781599275321	UC59	N/A	Include oral language off to work	English chants are not translated to Spanish.
State Review Panel	Teacher	9781599275321	UC59	N/A	Include Off to Work chant	English chants are not translated to Spanish.
State Review Panel	Teacher	N/A	N/A	N/A	Please insert SG for teachers to refer to as well	Teachers are not referred to SG in the English Teacher Guides.
State Review Panel	Teacher	N/A	N/A	N/A	Please insert SG for teachers to refer to as well	Teachers are not referred to SG in the English Teacher Guides.

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State Review Panel Comments

Scholastic Inc.						
Prekindergarten, English PreK On My Way (ISBN 9781338689105)						
Main Site		Little eReaders		Teacher Hub		
User Name: N/A Password: teXas2020		User Name: txreviewboard Password: Scholastic1		User Name: txreviewboard@Scholastic.com Password: Scholastic1		
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Student	9781338650914	N/A	Theme 3>Week 1 > Day 2 >Math >Large Group Card > Story Time > Close Read - student answers to questions	read aloud prompt pages do not coincide with page numbers in gray bar above reader	In the virtual review that was quickly created for the current special circumstances, the books are shown on a temporary platform which displays default pages numbers that do not match the ones we use in the actual program. Pages numbers in the actual books match the page numbers referenced in the instruction.
State Review Panel	Student	9781338611366	N/A	Theme 8> Week 3> Math> Read Aloud: I Want to Grow	making a "yes" and "No" graphs	We do use a lot of graphs in the program. We're glad you noticed! This particular lesson also gives children an opportunity to compare their height from earlier in the year (with chart made in Theme 3, Week 3) to their height now (Theme 8, Week 3).
State Review Panel	Student	9780439375528	N/A	Theme 6 > Week 1 > Math > Read Aloud: Goldilocks and the Three Bears	Perhaps allow children to observe actual items (physical science) from the story (bowls, spoons,...) before reading the story. Science is hands on and minds-on.	Yes, this particular read aloud and instruction have a cross-curricular focus on both math and science. Before reading, the teacher helps children observe objects of different sizes (pattern blocks). Great idea to make the observation about objects from the story! We edited the instruction to use small/medium/large chairs instead of pattern blocks, since teachers are likely to have different sized chairs in the classroom.
State Review Panel	Student	9781338643619	N/A	Theme 4 > Week 4 > Day 1 Vocabulary Card: Define, Describe (sort)	The ideas are fine but need to focus on common objects for PK and then move then to other objects. Clearly state how you will scaffold them to discuss.	Yes, this lesson introduces the vocabulary words "feature" and "sort" in relation to the read aloud "Creature Features." Then the related small group activity focuses on hands-on sorting by feature (size, color, etc.). The activity begins by scaffolding learning as children sort common objects for a concrete connection to sorting by feature.
State Review Panel	Student	9781338649079	N/A	Theme 5 > Week 4 > Math > Vocabulary Card Day 5 > Define, Describe (between)	Provide more cards for children to observe position.	This week includes 3 photo vocabulary cards and 8 photo activity cards to help children observe position. To see the photo activity cards, visit this url: https://teacherhub.prekonmyway.digital.scholastic.com/en/themes/5/week/4/day/1/module/math/activity-cards
State Review Panel	Student	9781338619324	N/A	Theme 8>Week 1>Day 5>Literacy>Read Aloud Bog Book>The One Day House	book is mostly about Gigi, the grandmother. Would like to see a book about different family members and what they do for the family	Yes, this book, One Day House, and the accompanying instruction are about how a community comes together to help Gigi. For books about different family members, please see: Alma and How She Got Her Name, First Laugh Welcome Baby, Little Elliot Big Family, Five Creatures, Dad's First Day, Ofrenda, Close Your Eyes, What a Cold Needs, The Little Red Fort, Hiking Day, The Greatest Adventure, Rosa's Family, My Family and Me. Many of these texts are featured in the "Me and You" and "Our Community" themes.

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Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Student	9780545798914	N/A	Theme 2>Week 1> Language >Read Aloud Book > Preschool Time	pg. 12 has a teacher in the window which may provide opportunity to address teacher role in the school. no other school workers included in the book. Vague coverage of this breakout standard.	An edit was made during the SRP meeting to address this concern. Please see rows 18 and 19 above.
State Review Panel	Student	9781338648652	N/A	Theme 2 > Week 2 > Math > Large Group Card > Day 2 > Story Time > Extended Play (coloring activity using different material)	Allow children to use a variety of sensory materials. EX: After reading the book on shapes. Children explore a variety of objects and create a shape collage.	Yes, the small group activity that follows this read aloud is focused on shapes for this very reason. We always strive for a through-line from the read aloud to small group. You can see this in the Learning Goals identified in the Teaching Guide overview of Large Group to Small Group to Independent Centers routine for each day.
State Review Panel	Student	9781338649215	N/A	Theme 5 > Week 1 > Literacy > Teacher Activity Card > Day 2 > 5.1.2 We're So Happy (drawing activity to express happiness)	Provide a variety of art materials.	Yes, the Teaching Guide recommends that teachers provide various art supplies for this hands-on activity. The Teaching Guide also shows an image of a wide variety of materials for the teacher's reference (or inspiration) for this particular activity.
State Review Panel	Student	9781338637878	N/A	Theme 5> Week 4> Literacy> Big Chart: Five Little Froggies Jumping on the Bed	Mentor Text provides the teacher an opportunity, but the breakout skill is not explicit	"Five Little Froggies Jumping on the Bed" is an adaptation of the familiar nursery rhyme and is used to address both math and safety related to the weekly concept question, "How can we protect ourselves and our bodies?" The Large Group Card includes direct instruction for this text, helping children understand and talk about safety. The lesson also includes a writing option related to safety as well as a hands-on small group activity that includes discussion of personal safety. All of these lesson elements work together to give children opportunities to discuss and explore the weekly concept of personal safety. Other lessons this same week relate to the texts: How Do Dinosaurs Stay Safe?, Penguin's Guide to Playground Safety, and Fire Drill.
State Review Panel	Student	9781338637984	N/A	Theme 7> Week 2> Language> Teacher's Guide, Day 4: Prompts for Purposeful Play, ABC Center	Need to add at least 20 pictures to this center. child is only given the opportunity to respond to 2 beginning sounds.	Thanks for this comment. In addition to the A-Z (upper case and lower case) magnetic letters that are in the ABC Center, teachers may want to place all 52 Alphabet Cards in the ABC Center. We will add this to that week's recommended center materials list. Each Alphabet Card shows an upper case or lower case letter and a photo whose name begins with the sound of that letter (e.g., yarn and yo-yo are shown on the upper case and lower case Y cards). The program provides repeated alphabet instruction across the year. By week 16, children have had experience with all 26 upper case and lower case letters and their sounds.
State Review Panel	Teacher	N/A	N/A	Read Aloud - In General and cross-curricular	Upon initial review of the specific location for Narrative, I considered no evidence of breakout skill because the Narrative is simply a read aloud. Then I realized, the teacher is reading the story aloud topic for a Shared Writing task for example. The Shared Writing task says "Do the writing on a computer. Then print out copies fo children to share." This task is viewed as the Activity because it gives the child the opportunity to demonstrate the knowledge or practice the breakout skill.	Yes, every lesson begins with an engaging read aloud that sets the stage for learning the target concepts and skills through hands-on activities. Every read aloud aligns to specific TPGs and specific Mind Builder (Social and Emotional) skills to spark related learning.

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Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	N/A	N/A	Revision	Reason this citation was accepted was because the card broadly says: "Model Begin by stating Once upon a time, there was a and point to the child to your right. You will likely need to keep children from wandering off topic, or help them with ideas to start." which loosely gives the opportunity for a teacher to teach or a student to learn change order in class-made drafts.	Yes, this creative group writing activity gives an opportunity for children and the teacher to talk about what belongs in the beginning, middle, or end of the story they are creating together. They can have fun with this and be as serious or silly as they'd like!
State Review Panel	Teacher	N/A	N/A	Talk About the Alphabet	Be more descriptive for novice teachers otherwise they may not understand that the skill addresses identifying 20 letters.	In the virtual review for the current special circumstances, you do not see the front cover of the Large Group Card. In the actual program, that cover lists the Learning Goals so the teacher will know what the skills focus is. The cover also gives a summary of the read aloud book, target vocabulary, weekly concept question, materials, and daily writing options.
State Review Panel	Teacher	9781338295283	N/A	Theme 8>Week 4> Math> Day 3> Read Aloud: Kindergarten Countdown!	Vague coverage of standard since there are only pictures of teachers & bus driver	An edit was made during the SRP meeting to address this concern. Please see rows 18 and 19 above.
State Review Panel	Teacher	9781338649215	N/A	Theme 5 > Week 1 > Literacy > Teacher Activity Card > Day 2 > 5.1.2 We're So Happy > During > Do the Activity (draw yourselves happy activity)	Provide a variety of art materials.	Yes, this is the same activity as above (row 38). We do recommend teachers use a variety of art materials for this activity and we show a photo of what we mean by this.
State Review Panel	Teacher	9781338646085	N/A	Theme 6 > Week 2 > Literacy > Big Book "Everybunny Dance!"	Be specific with instructions. Skill was targeted during circle time.	Yes, the Large Group Card that goes with this read aloud book includes explicit instructions.
State Review Panel	Teacher	9781338651850	N/A	Theme 6> Week 3> Day 4>Math>Teacher Activity Card> During	better narrative lesson (Breakout B(1)a)	Yes, we agree this works well!
State Review Panel	Teacher	9781338651850	N/A	Theme 6> Week 3> Day 4>Math>Teacher Activity Card>Modifications > Fine Motor Support	better activity (Breakout B(1)a)	Yes, we agree this works well!
State Review Panel	Teacher	9781338649260	N/A	Theme 5>Week 3>Day 1> Language>Teacher Activity Card> What a Cold Needs	better narrative lesson (Breakout C(2)a)	Yes, we agree this works well!
State Review Panel	Teacher	9781338655681	N/A	Theme 7> Week 4> Language> Teacher Activity Card, Day 3, Before: Explain the Activity	love the cognate lesson with this breakout standard!	Great! We do too :) You may enjoy seeing the comprehensive list of Cognates available on the Teacher Hub web site: https://teacherhub.prekonmyway.digital.scholastic.com/en/resources/additional-support

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State Review Panel Comments

Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781338643404	N/A	Theme 4> Week 1> Math> Vocabulary Card> Day 2> Conversation. Introduce: Define and Describe	would make it better to point out some nonverbal cues people use in conversation	Yes, we have two "conversation" vocabulary cards that are very good for this. We show people in conversation, talk about what that looks like (e.g., facing each other, looking at each other, showing emotion), and then model it with children. https://teacherhub.prekonmyway.digital.scholastic.com/en/themes/4/week/1/day/2/module/math/vocabulary-cards https://teacherhub.prekonmyway.digital.scholastic.com/en/themes/7/week/2/day/2/module/literacy/vocabulary-cards
State Review Panel	Teacher	9781338649178	N/A	Theme 2> Week 4> Language> Student Activity Cards, Day 1	need to add more personal pronouns besides "they"	Yes, children use a lot of personal pronouns especially during our Language small group activities. Please see the Skills area (Language > Vocabulary) on the Teacher Hub web site for more content related to I.I.E.2 and personal pronouns. For example: https://teacherhub.prekonmyway.digital.scholastic.com/en/themes/1/week/4/day/1/module/language/activity-cards
State Review Panel	N/A	Whole Program	N/A	N/A	Science lacks authentic hands-on learning opportunities. Please cross reference with the Pk Guidelines. I has many examples of teacher and student behaviors. Product lacks clear instructions/directions for novice teachers to follow. Specifically for social studies, the product has a great collection of literature, however, they do not fit well in targeting specified PreK guidelines. The way books and prompts are presented do not fit the standards well. Teacher has to make material fit the standards instead of materials making it easier to teach targeted breakouts of standards. Product has good ideas but is not aligned with the designated lesson or PK Guidelines. At times, the suggested lessons work best with other PK Guidelines. Please check that all lessons are aligned to the correct PK Guidelines.	Science: While the program does have an explicit focus on Language, Literacy, and Math, more than half of the program content focuses on Science (Let's Investigate, Discover Animals, Healthy Me, Our Earth) with related read alouds and robust hands-on activities. Please visit the Skills area of the Teacher Hub web site to see program content that addresses the Science TPGs. Social Studies: Four of the program's eight themes focus on Social Studies concepts: Me and You (All About Me, Feelings, Family, Friends), Our Community, Let's Create, and Our Earth. Additionally, the year-end theme Ready, Set, Go includes an explicit celebration of what we can accomplish together. Content and activities have a developmentally appropriate focus on past and present cultures, economics, geography, and citizenship. Please visit the Skills area of the Teacher Hub web site to see program content that addresses the Social Studies TPGs. The program is cross-curricular with skill-focused instruction within the context of monthly themes and weekly concepts. The instruction each week ties to a central Concept Question. The whole group, small group, and independent learning in each lesson is sparked by an engaging read aloud text. So, you will see cross-curricular instruction within each lesson, always highlighted in the Teaching Guide and addressed in each week's Observational Assessment. At any time, you can use the Skills area of the Teacher Hub web site to find instructional content aligned to a particular TPG.
State Review Panel	N/A		N/A	Flipbook	This book could be used for students to identify common features between home and school environment	Great idea! We edited the Large Group Card (Theme 2 > Week 1 > Language > Day 5) to have this interactive read aloud prompt: "Page 29 - How did the animals make their home look like Suzy Sue's school? What are some things you have both at school and at home?"

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Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	N/A	9781338637878	N/A	Theme 8> Week 1> Day 4> Math> Read Aloud> Big Chart of Big Ideas: We Have Soup!	Initial rejection: Am I missing something? What is the teacher teaching or the student learning with this narrative suggestion? It is cited as Narrative for multiple breakouts.	The Big Chart of Big Ideas is used in Large Group as the read aloud on Day 4 of each week to connect that week's learning to the concept question for that week. The front of the Big Chart page has child-facing content and the back of the page has teacher-facing content for the teacher to read aloud. The Large Group Card for that week contains the explicit instruction for the read alouds, including this Big Chart content.
State Review Panel	N/A	9781338637878	N/A	Theme 8> Week 1> Day 4> Math> Read Aloud> Big Chart of Big Ideas: We Have Soup!	Initially rejected: I am unclear what this specific citation has to do with the breakout skill: "(c) Child opens digital programs"	This seems to be a duplicate of the comment above. Please see row 44.
State Review Panel	N/A	9781338637878	N/A	Theme 8> Week 1> Day 4> Math> Read Aloud> Big Chart of Big Ideas: We Have Soup!	Reason Initially rejected: The breakout skill "(d) Child navigates through digital programs" is not seen in this location.	In this read aloud and the associated lesson, children use technology with the teacher's help to research soup recipes. Children also have access, at home and at school, to the Little eReaders digital books. The Little eReaders are designed for children to navigate and use on their own, with intuitive menus and controls. https://littleereaders.prekonmyway.digital.scholastic.com/
State Review Panel	N/A		N/A	Theme 7> Week 3> Literacy> Read Aloud: Anywhere Farm	Reason initially rejected: There's no evidence of Activity for this breakout skill: "(c) Child names a variety of digital tools"	On the Large Group Card that goes with this read aloud text, we introduce and name a variety of digital tools in Circle Time, talking about how they are useful. Then during the interactive Story Time, on pages 20-21 we prompt children to think how the girl in the story might use particular digital tools to tell people about her Farmer's Market along with the traditional signs she has made. This addresses the breakout and applies it to the "real world" through the read aloud.
State Review Panel	N/A	9781338620474	N/A	Theme 3> Week 2> Day 2> Literacy> Read Aloud: Weather	reason for Initial rejection: There is no evidence of the skill in this breakout: "(a) Child uses digital learning applications to create digital products" The child is not creating digital products in a read aloud.	
State Review Panel	N/A	9781338649314	N/A	Theme 5> Week 4> Day 3> Math> Teacher Activity Card> Before, Prepare and Explain the Activity	Consider Teacher/Student Activity-The "view back" side of the Activity Card under Differentiation>Challenge says "After your tabletop chart is complete, work with children to use technology in the classroom to create a digital, two-column graph." which IS EVIDENCE of the skill of this breakout: "(a) Child uses digital learning applications to create digital products"	Yes, we agree this works well!
State Review Panel	N/A	9781338620474	N/A	Theme 3> Week 2> Day 2> Literacy> Read Aloud: Weather	Upon first look at the specific location, I considered no evidence of "(c) Child uses digital programs to create digital products" in a read aloud. Then I realized, the teacher is reading the story aloud topic (in this case is Weather) for a Shared Writing task. The Shared Writing task says "Do the writing on a computer. Then print out copies for children to share." This task is viewed as the Activity because it gives the child the opportunity to practice the breakout skill.	We are happy you saw the connection!

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Prekindergarten, Spanish <i>PreK On My Way en español</i> (ISBN 9781338689112)						
Main Site		Little eReaders		Teacher Hub		
User Name: N/A Password: teXas2020		User Name: txreviewboard Password: Scholastic1		User Name: txreviewboard@Scholastic.com Password: Scholastic1		
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Student/Teacher	9781338642797	N/A	N/A	This citation (found by SRP - Domain X) is better suited to count as both teacher and student citations. While the teacher is modeling how to send an email, it creates the opportunity to work with students on their email and what they want to send.	Yes, and as noted in row 27 above, we added "or to the document" –Ayude a los niños a escribir o dibujar en el correo electrónico o el documento– to ensure all children will be able to participate in this activity in the first month of school no matter where they are in the developmental stages of writing.
State Review Panel	Teacher	9781338664089	N/A	Tema 7 > Semana 3 > Lectoescritura > Tarjeta de actividad del maestro > Día 1: Antes, Explicar la actividad	Examples are not one syllable words. Take out "duranzo". It is separated by syllables, not sounds and syllable separation is incorrect! Spanish doesn't have many one syllable words for the teacher to teach and the student to learn blending onset and rime to form familiar one-syllable words with pictorial support. Examples of one-syllable words to demonstrate this breakout skill are sol /s/ /ol/, pan /p/ /an/, sal /s/ /al/	During the SRP meeting we made an edit to emphasize one-syllable words in the breakout skill to address this issue: Muestre la página 3. Dígalos a los niños de repetir después de usted: Digan el sonido inicial /s/ luego /ol/ (sol) ahora pídale de mostrale la imagen que representa esa palabra. Siga con el sonido inicial /k/ luego /ol/. Cuando digan col, pregúnteles si rima con sol. Haga lo mismo con la página 30: /f/ /lor/ (flor) pida que muestren la flor. Siga con /p/ /or/ (por); /d/ /os/ (dos); /t/ /os/ (tos); /p/ /ies/ y pregunte si riman.
State Review Panel	Teacher	9781338642797	N/A	N/A	Instructions should read "a través del correo electrónico..." not "dibujar el correo electrónico...". Please correct.	We added "or to the document" –Ayude a los niños a escribir o dibujar en el correo electrónico o el documento– to ensure all children will be able to participate in this activity in the first month of school no matter where they are in the developmental stages of writing.
State Review Panel	Teacher	9781338664089	N/A	Tema 7 > Semana 3 > Lectoescritura > Tarjeta de actividad del maestro > Día 1: Antes, Explicar la actividad	Examples are not one syllable words. Take out "duranzo". It is separated by syllables, not sounds and syllable separation is incorrect! Spanish doesn't have many one syllable words for the teacher to teach and the student to learn blending onset and rime to form familiar one-syllable words with pictorial support. Examples of one-syllable words to demonstrate this breakout skill are sol /s/ /ol/, pan /p/ /an/, sal /s/ /al/	This seems to be a duplicate of row 26, above.

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Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781338646436	N/A	Tarjetas de abecedario Yy y Zz	lines 196-202 Activities do not give the opportunity for the student to explicitly demonstrate the knowledge or practice the breakout skill: " (a) Child produces at least 20 distinct letter sound correspondences in the language of instruction ." Spanish doesn't have many one syllable words for the teacher to teach and the student to learn blending onset and rime to form familiar one-syllable words with pictorial support. (breakout B8a)	Aligned to research-based best practices, PreK On My Way revisits letters multiple times throughout the program, with each lesson touching on the target letter in five researched-based specific ways (letter name, letter sound, letter sound in spoken word, letter sound in printed word and letter formation). By theme 7 the student would have practiced the entire alphabet twice, and up to three times the high frequency letters. The second part of the comment seems to be the same as that in row 26. Besides the edit mentioned above, we also specifically addressed this outbreak in other components, such as in the Literacy Large Group Card Theme 6, Week 3, Day 3 [Página 12 (Muestre el color canario) A Vincent le gusta el color /a/.../lo/ (deje que los niños digan amarillo), Amarillo como el /s/ /ol/ (sol). Repitan conmigo /s/ /ol/ (sol). Página 13 (Muestre la ventana) ¿De qué color es la ventana de Vincent? La ventana es /g/ /ris/ (gris). Repitan conmigo /g/ /ris/ (gris).] As well as the Math Large Group Card Theme 8, Week 2, Day 3 [Intentemos juntar los sonidos de estas palabras: /v/ /an/ ; /s/ /er/; ¿Pueden pensar en palabras que suenen como van , ser y col?]
State Review Panel	Teacher	9781338643626	N/A	Tema 4 > Semana 4 > Matemáticas > Día 1 > Tarjeta de vocabulario: Defina, Describa (clasificar)	The ideas are fine but need to focus on common objects for PK and then move then to other objects.	Yes, this lesson introduces the vocabulary words "feature" and "sort" in relation to the read aloud "Creature Features." Then the related small group activity focuses on hands-on sorting by feature (size, color, etc.). The activity begins by scaffolding learning as children sort common objects for a concrete connection to sorting by feature.
State Review Panel	Teacher	9781338643626	N/A	Tema 4 > Semana 4 > Matemáticas > Día 1 > Tarjeta de vocabulario: Represente, Converse	Teachers can use the cards but then children need opportunities to practice the skill with real items. This is Science!	Yes, the vocabulary card introduces children to the term "clasificar" which they then represent as an activity by pretending to sort. The term is then reinforced as a hands-on activity in the small group where children sort objects like buttons or rocks.
State Review Panel	Teacher	9781338657364	N/A	Tema 2 > Semana 3 > Matemáticas > Tarjeta de actividad del maestro > Día 4: Primera capa	still no explicit teacher direction about shape staying the same after sliding	The text added allows children to have a conversation about the shapes after sliding them. The teacher then directs the conversation by asking in the "Después" section, after directing the children to slide the triangles: "Aunque los triángulos se pongan de manera muy diferente ¿siguen siendo triángulos?"
State Review Panel	Teacher	9781338663198	N/A	Tema 6 > Semana 3 > Matemáticas > Día 2 > 6.3.2 Actividad del estudiante: hacer una catarina de origami	not explicitly taught here but in making origami, there is an opportunity to talk about flipping shapes and them remaining the same.	Yes, under "Asociar con el grupo grande" the teacher shows and talks with children about pages 32-33 of the read aloud where a triangle remains a triangle when it's folded and flipped.

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Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781338619331	N/A	Tema 8 > Semana 1 > Día 5 > Lectoescritura > Lectura en voz alta del superlibro: La casa de algún día	book is mostly about Gigi, the grandmother. WOULD like to see a book about different family members and what they do for the family	Yes, this book, One Day House, and the accompanying instruction are about how a community comes together to help Gigi. For books about different family members, please see: Alma and How She Got Her Name, First Laugh Welcome Baby, Little Elliot Big Family, Five Creatures, Dad's First Day, Ofrenda, Close Your Eyes, What a Cold Needs, The Little Red Fort, Hiking Day, The Greatest Adventure, Rosa's Family, My Family and Me. Many of these texts are featured in the "Me and You" and "Our Community" themes.
State Review Panel	Teacher	9781338625868	N/A	Tema 8 > Semana 4 > Día 3 > Matemáticas > Lectura en voz alta: ¡Cuento los días hasta el kinder!	Vague coverage of standard since there are only pictures of teachers & bus driver	An edit was made during the SRP meeting to address this concern. Please see rows 22 above.
State Review Panel	Teacher	9781338662603	N/A	Tema 6 > Semana 2 > Lectoescritura > Tarjeta para grupo grande > Día 5 > Hora del cuento > Volver a narrar el superlibro. "¡Todos los conejos a bailar!"	Suggestion: Be specific and mention that the skill is targeted during circle time not "hora del cuento"	Yes! Great catch. Correlation should read: Tema 6 > Semana 2 > Lectoescritura > Tarjeta para grupo grande > Día 5 > Hora del círculo > ¡Cantar y bailar!
State Review Panel	Teacher Only	9781338664102	N/A	Tema 7 > Semana 4 > Lenguaje > Tarjeta de actividad del maestro. Día 3: Antes, Explicar la actividad	love the cognate lesson with this breakout standard!	Great! We have several cognate lessons throughout the program. You can find a comprehensive list of Cognates available on the Teacher Hub web site: https://teacherhub.prekonmyway.digital.scholastic.com/en/resources/additional-support
State Review Panel	Teacher Only	9781338643411	N/A	Tema 4 > Semana 1 > Matemáticas > Tarjeta de vocabulario> Día 2 > Conversar, Introduzca: Defina y Describa	would make it better to point out some nonverbal cues people use in conversation	Yes, we have two "conversación" vocabulary cards that are very good for this. We show people in conversation, talk about what that looks like (e.g., facing each other, looking at each other, showing emotion), and then model it with children. https://teacherhub.prekonmyway.digital.scholastic.com/es/themes/4/week/1/day/2/module/math/vocabulary-cards https://teacherhub.prekonmyway.digital.scholastic.com/es/themes/7/week/2/day/2/module/literacy/vocabulary-cards
State Review Panel	Teacher Only	9781338616279	N/A	Tema 6 > Semana 1> Lenguaje > Lectura en voz alta del libro. "Ricitos de oro y los tres osos"	Allow children to observe actual items (physical science) from the story (bowls, spoons,...) before reading the story. Science is hands on and minds-on.	Yes, this particular read aloud and instruction have a cross-curricular focus on both math and science. Before reading, the teacher helps children observe objects of different sizes (pattern blocks). Great idea to make the observation about objects from the story! We edited the instruction to use small/medium/large chairs instead of pattern blocks, since teachers are likely to have different sized chairs in the classroom.

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TPS Publishing, Inc.						
Prekindergarten, English <i>Live and Learn: A Prekindergarten Program - Print</i> (ISBN 9781788052573) and <i>Live and Learn - A Prekindergarten Program - Online Only</i> (ISBN 9781788052702) and <i>Live and Learn: A Prekindergarten Program - Print With Online</i> (ISBN 9781788052696)						
Live and Learn: A Prekindergarten Program						
User Name: P21TEALL Password: p21teall						
Identified By	Item Type	Component ISBN	Page Number	Specific Location	Comment	Publisher Response
State Review Panel	Teacher	9781788052580	17	N/A	Activities do meet guideline, but are not developmentally appropriate for prek	A teacher tip will be added at the top of the page stating 'The STEAM projects, Punctuation Pyramid and CVC Game include content required within the TPG's. STEAM projects are innovative, research based and especially good for students who struggle with language through to advanced students; they are visual and tactile. One student may only reach steps 1 and 2 but others will be able to master and extend learning. For example, in the punctuation pyramid which is built by students include a period, question mark, comma, exclamation mark, speech marks and semi-colon. Teachers should only have students build to the required level for their specific classes.
State Review Panel	N/A	N/A	91, 115, 76-77, 907, 118, 158, 154, 199, 1116, 238, 257, 508, 713	N/A	There was a lot of material that is not age appropriate for prek but still covered the content. I could not write them all down due to time constraints but the pages included are a few.	<p>The panelist did not supply the ISBN for the pages listed, however only one TPS component has page numbering that would match the highest number. TPS has reviewed each page and, although TPS believes the content is appropriate, as several pages are from STEAM content a solution to meet the panelist's comment is to insert the following comment on each cited page and in the introduction:</p> <p>'STEAM content is created to include scaffolding within projects and content therefore includes steps for far below grade, below grade, at grade and advanced students. Use the number of steps appropriate for each of the students in your classroom. STEAM projects are appropriate for all students. ELL students and those with learning disabilities will have improved opportunities to learn by building their own personalized projects.'</p>

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B,
Graduation Requirements, §74.11, High School Graduation Requirements
(First Reading and Filing Authorization)**

November 20, 2020

**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 B, Graduation Requirements, §74.11, High School Graduation Requirements. The proposed amendment would update the rule to align with the requirement in House Bill (HB) 3, 86th Texas Legislature, 2019, that students complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) as a requirement for high school graduation.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.025(c), as amended by HB 3, 86th Texas Legislature, 2019; and 28.0256(a), (b), and (d), as added by HB 3, 86th Texas Legislature, 2019.

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

TEC, §28.025(c), as amended by HB 3, 86th Texas Legislature, 2019, 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, §28.0256(a), as added by HB 3, 86th Texas Legislature, 2019, requires each student to complete and submit a FAFSA or a TASFA before graduating from high school.

TEC, §28.0256(b), as added by HB 3, 86th Texas Legislature, 2019, 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 added by HB 3, 86th Texas Legislature, 2019, 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.

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, 2021. 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 2021-2022

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

PREVIOUS BOARD ACTION: The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. The SBOE adopted amendments to 19 TAC Chapter 74, Subchapter B, §74.11, effective August 22, 2016; August 28, 2017; August 27, 2018, and November 24, 2019. The SBOE last adopted amendments effective August 1, 2020.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed HB 3, amending TEC, §28.025(c), and adding new TEC, §28.0256, to require a student to complete a financial aid application, FAFSA or TASFA, in order to graduate. In accordance with TEC, §28.0256(b), a student is not required to comply with the financial aid application requirement if the student's parent or guardian submits a signed opt out form authorizing the student to decline to complete and submit a financial aid application. The student may submit the opt out form on the student's own behalf if the student is 18 years of age or older or is an emancipated youth under Texas Family Code, Chapter 31. A school counselor may also authorize the student to decline to complete and submit a financial aid application for good cause, as determined by the school counselor. The opt out form must be approved by the Texas Education Agency (TEA).

The attachment to this item reflects the text of proposed amendment to 19 TAC §74.11 for consideration by the SBOE for first reading and filing authorization. The proposed amendment would update the rule to align with the financial aid application requirement and include options by which a student may opt out of the requirement.

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 first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to provide school districts with additional guidance so they can begin planning before the end of the current school year.

FISCAL IMPACT: TEA has determined that the proposal would have no fiscal impact to state or local government beyond what is required by the authorizing statute. HB 3 requires school districts and charter schools to monitor and report the completion of the financial aid application requirement, which will have a cost to the state. The 86th Texas Legislature, 2019, appropriated \$1.5 million for the creation of a database to track TASFA completion electronically.

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 requiring students to either submit a financial aid application or to opt out of the graduation requirement.

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 promote students' completion of financial aid applications and eligibility to receive financial aid. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have data and reporting implications. TEC, §28.026(e)(2), requires each school district to report to the agency the number of students who complete and submit a financial aid application and the number of students who opted out of the financial aid requirement.

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

PUBLIC COMMENTS: The public comment period on the proposal begins December 18, 2020, and ends January 22, 2021. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2021 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 Friday, December 18, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements.

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements

ATTACHMENT
Text of Proposed Amendment 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) ~~(e)~~ 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, 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) Before graduating from high school, 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). A student may graduate under the Foundation High School Program without completing a financial aid application if:~~
- ~~(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 authorizes the student to decline to complete and submit the financial aid application;~~
 - ~~(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~~
 - ~~(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.~~
- ~~(c) ~~(b)~~~~ 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) ~~(e)~~~~ 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) ~~(d)~~~~ 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~~ Texas Education Agency (TEA), allowing the student to graduate under the Foundation High School Program without earning an endorsement.

- (f) ~~(e)~~ 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) ~~(f)~~ 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) ~~(g)~~ Elective credits may be selected from the following:
- (1) high school courses not required for graduation that are listed in the following chapters of this title:
 - (A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
 - (B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);
 - (C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);
 - (D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
 - (E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);
 - (F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);
 - (G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);
 - (H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts);
 - (I) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development); 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; and
 - (4) Driver Education--one-half credit.
- (i) ~~(h)~~ 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) ~~(i)~~ 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) ~~(4)~~ 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.
- (l) ~~(4)~~ 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.
- (m) ~~(4)~~ 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.
- (n) ~~(m)~~ 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.
- (o) ~~(m)~~ 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.

Texas Certificate of High School Equivalency

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee to review and approve the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers relating to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency.

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

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

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter C, Texas Certificate of High School Equivalency, to be effective September 1, 1996. Rules in 19 TAC Subchapter C, were last amended to be effective December 25, 2016. In September 2015, the board approved the last competitive RFP to be released in fall 2015.

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

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

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

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

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

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

On November 15, 2019, the board instructed staff to proceed with the fiscal year 2021 renewal of existing contracts with GED Testing Service and Educational Testing Service and to proceed with the competitive procurement process for a fiscal year 2022 award.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the content of the Texas Certificate of High School Equivalency Request for Proposals (RFP) for test providers relating to 19 TAC Chapter 89, Texas Certificate of High School Equivalency.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

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

Discussion of Transition Plan for Electronic Administration of Assessment Instruments

November 18, 2020

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

SUMMARY: House Bill 3906, passed by the 86th Texas Legislature, 2019, requires the Texas Education Agency (TEA), in consultation with the State Board of Education (SBOE), to develop a transition plan to administer all state assessments electronically beginning not later than the 2022–2023 school year. This item provides the opportunity for staff to share the transition plan and for the SBOE to discuss its contents.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§39.02341](#).

TEC, §39.02341, requires TEA, in consultation with the SBOE, to develop a transition plan to administer all state assessments electronically beginning not later than the 2022–2023 school year.

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: House Bill 3906, passed by the 86th Texas Legislature, 2019, requires TEA, in consultation with the SBOE, to develop a transition plan to administer all state assessments electronically beginning not later than the 2022–2023 school year. The plan must evaluate the availability of Internet access for each school district in Texas; identify changes to state law or policy necessary to improve the availability of Internet access; evaluate the state’s experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service and actions taken by the state to mitigate the occurrence and effect of those disruptions; and identify and evaluate actions taken by the state to improve the administration of online assessment instruments. Not later than December 1, 2020, the agency must submit to the governor, the lieutenant governor, and the members of the legislature a report on the plan. The report must include information from school districts assessing the needs of those districts in transitioning to electronic administration; any recommended changes to state law to assist in the transition; and a recommended timeline for statewide implementation of electronic administration. This item provides the opportunity for staff to share the transition plan and for the SBOE to discuss its contents.

Staff Member Responsible:

Iris Tian, Division Director, Student Assessment

Discussion of Pending Litigation

November 18, 2020

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

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

Cases to be discussed may include:

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

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

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

BOARD RESPONSE: Board may advise and comment.

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 Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty
(Second Reading and Final Adoption)**

November 20, 2020

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty. The proposed amendment would address penalties for failure to comply with state law and rule governing review and adoption of instructional materials. No changes are recommended since published as proposed.

STATUTORY AUTHORITY: Texas Education Code (TEC) §§31.002, 31.003, 31.023, 31.035, and 31.151(b).

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

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

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

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

TEC, §31.151(b), authorizes the SBOE to impose a reasonable administrative penalty against a publisher who knowingly violates a requirement imposed on a publisher or manufacturer of instructional materials by TEC, §31.151(a), and ensure the penalty is of sufficient amount to deter a future violation.

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 2021-2022 school year. The earlier effective date will enable the amended rule to apply to publishers immediately and will support higher quality instructional materials for students.

PREVIOUS BOARD ACTION: At the June-July 2020 SBOE meeting, the Committee on Instruction discussed possible amendments to Chapter 66 related to administrative penalties. At the September 2020 SBOE meeting, the board approved a proposed amendment to 19 TAC §66.15 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: Rules in 19 TAC Chapter 66, Subchapter A, address the requirement for registers, procedures governing violations of statutes, and administrative penalties.

At the April 2020 SBOE meeting, SBOE members expressed concern about publishers making changes to adopted products without obtaining SBOE approval and asked staff to provide options to address this concern. At the June-July 2020 SBOE meeting, the Committee on Instruction discussed possible amendments to rules in Chapter 66 related to administrative penalties to address this issue. At the September 2020 SBOE meeting, the board approved a proposed amendment to 19 TAC §66.15 for first reading and filing authorization.

The proposed amendment would add new §66.15(f)(3) to impose stricter penalties for instructional materials containing factual errors if the errors occur due to updates to instructional materials and the publisher did not submit the proposed updates for review in accordance with requirements imposed by the SBOE.

The attachment to this item reflects the text of the proposed amendment to §66.15 for consideration by the SBOE for second reading and final adoption.

No changes are recommended since approved for first reading.

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

The 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 expand an existing regulation related to administrative penalties for failure to comply with state law and rule governing review and adoption of instructional materials.

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

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

The proposal would ensure adopted instructional materials continue to be appropriately aligned to the TEKS prior to use by Texas teachers and students. 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 September 2020 SBOE meeting, notice of the proposed amendment to 19 TAC §66.15 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began October 9, 2020, and ended November 13, 2020. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE prior to and during the November 2020 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in November 2020 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty; and

Make an affirmative finding that immediate adoption of proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty, 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:

Melissa Lautenschlager, Director, Instructional Materials and Implementation

Amie Williams, Director, Review and Adoption

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 66. State Adoption and Distribution of Instructional Materials

Subchapter A. General Provisions

§66.15. Administrative Penalty.

- (a) Under the Texas Education Code (TEC), §31.151(b), the State Board of Education (SBOE) may assess a reasonable administrative penalty against a publisher or manufacturer found in violation of a provision of the TEC, §31.151(a). The SBOE shall assess an administrative penalty under this section only for a violation based upon an instructional material adopted by the SBOE. An administrative penalty shall be assessed only after the SBOE has granted the publisher or manufacturer a hearing in accordance with the TEC, §31.151; the Administrative Procedure Act; Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education); and this chapter.
- (b) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(1), or a rule implementing that provision, including assessing an administrative penalty against a publisher or manufacturer who offers an instructional material in this state at a higher price than that offered to any other state, public school, or school district in the United States. A publisher or manufacturer does not violate this provision if within 60 days of the sale at a higher price, the publisher or manufacturer provides a refund in the incremental amount of the lower price compared to the purchase price to all Texas public schools that previously purchased the same instructional material at a higher price and enters into a written agreement with the Texas Education Agency (TEA) to offer the instructional material at the lower price to any Texas public school. An action under this subsection may only be taken for differential pricing that occurs between the time when a public school may start entering orders for a particular school year until the time when a public school may start entering orders for the subsequent school year.
- (c) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(2), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of the sale at a lower price, the publisher or manufacturer provides a refund in the incremental amount of the lower price compared to the original purchase price to all Texas public schools that previously purchased the same instructional material. An action under this subsection may only be taken for differential pricing that occurs between the time when a public school may start entering orders for a particular school year until the time when a public school may start entering orders for the subsequent school year.
- (d) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(3), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of dissemination of instructional materials or ancillary items free of charge, the publisher or manufacturer provides a refund of the purchase to all Texas public schools that previously purchased the same instructional material and enters into a written agreement with the TEA that the ancillary items will be provided free of charge if any Texas public school buys the instructional material at issue.
- (e) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(4), or a rule implementing that provision. A publisher or manufacturer does not violate this provision if within 60 days of dissemination of instructional materials of higher quality, the publisher or manufacturer provides new copies of the higher quality instructional material at no charge or, with the public school consent, a refund equivalent to the price of the lower quality material to all Texas public schools that previously purchased the same instructional material.
- (f) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(4) or (9), or a rule implementing those provisions, including:
 - (1) an administrative penalty for selling instructional materials with factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer of instructional materials who sells instructional materials that have been adopted by the SBOE and contain factual errors unless,

within 60 days of knowledge of the factual error, the publisher or manufacturer corrects the factual error, including revising web-based instructional materials, providing corrective materials to public schools that have received material containing the factual error, and ensuring no further distribution of materials occurs without correction of the error; or

- (2) an administrative penalty for failure to correct factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to correct a factual error, including:
 - (A) failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title (relating to Requirements for Publisher Participation);
 - (B) failure to correct a factual error identified in the report of the commissioner of education under §66.63(e) of this title (relating to Report of the Commissioner of Education) and required by the SBOE; or
 - (C) failure to correct a factual error identified and required by the SBOE prior to the adoption of the instructional material.
- (3) an administrative penalty for a factual error in an instructional material that occurs through updates to the materials by the publisher when the updates did not comply with requirements for updating materials, including the requirements under §66.75 of this title (relating to Updates to Adopted Instructional Materials) and §66.76 of this title (relating to New Editions of Adopted Instructional Materials). Penalties imposed under this paragraph shall:
 - (A) not be subject to penalty limitations imposed by subsection (h) of this section or any other section of this title;
 - (B) be of a sufficient amount to deter future violations; and
 - (C) be based on a timeframe beginning at the time the factual error first appeared in instructional materials delivered to a public school, unless mitigating circumstances suggest otherwise.
- (g) For purposes of this section:
 - (1) a factual error shall be defined as a verified error of fact or any error that would interfere with student learning. The context, including the intended student audience and grade level appropriateness, shall be considered;
 - (2) a factual error repeated in a single item or contained in both the student and teacher components of instructional material shall be counted once for the purpose of determining penalties. An identical error in materials with multiple components and formats shall be counted as one error; and
 - (3) a penalty may be assessed for failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title or for failure to correct a factual error identified in the report of the commissioner of education under §66.63(a) of this title and required by the SBOE. The publisher shall identify errata in an appropriate manner.
- (h) For purposes of subsection (f)(2) of this section, a penalty of \$5,000 shall be assessed for each failure to correct a factual error:
 - (1) after the deadline established in the proclamation by which publishers must have submitted corrected samples of adopted instructional materials for violations of subsection (f)(2)(A) of this section; or
 - (2) prior to distribution to public schools after the SBOE has identified the factual error for violations of subsection (f)(2)(B) and (C) of this section.
- (i) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(5), or a rule implementing those provisions.

- (j) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(6), (7), or (8), or a rule implementing those provisions, including:
 - (1) a penalty for failure to deliver adopted instructional materials, including teacher components, in a timely manner or in the quantities the school district or open-enrollment charter school is eligible to receive as specified in the publisher's bid; and
 - (2) a penalty for failure to deliver adopted instructional materials, including teacher components, in accordance with provisions in the contracts if the failure extends beyond 45 days.
- (k) The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to maintain a website or provide a suitable alternative for conveying the information in the website, or who otherwise fails to meet the requirements of §66.29 of this title (relating to Websites in State-Adopted Instructional Materials).
- (l) The SBOE may, if circumstances warrant, waive or vary penalties contained in this section for first or subsequent violations based on the seriousness of the violation, any history of a previous violation or violations, the amount necessary to deter a future violation, any effort to correct the violation, and any other matter justice requires.
- (m) Each affected publisher shall issue credit to the TEA in the amount of any penalty imposed under the provisions of this section. When circumstances warrant it, the TEA is authorized to require payment of penalties in cash within ten days. Each affected publisher who pays a fine for failure to deliver adopted instructional materials in a timely manner will not be subject to the liquidated damages provision in the publisher's contract for the same failure to deliver adopted instructional materials in a timely manner.
- (n) All administrative penalties shall be credited to the public schools instructional materials allotment funds under the TEC, §31.0212.

Approval of Update to Instructional Materials for Learning A–Z

November 20, 2020

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

SUMMARY: Learning A–Z is requesting approval to update content in its adopted products *Raz Plus ELL Texas Edition*, grades 2–4. The updated content has been reviewed by curriculum subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.003 and §31.022.

TEC, §31.003, permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

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

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

PREVIOUS BOARD ACTION: English language arts and reading materials from Learning A–Z were adopted in November 2018.

BACKGROUND INFORMATION AND JUSTIFICATION: 19 Texas Administrative Code §66.75 permits a publisher to submit a request for approval to substitute an updated edition of state-adopted instructional materials. This section also requires that all requests for updates involving content in state-adopted instructional materials be approved by the SBOE prior to their introduction into state-adopted instructional materials.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the request from Learning A–Z to update content in three of its adopted products *Raz Plus ELL Texas Edition*, grade 2; *Raz Plus ELL Texas Edition*, grade 3; and *Raz Plus ELL Texas Edition*, grade 4.

Staff Members Responsible:

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

Attachment:

Learning A–Z Update Request

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Proclamation Year:	2019
Publisher:	Learning A-Z, LLC
Subject Area /Course:	English Language Arts and Reading K-5

Indicate if the changes in your update involve content reviewed and accepted by the state review panel to determine coverage of the Texas Essential Knowledge and Skills (TEKS), English Language Proficiency Standards (ELPS), or Texas Prekindergarten Guidelines (TPG) by selecting a box below.

☒ TEKS
 ☐ ELPS
 ☐ TPG
 ☐ TEKS and ELPS

Program Information:

Program Title:	Raz Plus ELL Texas Edition												
Program Title:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical Program Title:	Raz Plus ELL Texas Edition												
Identical Program ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0

Component Information:

You must submit a separate form for each component title and ISBN.

Component Title:	Raz Plus ELL Texas Edition												
Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical component Title:	Raz Plus ELL Texas Edition												
Identical Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Access Information

Use the table below to provide access information to the adopted version of the instructional materials and the proposed new content.

	URL	Username	Password
Adopted content:	www.razplus.com	TXREV2	RAZPLUS2
Proposed new content:	See google drive links in side-by-side comparisons.	Click here to enter username.	Click here to enter the password.

Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, B, xvii, Narrative/Activity 2, B, xliii, Narrative/Activity 2, Ci, xl, Narrative/Activity 2, C, xlix, Narrative/Activity 3, C, ii, Narrative/Activity 3, C, x, Narrative/Activity	Landon's Pumpkins, P, Leveled Reader Link is to the landing page, which houses the adopted content: Guided Reading Lesson, located on the right-hand side of the page under " Lesson Resources ".	Landon's Pumpkins, P, Leveled Reader Link is to the proposed new content: Guided Reading Lesson
Publisher's rationale for the change		
Changed vocabulary word in the lesson to match glossary word in text; updated style in lesson to match punctuation style in text		
Publisher's description of the change		
Lesson Plan: change vocabulary word "recycle" to "recycling" and replace "R's" with "Rs" throughout body of both.		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)



Insert a screenshot of your proposed **new** content.



Side-by-side comparison:

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SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, C, xxxvii, Narrative/Activity 2, C, xxxviii, Narrative/Activity	Manatees, P, Leveled Reader Link is to the landing page, which houses the adopted content: Comprehension Quiz, located on the lower right-hand side of the page under “Assessment Resources”.	Manatees, P, Leveled Reader Link is to the proposed new content: Comprehension Quiz
Publisher’s rationale for the change		
Corrected misspelling		
Publisher’s description of the change		
Comp Quiz: For question 9, answer choice C, changed "loosing" to "losing".		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)



Insert a screenshot of your proposed **new** content.



Side-by-side comparison:

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SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, B, xxiii, Narrative 2, B, xlix, Narrative	Working with Animals, Level 2, Shared Reading Book Link is to the landing page, which houses the adopted content: The book types on the left-hand side of the page under “Book Resources” Changes to: Student Books – page 4 Teacher Projectable, page 4	Working with Animals, Level 2, Shared Reading Book Link is to the proposed news content: Student Book
Publisher’s rationale for the change		
Updating photo licenses & credits		
Publisher’s description of the change		
Updating photo licenses & credits		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)



Insert a screenshot of your proposed **new** content.



Signature:	Amy Otis
Date Submitted:	9/22/20

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Proclamation Year:	2019
Publisher:	Learning A-Z, LLC
Subject Area /Course:	English Language Arts and Reading K-5

Indicate if the changes in your update involve content reviewed and accepted by the state review panel to determine coverage of the Texas Essential Knowledge and Skills (TEKS), English Language Proficiency Standards (ELPS), or Texas Prekindergarten Guidelines (TPG) by selecting a box below.

☒ TEKS
 ☐ ELPS
 ☐ TPG
 ☐ TEKS and ELPS

Program Information:

Program Title:	Raz Plus ELL Texas Edition												
Program Title:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical Program Title:	Raz Plus ELL Texas Edition												
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Component Information:

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Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical component Title:	Raz Plus ELL Texas Edition												
Identical Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Access Information

Use the table below to provide access information to the adopted version of the instructional materials and the proposed new content.

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Proposed new content:	See google drive links in side-by-side comparisons.	Click here to enter username.	Click here to enter the password.

Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, B, xiv, Narrative/Activity 2, B, xxix, Narrative/Activity	Landon's Pumpkins, P, Leveled Reader Link is to the landing page, which houses the adopted content: Guided Reading Lesson, located on the right-hand side of the page under "Lesson Resources".	Landon's Pumpkins, P, Leveled Reader Link is to the proposed new content: Guided Reading Lesson
Publisher's rationale for the change		
Changed vocabulary word in the lesson to match glossary word in text; updated style in lesson to match punctuation style in text		
Publisher's description of the change		
Lesson Plan: change vocabulary word "recycle" to "recycling" and replace "R's" with "Rs" throughout body of both.		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)



Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Insert a screenshot of your proposed **new** content.



Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

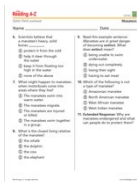
SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, C, xxxvii, Narrative/Activity 2, C, xxxviii, Narrative/Activity	Manatees, P, Leveled Reader Link is to the landing page, which houses the adopted content: Comprehension Quiz, located on the lower right-hand side of the page under "Assessment Resources".	Manatees, P, Leveled Reader Link is to the proposed new content: Comprehension Quiz
Publisher's rationale for the change		
Corrected misspelling		
Publisher's description of the change		
Comp Quiz: For question 9, answer choice C, changed "loosing" to "losing".		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)



Insert a screenshot of your proposed **new** content.

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)



Signature:	Amy Otis
Date Submitted:	9/22/20

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Proclamation Year:	2019
Publisher:	Learning A-Z, LLC
Subject Area /Course:	English Language Arts and Reading K-5

Indicate if the changes in your update involve content reviewed and accepted by the state review panel to determine coverage of the Texas Essential Knowledge and Skills (TEKS), English Language Proficiency Standards (ELPS), or Texas Prekindergarten Guidelines (TPG) by selecting a box below.

☒ TEKS
 ☐ ELPS
 ☐ TPG
 ☐ TEKS and ELPS

Program Information:

Program Title:	Raz Plus ELL Texas Edition												
Program Title:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical Program Title:	Raz Plus ELL Texas Edition												
Identical Program ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0

Component Information:

You must submit a separate form for each component title and ISBN.

Component Title:	Raz Plus ELL Texas Edition												
Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0
Identical component Title:	Raz Plus ELL Texas Edition												
Identical Component ISBN:	9	7	8	0	6	9	2	1	9	6	5	4	0

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Access Information

Use the table below to provide access information to the adopted version of the instructional materials and the proposed new content.

	URL	Username	Password
Adopted content:	www.razplus.com	TXREV2	RAZPLUS2
Proposed new content:	See google drive links in side-by-side comparisons.	Click here to enter username.	Click here to enter the password.

Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

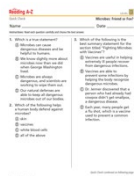
SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
6, B, v, Narrative/Activity 6, B, vi, Narrative/Activity	Microbes: Friend or Foe?, U, Leveled Reader Link is to the landing page, which houses the adopted content: Comprehension Quiz, located on the lower right-hand side of the page under “Assessment Resources”.	Microbes: Friend or Foe?, U, Leveled Reader Link is to the proposed new content: Comprehension Quiz
Publisher’s rationale for the change		
Removed duplicate word		
Publisher’s description of the change		
Comp Quiz #2, remove extra word “helps” in question stem; #3 remove extra word “is” from question stem		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)



Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Insert a screenshot of your proposed **new** content.



Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
2, B, xix, Narrative/Activity 2, B, xx, Narrative/Activity	Manatees, P, Leveled Reader Link is to the landing page, which houses the adopted content: Comprehension Quiz, located on the lower right-hand side of the page under "Assessment Resources".	Manatees, P, Leveled Reader Link is to the proposed new content: Comprehension Quiz
Publisher's rationale for the change		
Corrected misspelling		
Publisher's description of the change		
Comp Quiz: For question 9, answer choice C, changed "loosing" to "losing".		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)



Insert a screenshot of your proposed **new** content.

Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)



Side-by-side comparison:

Any content that has been changed in the component listed on the previous page should be documented in this side-by-side comparison. You must submit a separate request for each component.

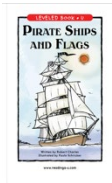
SE Breakout Citation Type	Description of the specific location and hyperlink to the exact location of adopted content	Description of the specific location and hyperlink to the exact location of the proposed new content
7, C, i, Narrative/Activity	Pirate Ships and Flags, U, Leveled Reader Link is to the landing page, which houses the adopted content: The Single-Sided Book, on the left-hand side of the page under “Book Resources.”	Pirate Ships and Flags, U, Leveled Reader Link is to the proposed new content: The Single-Sided Book
Publisher’s rationale for the change		
Changes necessary for accuracy and to avoid problematic language		
Publisher’s description of the change		
Book PDFs/e-Books, page 8, paragraph 1, sentence 1: add a comma after “bow” page 9, paragraph 1, sentence 4: Change sentence to “These people of the north gained a reputation for being fierce warriors.” page 20, paragraph 1, sentence 1: bold the word “harsh” page 23 and 24: In the glossary, remove the term “barbarians” and add the term “harsh”; update the definition of “masts” Needs new Lexile Score		

Insert a screenshot of your **currently** adopted content. (Click on the blue plus sign at the bottom right corner to add another content change.)



Request to Update Content Reviewed and Accepted by the State Review Panel (SRP)

Insert a screenshot of your proposed **new** content.



Signature:	Amy Otis
Date Submitted:	9/22/20

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

Approval of Costs to Administer the 2020–2021 State-Developed Assessments to Private School Students

November 20, 2020

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

SUMMARY: Texas Education Code, §39.033, allows a private school to voluntarily assess its students with the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS) assessments. The State Board of Education (SBOE) must approve the per-student cost to private schools, which may not exceed the cost of administering the same assessment to a student enrolled in a public school district. This item requests approval of these costs for the 2020–2021 school year.

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

TEC, §39.033 permits, through an agreement with the Texas Education Agency (TEA), private schools to administer adopted assessment instruments if private schools reimburse TEA the cost for administering the assessment. The per-student cost of administering adopted assessments is determined by the SBOE.

PREVIOUS BOARD ACTION: In November 2019, the SBOE approved the costs of administering the STAAR and TELPAS assessments to private school students for the 2019–2020 school year. These costs were determined based on the assessments administered during the 2018–2019 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: Since the spring 1996 test administration, private schools, including home schools, have been eligible to participate on a voluntary basis in the Texas assessment program. During the 2019–2020 school year, no private schools administered STAAR or TELPAS assessments because STAAR assessments were cancelled and TELPAS assessments were to be completed on an optional basis due to the COVID-19 pandemic.

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

A critical component of the contract with private schools is the per-student cost for each instrument, which must be determined by the SBOE. Due to the cancellation of STAAR in spring 2020, a per-student cost for administering the assessments in the 2019–2020 school year is not available. To accurately reflect the per-student cost of an administration, TEA recommends the use of the per-student cost for administering STAAR in 2018–2019 (the most recent costs available) be used for the 2020–2021 school year.

The attachment includes the recommended per-student cost for each test that will be available to private schools in the 2020–2021 school year. For STAAR, these figures were derived by taking the costs from the agency's contract for fiscal year 2019 and dividing by the number of testing booklets for each grade and test prepared for the 2018–2019 school year. For TELPAS, the same methodology was followed using available data from the spring 2020 TELPAS administration. Using this method for determining the per-student cost ensures that the cost for assessing a private school student will not exceed the per-student cost for administering the same test to a public school student. Costs cover developing tests and ancillary materials; printing, packaging, and shipping test materials; scoring tests; and reporting results. The attachment also provides assurances from both ETS and Pearson, the assessment vendors, that these costs do not exceed per-student test costs for the public schools.

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

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

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the recommended per-student costs for administering the state assessments to private school students in 2020–2021 as listed in the attachment.

Staff Members Responsible:

Iris Tian, Division Director, Student Assessment

Julie Cole, Director of Policy and Publications, Student Assessment

Attachment:

Letter of Assurance from ETS and Pearson and Recommended Costs for Administering Assessments to Private School Students for 2020–2021

EDUCATIONAL TESTING SERVICE

400 W 15th Street, Suite 700
Austin, TX 78701

PEARSON

400 Center Ridge Dr. Ste E. Austin, TX
78753

Private School Assessment Costs for 2020–2021

October 1, 2020

Student Assessment Division
Texas Education Agency

Dear Student Assessment Division,

In accordance with the Texas Education Code, Educational Testing Service and Pearson certify that the attached prices per private school student do not exceed the prices for administering the same assessment to a student enrolled in a Texas public school district.

In the 2019-2020 school year there were no private schools that took the State of Texas Assessments of Academic Readiness or Texas English Language Proficiency Assessment System assessments.

Sincerely,

Sarah López Rhame
Texas Program Director
Educational Testing Service

Amanda Pepmiller
Texas Program Manager
Pearson

Recommended Private School Costs for the 2020-2021 School Year
STAAR® and TELPAS

2018-2019		2018-2019	2020-2021*
# of Students Booklet Count	Cost	Cost Per Student	Recommended Per Student Charge to Private Schools

STAAR End-of-Course

Mathematics	Algebra I	351,354	\$1,611,886.99	\$4.59	\$4.59
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English Language Arts	English I	389,774	\$7,220,207.58	\$18.52	\$18.52
	English II	364,120	\$7,220,207.58	\$19.83	\$19.83
Science	Biology	325,119	\$1,494,081.02	\$4.60	\$4.60
Social Studies	U.S. History	286,936	\$1,325,230.69	\$4.62	\$4.62

STAAR Grades 3-8

Grade 3	Reading	361,843	\$1,525,033.44	\$4.21	\$4.21
	Mathematics				

Grade 3 (Spanish)	Reading	31,939	\$425,044.45	\$13.31	\$13.31
	Mathematics				

Grade 4	Reading	380,045	\$1,505,317.07	\$3.96	\$3.96
	Mathematics				
	Writing	358,804	\$5,910,350.08	\$16.47	\$16.47

Grade 4 (Spanish)	Reading	24,725	\$172,023.22	\$6.96	\$6.96
	Mathematics				
	Writing	25,643	\$625,861.18	\$24.41	\$24.41

Grade 5	Reading	530,181	\$1,462,386.63	\$2.76	\$2.76
	Mathematics				
	Science	377,467	\$1,442,917.91	\$3.82	\$3.82

Grade 5 (Spanish)	Reading	19,789	\$103,974.57	\$5.25	\$5.25
	Mathematics				
	Science	7,855	\$98,957.43	\$12.60	\$12.60

Grade 6	Reading	379,562	\$1,427,088.99	\$3.76	\$3.76
	Mathematics				

Grade 7	Reading	372,216	\$1,425,035.64	\$3.83	\$3.83
	Mathematics				
	Writing	357,262	\$5,562,047.75	\$15.57	\$15.57

Grade 8	Reading	528,416	\$1,522,375.16	\$2.88	\$2.88
	Mathematics				
	Science	359,923	\$2,800,391.09	\$7.78	\$7.78
	Social Studies				

*Note: Because there were no STAAR administrations in spring or summer 2020, the recommendation is to base the costs on the data from the 2018–2019 school year.

TELPAS

2019-2020		2019-2020	2020-2021
# of Students Booklet Count	Cost	Cost Per Student	Recommended Per Student Charge to Private Schools

TELPAS	Grade K/1	132,152	\$824,628	\$6.24	\$6.24
	Grade 2	80,076	\$1,003,352	\$12.53	\$12.53
	Grade 3	82,031	\$1,027,848	\$12.53	\$12.53
	Grade 4/5	161,645	\$2,025,412	\$12.53	\$12.53
	Grade 6/7	127,458	\$1,597,049	\$12.53	\$12.53
	Grade 8/9	107,227	\$1,343,554	\$12.53	\$12.53
	Grade 10-12	89,004	\$1,115,220	\$12.53	\$12.53

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

November 19, 2020

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the committee to discuss a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter 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.

FUTURE ACTION EXPECTED: The proposed amendment to §109.41 will be presented for first reading and filing authorization at the January 2021 SBOE meeting.

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. 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.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance
David Marx, Senior Director, Financial Compliance
Yolanda Walker, Manager, 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, Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Attachment III:

Proposed FASRG Module 2, Module 2, Special Supplement - Charter Schools

Attachment IV:

Proposed FASRG Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts

Attachment V:

Proposed FASRG Module 4, Auditing

Attachment VI:

Proposed FASRG Module 5, Purchasing

Attachment VII:

Proposed FASRG Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System

Due to the size of Attachments II-VII, 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 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.

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication Financial Accountability System Resource Guide, dated June 2021 ~~[July 2019]~~ , which is adopted by this reference as the agency's official rule. A copy is available for examination on the TEA website with information related to financial compliance [during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701] .

Rule Review of 19 TAC Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts

November 19, 2020

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: 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 review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts. The rules in Subchapter B address the historically underutilized business (HUB) program and procedures relating to protest for purchasing issues and dispute resolution, in accordance with Texas Government Code requirements.

STATUTORY AUTHORITY: The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 30, Subchapter B, is [TGC, §§2161.003, 2155.076](#), and [2260.052](#).

TGC, §2001.039, requires a state agency to review and consider for readoption each of its rules.

TGC, §2161.003, requires the SBOE to adopt the HUB rules of the state as its own rules.

TGC, §2155.076, requires that each state agency by rule develop and adopt protest procedures for resolving vendor protests relating to purchasing issues.

TGC, §2260.052, requires each unit of state government with rulemaking authority to develop rules to govern the negotiation and mediation of a claim.

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 30, Subchapter B, will be presented to the SBOE for adoption at the January 2021 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Effective December 5, 2004, the SBOE adopted rules in 19 TAC Chapter 30, Subchapter B, to address the HUB program, protest procedures for purchasing issues, and procedures for dispute resolution, as required by statute.

The TGC, §2161.003, directs each state agency to adopt the state's HUB rules as its own rules. Those rules apply to state agency construction projects and purchases of goods and services paid for with appropriated money. To comply with statute, the SBOE adopted 19 TAC §30.21, Historically Underutilized Business (HUB) Program, effective December 5, 2004. The rule adopts by reference the Texas Building and Procurement Commission (TBPC) rules concerning the HUB program. Effective April 26, 2009, the rule was amended to reflect the transfer of HUB rules from the TBPC to the Comptroller of Public Accounts.

TGC, §2155.076, requires that each state agency by rule develop and adopt protest procedures for resolving vendor protests relating to purchasing issues. Rules are required to be consistent with the Comptroller of Public Accounts' rules and include standards for maintaining documentation about the purchasing process to be used in the event of a protest. In addition, TGC, §2260.052, requires each unit of state government with rulemaking authority to develop rules to govern the negotiation and mediation of a claim. To comply with statute, the SBOE adopted 19 TAC §30.22, Procedures for Protests, Dispute Resolution, and Appeals Relating to Purchasing and Contract Issues, effective December 5, 2004. The rule establishes that any person interested in protesting an award must do so by filing a written formal protest petition and provides the specifications that must be addressed in the protest petition. The rule also specifies the mediation procedures for resolution of a formal protest and sets forth guidelines to appeal a protest determination. No amendments have been made to the rule since its initial adoption.

ANTICIPATED REVISIONS TO RULES: Texas Education Agency (TEA) staff anticipate presenting changes to clarify the rules in 19 TAC Chapter 30, Subchapter B, for first reading and filing authorization at the January 2021 meeting.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 30, Subchapter B, with the Texas Register following the November 2020 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 30, Subchapter B, continue to exist. The public comment period on the proposed rule review begins December 18, 2020, and ends January 22, 2021. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in January 2021 in accordance with the SBOE operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

Staff Members Responsible:

Carla Steffen, Associate Commissioner of Finance/Chief Financial Officer
Jenna Mattingly, Director, Contracts and Purchasing

Attachment:

Text of 19 TAC Chapter 30, Administration, Subchapter B, State Board of Education: Purchasing and Contracts

ATTACHMENT
Text of 19 TAC

Chapter 30. Administration

Subchapter B. State Board of Education: Purchasing and Contracts

§30.21. Historically Underutilized Business (HUB) Program.

In accordance with the Texas Government Code, §2161.003, the State Board of Education adopts by reference the rules of the Comptroller of Public Accounts, found at Title 34 Texas Administrative Code, §§20.11-20.28, concerning the Historically Underutilized Business (HUB) Program.

Statutory Authority: The provisions of this §30.21 issued under the Texas Government Code, §2161.003.

Source: The provisions of this §30.21 adopted to be effective December 5, 2004, 29 TexReg 11339; amended to be effective April 26, 2009, 34 TexReg 2532.

§30.22. Procedures for Protests, Dispute Resolution, and Appeals Relating to Purchasing and Contract Issues.

- (a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract under the jurisdiction of the State Board of Education (SBOE) may formally protest to the director of the Texas Education Agency (TEA) division responsible for purchasing and contracts. Such protests must be in writing and received in the purchasing and contracts director's office within ten working days after such aggrieved person knows, or reasonably should have known, of the occurrence of the action which is protested, unless the director finds that good cause for delay is shown or determines that a protest or appeal raises issues significant to the TEA's procurement practices or procedures.
- (b) Formal protests must conform to the requirements of this subsection and subsection (d) of this section, and shall be resolved in accordance with the procedure set forth in subsections (e)-(f) of this section. Copies of the protest must be mailed or delivered by the protesting party to the TEA and to the other interested parties. For the purposes of this section, "interested parties" means all respondents who have submitted bids, proposals, or offers for the contract involved. Names and addresses of all interested parties may be obtained by sending a written request for this information to the purchasing and contracts director.
- (c) In the event of a timely protest or appeal under this section, the TEA shall not proceed further with the solicitation or with the award of the contract unless the commissioner of education or the commissioner's designee, in consultation with the purchasing and contracts director, makes a written determination that the expeditious award of contract is necessary to protect substantial interest of the state. A copy of this determination shall be mailed to the protesting party.
- (d) A formal protest petition must be sworn and must contain:
 - (1) a specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
 - (2) a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified in paragraph (1) of this subsection;
 - (3) a precise statement of the relevant facts;
 - (4) an identification of the issue or issues to be resolved;
 - (5) argument and authorities in support of the protest; and
 - (6) a statement that copies of the protest have been mailed or delivered to the TEA and other identifiable interested parties.
- (e) The purchasing and contracts director shall have the authority to settle and resolve the dispute concerning the solicitation or award of a contract. The director may solicit written responses to the protest petition from other interested parties, and if he or she makes such a request, the protesting party shall be given

notice of the director's request and of any written responses to the request that the director receives. The director may consult with the TEA office of legal services concerning the dispute.

- (f) If the protest is not resolved by mutual agreement, the purchasing and contracts director will issue a written determination on the protest.
 - (1) If the director determines that no violation of rules or statutes has occurred, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination.
 - (2) If the director determines that a violation of rules or statutes has occurred in a case where a contract has not been awarded, he or she shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.
 - (3) If the director determines that a violation of rules or statutes has occurred in a case where a contract has been awarded, he or she shall so inform the protesting party and other interested parties by a letter which sets forth the reasons for the determination. In such a case, the director has the authority to declare the contract void. If he or she declares the contract void, this fact shall be included in the determination letter.
- (g) The purchasing and contracts director's determination on a protest may be appealed by the protesting party to the commissioner of education or the commissioner's designee. An appeal of the director's determination must be in writing and must be received in the commissioner's office no later than ten working days after the date of the director's determination. An appeal of the determination shall be limited to those issues raised in the protest petition and the determination letter. Copies of the appeal must be mailed or delivered by the appealing party to the TEA and other interested parties and must contain a sworn statement that such copies have been provided.
- (h) The commissioner or the commissioner's designee shall review the protest petition, the purchasing and contracts director's requests for written responses to the protest petition, any written responses received from other interested parties, the determination, and the appeal.
- (i) The commissioner or the commissioner's designee may, in his or her discretion, issue a written decision on the protest or refer the matter to the SBOE for consideration at a regularly scheduled open meeting.
- (j) A decision issued either by the SBOE in an open meeting or in writing by the commissioner or the commissioner's designee shall be the final administrative action of the TEA.

Statutory Authority: The provisions of this §30.22 issued under the Texas Government Code, §2155.076 and Chapter 2260.

Source: The provisions of this §30.22 adopted to be effective December 5, 2004, 29 TexReg 11339.

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

November 19, 2020

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: Investment staff will report on the transactions executed during the months of July, August, and September 2020 in the investment portfolio of the Texas Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

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

BACKGROUND INFORMATION AND JUSTIFICATION: Specific actions that the committee must accomplish are found in 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund.

Staff Member Responsible:

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

**Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund
for the Months July, August, and September 2020**

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee and board to consider approval of the purchases and sales of investments executed in the portfolio of the Permanent School Fund for the months of July, August, and September 2020.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2 and §5](#), and 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas Permanent School Fund and Bond Guarantee Program as adopted by the SBOE.

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

PREVIOUS BOARD ACTION: At the September 2020 meeting, the board approved purchases in the amount of \$895,238,762 and sales in the amount of \$1,065,447,343 conducted in the investment portfolio of the Permanent School Fund for the months of May and June 2020.

BACKGROUND INFORMATION AND JUSTIFICATION: The purchases and sales of the investment portfolio are reviewed by the staff to ensure compliance with the Investment Guidelines, Policies, and Objectives of the Permanent School Fund. The specific amounts of the purchases and sales for the reporting period will be recommended to the board for ratification upon approval by the Committee on School Finance/Permanent School Fund.

Staff Member Responsible:

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

**Approval of an Extension of the Standard Contract with NEPC, LLC, and Authorization for
Contract Execution by the Commissioner of Education**

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee and board to extend the standard contract with NEPC, LLC, and authorize contract execution by the commissioner of education.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Natural Resources Code (NRC), [§51.414](#); 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 establishes the Permanent School Fund Liquid Account as an account in the permanent school fund in the State Treasury 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 July 2015 meeting, the board selected NEPC, LLC as the Permanent School Fund's investment counsel with the option to extend the contract for two additional 3-year terms. That period expired on August 31, 2018. At the April 2018 meeting the board extended the NEPC, LLC contract for the period of September 1, 2018 through August 31, 2021.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

Staff Member Responsible:

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

**Approval of an Extension of the Standard Contract with Blackrock Investment Management, LLC,
and Authorization for Contract Execution by the Commissioner of Education**

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee and board to extend the standard contract with Blackrock Investment Management, LLC, and authorize contract execution by the commissioner of education.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Natural Resources Code (NRC), [§51.414](#); 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 establishes the Permanent School Fund Liquid Account as an account in the permanent school fund in the State Treasury 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 July 2008 meeting, the committee authorized the issuance of the request for proposals for indexing international management services. At the November 2008 meeting, the board selected BlackRock Investment Management, LLC to provide investment management services for international index fund. During the April 2011 meeting, the board approved two consecutive two-year extensions as allowed by the contract. The first extension period occurred from September 1, 2011 through August 31, 2013 and the second extension period occurred from September 1, 2013 through August 31, 2015. The board approved the third extension period of September 1, 2015 through August 31, 2017, at the November 2014 meeting. At the April 2017 meeting, the board selected BlackRock Investment Management to provide Investment Management Services for Long-Only Passive International Developed and Emerging Market Equity. The contract began on September 1, 2017 and expires on August 31, 2021.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

Staff Member Responsible:

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

Proposed Amendments to the Investment Procedures Manual

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee and board to review and adopt proposed amendments to Section D, Strategic Asset Allocation Plan, Section E, Asset Allocation Rebalancing Procedure, Section F, Standards of Performance of the Investment Procedures Manual.

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.

PREVIOUS BOARD ACTION: The board adopted the Texas Permanent School Fund Investment Procedures Manual on January 24, 1995. The board last revised the manual in September 2020.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

Staff Member Responsible:

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

Proposed Amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules
(First Reading and Filing Authorization)

November 20, 2020

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

SUMMARY: This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules. The proposed amendments would amend the asset allocation of the Permanent School Fund (PSF), update transactions and restrictions that apply to the PSF, and update cross references and a section title.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §5\(a\) and \(f\)](#); Texas Education Code (TEC), [§43.001](#); [§43.0052](#), as added by House Bill (HB) 4388, 86th Texas Legislature, 2019; and Texas Natural Resources Code (NRC), [§32.012](#), as amended by Senate Bill (SB) 608, 86th Texas Legislature, 2019; [NRC, §32.0161](#), as added by SB 608, 86th Texas Legislature, 2019; and [NRC, §32.068](#) and [§51.414](#), as added by HB 4388, 86th Texas Legislature, 2019.

Texas Constitution, Article VII, §5(a), authorizes the State Board of Education (SBOE) to make distributions from the PSF to the available school fund with certain limits.

Texas Constitution, Article VII, §5(f), authorizes the SBOE to manage and invest the PSF according to the prudent investor standard and make investments it deems appropriate.

TEC, §43.001, describes the PSF as a perpetual endowment.

TEC, §43.0052, as added by HB 4388, 86th Texas Legislature, 2019, and TNRC, §32.068 and §51.414, as added by HB 4388, 86th Texas Legislature, 2019, created the Liquid Account within the PSF to be managed by the SBOE and require the SBOE and School Land Board to send quarterly investment and financial reports to the other.

TNRC, §32.012, as amended by SB 608, 86th Texas Legislature, 2019, and §32.0161, as added by SB 608, require the SBOE to submit to the governor a list of six nominees for each of two positions on the School Land Board and requires the SBOE and the School Land Board to hold a joint annual public meeting to discuss the PSF.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendments is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2021-2022 school year. The earlier effective date would allow the rules to align with statute as soon as possible.

PREVIOUS BOARD ACTION: The SBOE adopted rules in Chapter 33 effective September 1, 1996. The proposed rules were last revised by the SBOE as follows. Section 33.5 was amended effective May

28, 2018. Sections 33.15, 33.25, 33.35, and 33.60 were amended effective March 15, 2020. At the September 2020 SBOE meeting, the Committee on School Finance/Permanent School Fund discussed possible amendments to Chapter 33.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statute, the rules in Chapter 33 establish investment objectives, policies, and guidelines for the PSF.

The proposed amendment to §33.5, Code of Ethics, would update a reference to 19 TAC §33.20, Responsible Parties and Their Duties.

The proposed amendment to §33.15, Objectives, would amend the asset allocation of the PSF.

The proposed amendment to §33.25, Permissible and Restricted Investments and General Guidelines for Investment Managers, would update transactions and restrictions that apply to the PSF.

The proposed amendment to §33.35, Guidelines for the Custodian and the Securities Lending Agent, would update the section title to include the PSF Liquid Account.

The proposed amendment to §33.60, Performance and Review Procedures, would update a reference from the TNRC to the TEC.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking.

The proposed rulemaking would expand an existing regulation by adding to the list of prohibited transactions and restrictions in §33.25.

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 and clarify provisions supporting the management and investment of the PSF. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins December 18, 2020, and ends January 22, 2021. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on December 18, 2020.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules.

Staff Members Responsible:

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

Attachment:

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

ATTACHMENT
Text of Proposed Amendments to 19 TAC

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

Subchapter A. State Board of Education Rules

§33.5. Code of Ethics.

- (a)-(c) (No change.)
- (d) Definitions. For purposes of this chapter, the following terms shall have the following meanings.
 - (1)-(3) (No change.)
 - (4) PSF Service Providers are the following Persons:
 - (A) any Person who is an external investment manager, as described in §33.20(c)(1) ~~§33.20(b)(1)~~ of this title (relating to Responsible Parties and Their Duties), or who is responsible by contract for providing legal advice regarding the PSF, executing PSF brokerage transactions, or acting as a custodian of the PSF;
 - (B) (No change.)
 - (C) any Person who is Investment Counsel as described in §33.20(c)(4) ~~§33.20(b)(4)~~ of this title or provides consultant services for compensation regarding the management and investment of the PSF;
 - (D)-(G) (No change.)
 - (5)-(6) (No change.)
- (e)-(v) (No change.)

§33.15. Objectives.

- (a) (No change.)
- (b) Goal and objectives for the PSF.
 - (1) Goal. The goal of the SBOE for the PSF shall be to invest for the benefit of current and future generations of Texans consistent with the safety of principal, considering ~~in light of~~ the strategic asset allocation plan adopted. To achieve this goal, PSF investment shall always be carefully administered at all times .
 - (2) (No change.)
- (c) (No change.)
- (d) Asset allocation policy.
 - (1) The SBOE shall adopt and implement a strategic asset allocation plan based on a well-diversified ~~well diversified~~ , balanced investment approach that uses a broad range of asset classes indicated by the following characteristics of the PSF:
 - (A)-(G) (No change.)
 - (2) (No change.)
 - (3) The SBOE Committee on School Finance/Permanent School Fund, with the advice of the PSF investment staff, shall review the provisions of this section at least annually and, as needed, rebalance the assets of the portfolio according to the asset allocation rebalancing procedure specified in the PSF Investment Procedures Manual. The SBOE Committee on School

Finance/Permanent School Fund shall consider the industry diversification and the percentage allocation within the following asset classes:

(A)-(I) (No change.)

(J) high yield;

~~[(J) risk parity;]~~

(K)-(L) (No change.)

(4)-(5) (No change.)

§33.25. Permissible and Restricted Investments and General Guidelines for Investment Managers.

(a) (No change.)

(b) Prohibited transactions and restrictions. Except as provided in subsection (a) of this section or as approved or delegated by the SBOE, the following prohibited transactions and restrictions apply to all Texas Permanent School Fund (PSF) investment managers with respect to the investment or handling of PSF assets, except as otherwise noted:

(1)-(5) (No change.)

(6) purchasing the equity or debt securities of the PSF investment manager's own organization or an affiliated organization, but excluding purchases with respect to indexed or passively managed portfolios ;

(7) engaging in any purchasing transaction, after which the cumulative market value of common stock in a single corporation exceeds 2.5% of the PSF total market value or 5.0% of the manager's total portfolio market value, but excluding purchasing transactions with respect to indexed or passively managed portfolios ;

(8) engaging in any purchasing transaction, after which the cumulative number of shares of common stock in a single corporation held by the PSF exceeds 5.0% of the outstanding voting stock of that issuer, but excluding purchasing transactions with respect to indexed or passively managed portfolios ;

(9)-(11) (No change.)

(12) purchasing any publicly traded fixed income security rated below BB- ~~[not rated investment grade]~~ by Standard & Poor's ~~[(BBB-)]~~, Ba3 by Moody's ~~[(Baa3)]~~, or BB- by Fitch ~~[(BBB-)]~~, subject to the provisions of the PSF Investment Procedures Manual and the following restrictions:

(A) when ratings are provided by the three rating agencies, the middle rating shall be used;

(B) when ratings are provided by two ratings agencies, the lower rating is used; or

(C) when a rating is provided by one rating agency, the sole rating is used;

(13) purchasing any publicly traded fixed income securities that are rated below investment grade by Standard & Poor's (below BBB-), Moody's (below Baa3), or Fitch (below BBB-), with such rating as determined in accordance with paragraph (12)(A)-(C) of this subsection, if the cumulative market value of such below investment grade rated securities after such purchase exceeds 5% of the total portfolio market par value of the PSF fixed income portfolio;

(14) ~~[(13)]~~ purchasing short-term money market instruments rated below A-1 by Standard & Poor's or P-1 by Moody's;

(15) ~~[(14)]~~ engaging in any transaction that results in unrelated business taxable income (excluding current holdings);

(16) ~~[(15)]~~ engaging in any transaction considered a "prohibited transaction" under the Internal Revenue Code or the Employee Retirement Income Security Act (ERISA);

(17) ~~[(16)]~~ purchasing precious metals or other commodities;

- (18) ~~(17)~~ engaging in any transaction that would leverage a manager's position;
 - (19) ~~(18)~~ lending securities owned by the PSF, but held in custody by another party, such as a bank custodian, to any other party for any purpose, unless lending securities according to a separate written agreement the SBOE approved; and
 - (20) ~~(19)~~ purchasing fixed income securities without a stated par value amount due at maturity.
- (c)-(d) (No change.)

§33.35. Guidelines for the Custodian and the Securities Lending Agent for the Texas Permanent School Fund (PSF) and the PSF Liquid Account .

Completing custodial and security lending functions in an accurate and timely manner is necessary for effective investment management and accurate records.

- (1) A custodian shall have the following responsibilities regarding the segments of the funds for which the custodian is responsible.
 - (A) (No change.)
 - (B) Provide for daily investment of any cash ~~[on a daily basis]~~ to avoid uninvested amounts.
 - (C)-(I) (No change.)
- (2) (No change.)

§33.60. Performance and Review Procedures.

As requested by the State Board of Education (SBOE) or Texas Permanent School Fund (PSF) investment staff, evaluation and periodic investment reports shall supply critical information on a continuing basis, such as the amount of trading activity, investment performance, cash positions, diversification ratios, rates of return, and other perspectives of the portfolios. The reports shall address compliance with investment policy guidelines.

- (1)-(2) (No change.)
- (3) Reports to the School Land Board. Each quarter, the SBOE shall provide the School Land Board a financial report on the portion of the PSF assets and funds for which the SBOE is responsible in accordance with Texas Education ~~[Natural Resources]~~ Code, §43.0052.
- (4)-(6) (No change.)

Authorization to Issue a Request for Qualifications for Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel for the Permanent School Fund

November 20, 2020

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

SUMMARY: This item provides the opportunity for the committee and board to approve the issuance of a request for qualifications for fiduciary, investment contracting, real estate, tax and disclosure counsel for the Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

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: None

BACKGROUND INFORMATION AND JUSTIFICATION: The provision in the current contract for legal counsel will expire on August 31, 2021.

Staff Member Responsible:

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

**Authorization to Issue a Request for Proposals for High Yield Bonds Discretionary Investment
Managers for the Permanent School Fund**

November 20, 2020

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

SUMMARY: This item provides the opportunity for the committee and board to approve the issuance of a request for proposals for high yield bonds discretionary investment managers for the Permanent School Fund.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

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: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Member Responsible:

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

Report on the Permanent School Fund Liquid Account

November 20, 2020

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

SUMMARY: This item provides an opportunity for the committee and board to receive a status update on the liquid account and to take action to ratify transactions.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Natural Resources Code (NRC), [§51.414](#); 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 establishes the Permanent School Fund Liquid Account as an account in the permanent school fund in the State Treasury to be managed by the State Board of Education.

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 July 2020 meeting, the board adopted the long-term strategic asset allocation of the Permanent School Fund Liquid Account.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

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**

November 19, 2020

**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 PSF 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 PSF.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#), and 19 Texas Administrative Code (TAC), Chapter 33.

The Texas Constitution, Article VII, §2 and §5 establish the permanent school fund, the assets that comprise the permanent school fund, the bond guarantee program, the available school fund, and authorize the State Board of Education (SBOE) to manage and invest the permanent school fund in accordance with the prudent person standard.

Administrative rules found in 19 TAC Chapter 33 provide a statement of investment objectives, policies, and guidelines of the Texas PSF and Bond Guarantee Program as adopted by the SBOE.

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

FUTURE ACTION EXPECTED: None

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Member Responsible:

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

COMMITTEE ON SCHOOL INITIATIVES

Open-Enrollment Charter School Generation 26 Application Updates

November 19, 2020

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: The director of the Division of Charter School Administration will discuss updates regarding the Generation Twenty-Six 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.

FUTURE ACTION EXPECTED: Following the conclusion of the application cycle, the board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation Twenty-Six Subchapter D Open-Enrollment Charter Schools.

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 Twenty-Six application.

Public information concerning open-enrollment charter schools is available on the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/charterapp.aspx>). When complete, the Generation Twenty-Six application and required attachments will be accessible on that page.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator Support

Joe Siedlecki, Associate Commissioner, Systems Support, Innovation, and Charters

Heather Mauzé, Director, Charter School Authorizing and Administration

Rule Review of 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions

November 19, 2020

**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 review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions. Subchapter A establishes the SBOE process for petitioning the adoption of changes to SBOE rules, as required by TGC, §2001.021.

STATUTORY AUTHORITY: The statutory authority for the rule review is the (TGC), §2001.039. The statutory authority for 19 TAC Chapter 30, Subchapter A, is the (TGC), §2001.021.

TGC, §2001.039, requires a state agency to review and consider for readoption each of its rules.

TGC, §2001.021, authorizes a state agency to prescribe by rule the form for a petition and the procedure for the submission, consideration, and disposition.

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 30, Subchapter A, will be presented to the SBOE for adoption at the January 2021 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TGC, §2001.021, requires that procedures to petition for the adoption of rule changes be adopted by rule. To comply with statute, the SBOE adopted 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes, effective December 5, 2004. Prior to the adoption of 19 TAC §30.1, procedures to petition for the adoption of changes to SBOE rules were included as part of the SBOE's operating rules. Effective April 26, 2009, an amendment adopted in rule the petition form to be used to submit a petition. Effective May 23, 2017, an amendment updated the petition form adopted in rule to require the petitioner to indicate that the petitioner meets one of the four definitions of an interested person specified in statute and added language to specify the reasons the SBOE may deny a petition for rulemaking.

Since 19 TAC §30.1 was last reviewed in 2016, six petitions were presented to the SBOE. In 2017, four petitioners requested that the amount of credit for Cosmetology I and II courses be modified. The SBOE denied the petitions because the Texas Essential Knowledge and Skills (TEKS) for cosmetology could not be revised until they became effective on August 28, 2017, and the SBOE had already taken action to address the issue presented by the petitioners at its November 2016 meeting.

In 2018, one petition was presented to the SBOE. The SBOE denied the petition for rulemaking requesting the adoption of a rule requiring all Texas students to wear uniforms because the SBOE does not have jurisdiction or authority to propose or adopt the petitioned rule.

In 2019, one petition was presented to the SBOE for an amendment to 19 TAC §74.12 that would allow debate, public speaking, and oral interpretation to satisfy fine arts graduation requirements. The SBOE denied the petition because the courses were not aligned with TEKS in fine arts courses.

ANTICIPATED REVISIONS TO RULES: Texas Education Agency (TEA) staff plans to present an amendment to 19 TAC Chapter 30, Subchapter A, §30.1, Petition for Adoption of Rule Changes, that would provide for electronic submission of a petition. This amendment would include any necessary changes to the procedures specified in §30.1 as well as updates to the petition form adopted in rule. The proposed amendment would be presented for first reading and filing authorization at the January 2021 SBOE meeting.

PUBLIC COMMENTS: The TEA will file the notice of proposed review of 19 TAC Chapter 30, Subchapter A, with the Texas Register following the November 2020 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 30, Subchapter A, continue to exist. The public comment period on the proposed rule review begins December 18, 2020, and ends January 22, 2021. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in January 2021 in accordance with the SBOE operating policies and procedures.

The filing of the notice of proposed review soliciting comments as to whether the reasons for adoption continue to exist would not preclude any amendments that may be proposed at the same time or at different times through a separate rulemaking process.

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking
Lynette Smith, Program Specialist, Rulemaking

Attachment I:

Text of 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions

Attachment II:

Figure: 19 TAC §30.1(a)

ATTACHMENT
Text of 19 TAC

Chapter 30. Administration

Subchapter A, State Board of Education: General Provisions

§30.1. Petition for Adoption of Rule Changes.

- (a) Any interested person as defined in Texas Government Code, §2001.021(d), may petition for the adoption, amendment, or repeal of a rule of the State Board of Education (SBOE) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the commissioner of education. In consultation with the persons in the Texas Education Agency who are responsible for the area with which the rule is concerned, the commissioner shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

Figure: 19 TAC §30.1(a)
- (b) In accordance with the Texas Government Code, §2001.021, the agency must respond to the petitioner within 60 days of receipt of the petition.
 - (1) Where possible, the commissioner's recommendation concerning the petition shall be placed on the SBOE agenda, and the SBOE shall act on the petition within the 60-day time limit.
 - (2) Where the time required to review the petition or the scheduling of SBOE meetings will not permit the SBOE to act on the petition within the required 60 days, the commissioner or a designee shall respond to the petitioner within the required 60 days, notifying the petitioner of the date of the SBOE meeting at which the recommendation will be presented to the SBOE for action.
- (c) The SBOE will review the petition and the recommendation of the commissioner and will either direct the commissioner to begin the rulemaking process or deny the petition, giving reasons for the denial. The commissioner or designee will notify the petitioner of the SBOE's action related to the petition.
- (d) The SBOE may deny a petition on the following grounds:
 - (1) the SBOE does not have jurisdiction or authority to propose or adopt the petitioned rule;
 - (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBOE, or other law;
 - (3) the SBOE determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding;
 - (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
 - (A) within one year of having the petition denied; or
 - (B) to amend a rule proposed or adopted by the SBOE that has not yet become effective; or
 - (5) any other reason the SBOE determines is grounds for denial.
- (e) If the SBOE initiates rulemaking procedures in response to a petition, the rule text which the SBOE proposes may differ from the rule text proposed by the petitioner.

Statutory Authority: The provisions of this §30.1 issued under the Texas Government Code, §2001.021.

Source: The provisions of this §30.1 adopted to be effective December 5, 2004, 29 TexReg 11339; amended to be effective April 26, 2009, 34 TexReg 2531; amended to be effective May 23, 2017, 42 TexReg 2722.

Figure: 19 TAC §30.1(a)

STATE BOARD OF EDUCATION

Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Commissioner of Education
Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

Name:

Affiliation/Organization (if applicable):

Address:

Telephone:

Date:

Texas Government Code, §2001.021, specifies that an interested person must meet one of the following criteria. Please check all of the following that apply to you.

- ☐ resident of Texas
- ☐ business entity located in Texas
- ☐ governmental subdivision located in Texas
- ☐ public or private organization located in Texas that is not a state agency

Proposed rule text (indicate words to be added or deleted from the current text):

Statutory authority for the proposed rule action:

Why is this rule action necessary or desirable?

(If more space is required, attach additional sheets.)

Petitioner's Signature

Recommended Revisions to the Framework for School Board Development

November 20, 2020

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

SUMMARY: This item provides the board an opportunity to consider recommended revisions to the School Board Member Training—Framework for School Board Development. The framework outlines the vision, structure, accountability, advocacy, and unity needed to provide local educational programs and services that promote excellence in student academic achievement.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.159.

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

PREVIOUS BOARD ACTION: The State Board of Education (SBOE) chair appointed an ad hoc committee of SBOE members to study the Framework for School Board Development, the current requirements for team building training for local boards of trustees, and qualifications for trainers that provide the teambuilding training. The members of the ad hoc committee were Barbara Cargill, chair; Donna Bahorich; Ruben Cortez, Jr.; Marisa B. Perez-Diaz; and Matt Robinson. At its September 2020 meeting, the SBOE made amendments to the revised Framework for School Board Development proposed by the ad hoc committee and postponed final approval of the framework until November 2020.

BACKGROUND INFORMATION AND JUSTIFICATION: The School Board Member Training—Framework for School Board Development was adopted in 1996 to establish a structure for district leadership teams, as a corporate body and as individuals, to gain an understanding of the vision, structure, accountability, advocacy, and unity needed to provide educational programs and services that promote equity and excellence in performance of all students. The framework was amended in 2012. The framework supports the training requirements adopted by the SBOE in 19 TAC §61.1.

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt the recommended revisions to the School Board Member Training—Framework for School Board Development

Staff Members Responsible:

Jeff Cottrill, Deputy Commissioner, Governance and Accountability
Morris Lyon, Senior Governance Advisor, Governance

Attachment:

Recommended revisions to School Board Member Training—Framework for School Board Development

**Recommended Revisions to
School Board Member Training—Framework for School Board Development**

Preamble

The mission of the public education system of this state is to ensure that all Texas children have access to 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 (Texas Education Code, §4.001).

The board of trustees is the governing body for Texas public schools. To effectively meet the challenges of public education, school boards and superintendents must function together as a governance leadership team. Each team will focus on the improvement of locally developed student outcomes through vision and goals, systems and processes, progress and accountability, advocacy and engagement, and team synergy. Teams ensure that their districts provide equitable and effective educational programs and services for all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

Framework

- I. Vision and Goals—The board ensures creation of a shared vision and measurable goals that improve student outcomes, opportunities, and experiences. The board:
 - Keeps the district focus on the well-being of all children.
 - Adopts a shared vision that incorporates input from the community to reflect local aspirations and needs for all children.
 - Ensures that the vision aligns with the state’s mission, objectives, and goals for education established by law or rule.
 - Adopts a reasonable number of specific, quantifiable, research-based, and time-bound goals that align with the vision to improve student outcomes.
 - Embraces, supports, and fulfills the vision that all students receive what they need to learn, thrive, and grow, including resources, opportunities, and experiences.
 - Uses the vision and goals to drive all deliberations, decisions, and actions.
- II. Systems and Processes—The board ensures systems and processes are in place to accomplish the vision and goals. The board:
 - Regularly develops, reviews, and adopts board policies for effective support of the district’s vision and goals.
 - Approves a budget that aligns with and maximizes resources to fulfill the district’s vision and goals.
 - Monitors student progress throughout the year.
 - Incorporates equity when making decisions and evaluating systems and processes.
 - Focuses its actions on providing oversight of management, district-wide policy making, planning, goal setting, progress monitoring, and evaluation and refrains from involvement in daily operations and management.
 - Approves goals, policies, and programs that ensure a safe and secure learning environment.
 - Ensures the equitable distribution of resources, opportunities, and experiences based on the diverse needs of students and schools.

- Ensures that the district’s planning and decision-making process enables all segments of the community, families, and staff to meaningfully contribute to achieving the district’s vision.
 - Welcomes and values all people and cultures as important stakeholders in the process for student success.
 - Ensures the district has a system that monitors for sound business and fiscal practices.
 - Fulfills the statutory duties of the local board of trustees and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.
- III. Progress and Accountability—The board sets clear goals, provides resources and support, evaluates goal attainment, and engages in ongoing objective feedback on progress and commitments. The board:
- Holds itself accountable to its adopted vision, goals, commitments, and operating procedures.
 - Ensures progress toward achievement of district goals through a systemic, timely, and comprehensive review of reports and data that are predictive of locally developed student outcomes.
 - Ensures equity throughout the system by regularly identifying inequities, updating policies, and appropriately distributing resources.
 - Differentiates among inputs, outputs, and outcomes, especially when focusing on student outcomes.
 - Monitors and evaluates the allocation of resources in support of the district’s vision and goals and sustainability.
 - Reviews the efficiency and effectiveness of district operations and use of resources in supporting the district’s vision and goals.
 - Employs and annually evaluates the superintendent on the achievement of district goals, primarily on progress toward or achievement of board-adopted student outcome goals.
- IV. Advocacy and Engagement—The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of all Texas public schoolchildren. The board:
- Demonstrates its commitment to, and advocates on behalf of, the shared vision and goals by clearly communicating them to the superintendent, staff, and community.
 - Regularly reports district progress to families and the community.
 - Ensures multiple forms of two-way communication will be used to engage, empower, and connect students, families, staff, media, and community with the district.
 - Builds collaborative relationships and partnerships with families and community, business, non-profit, higher-education, and governmental leaders to influence and expand educational opportunities and experiences to meet the needs of students.
 - Recognizes the respective roles of and provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency to ensure maximum effectiveness and benefit to Texas schoolchildren.
 - Promotes school board service by educating the community about the role of a school board and encouraging leadership opportunities within the community.

- V. Team Synergy—The board works effectively as a collaborative unit and as a team with the superintendent to lead the district in fulfilling the vision and goals. The board:
- Remains focused on its goals and priorities, as opposed to individual agendas separate and apart from the shared vision.
 - Annually evaluates its performance as a team, with attention given to the district’s vision and goals; fulfilling the board’s duties, responsibilities, and commitments; and the board’s working relationship with the superintendent.
 - Makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or district and campus administrative matters.
 - Respects the right of individual members to express their viewpoints and vote their convictions and honors the decisions of the majority.
 - Develops teamwork, problem-solving, and decision-making skills as a team with its superintendent.
 - Understands and adheres to laws and local policies and respects the superintendent’s responsibility to manage the school district and to direct employees in district and campus matters.
 - Adopts and adheres to established policies and procedures for welcoming and addressing ideas and concerns from students, families, staff, and the community.
 - Establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the board.
 - Understands the leadership role of the board president and adheres to local policies and procedures about the duties and responsibilities of the board officers.

**Discussion of Proposed Revision to 19 TAC Chapter 61, School Districts,
Subchapter B, Special Purpose School Districts**

November 19, 2020

**COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides the opportunity for the committee to discuss a potential new rule in 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, that would identify provisions of the Texas Education Code (TEC) that are not applicable to Boys Ranch Independent School District.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§11.351](#) and [§11.352](#).

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

TEC, §11.352, permits the SBOE to adopt rules for the governance of a special-purpose district.

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

FUTURE ACTION EXPECTED: A proposed new rule regarding governance of the special-purpose district may be presented for consideration at a future SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §11.352, permits the SBOE to adopt rules for the governance of a special-purpose district.

Boys Ranch Independent School District has requested that the SBOE waive specific provisions of the TEC related to district governance and operation.

This item allows the committee to discuss the request.

Staff Members Responsible:

Jeff Cottrill, Deputy Commissioner, Governance and Accountability

Morris Lyon, Senior Governance Advisor, Governance

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

November 20, 2020

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make new 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate. The proposed new 19 TAC Chapter 239, Subchapter E, would provide for the requirements and validity period for Legacy Master Teacher certificate holders.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.031, 21.041(b)(1)–(4), and 21.064(a), as amended by House Bill (HB) 3, 86th Texas Legislature, 2019.

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)–(4), require 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; specify the classes of educator certificates to be issued, including emergency certificates; specify the period for which each class of educator certificate is valid; and specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.064(a), as amended by HB 3, 86th Texas Legislature, 2019, required the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

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

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 3, 86th Texas Legislature, 2019, required the SBEC to repeal 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Master Teacher Certificate, in October 2019 to implement the requirements that SBEC no longer issue or renew master teacher certificates. HB 3 also specified that master teacher certificates will be designated as "legacy" certificates and recognized for assignment purposes until they expire.

The affected certificates were the Master Reading Teacher, Master Mathematics Teacher, Master Technology Teacher, and Master Science Teacher. There are 4,997 Legacy Master Teacher certificate holders. These certificates were only issued after an individual had obtained an initial certification in a particular teaching category.

As a result, the SBEC and Texas Education Agency (TEA) staff received written and oral public comments from educators, school districts, professional organizations, and teacher organizations requesting options to address the current master teacher population and the employing school districts. The feedback received reflects concerns from various stakeholders.

- Current educators who hold master teacher certificates obtained after preparing and paying for the additional certificate will no longer have a credential that reflects this certificate.
- Current educators who are assigned to courses with their master teacher certificates may lose those positions.
- Employing school districts that currently staff their courses with master teacher certificate holders may have personnel issues.

At the February 21, 2020 SBEC meeting, the SBEC received a letter from Chairman Dan Huberty, House Committee on Public Education, Texas House of Representatives, explaining that the intent of the legislation was not to prevent the current educators who hold a master teacher certificate from continuing educating students with those certificates and requested that the SBEC use its rulemaking authority to provide an avenue for those educators to continue serving students and school districts in those roles.

Additionally, at the February 21, 2020 SBEC meeting, the SBEC directed TEA staff to solicit stakeholder feedback and to bring the SBEC options for consideration at the May 1, 2020 meeting.

On April 15, 2020, TEA staff conducted a stakeholder meeting to explore options to allow Legacy Master Teacher certificate holders to continue serving in assignments and to utilize their skills in service to students and the profession.

At the May 1, 2020 SBEC meeting, the SBEC considered options and directed staff to initiate rulemaking that would designate all Legacy Master Teacher certificates as *valid* with no expiration date. The benefits to this option would be that it:

- addresses Chairman Huberty's clarification as well as stakeholders' request for remedy;
- allows all current certificate holders to continue teaching uninterrupted;
- does not cause additional cost and time to implement;
- does not affect continuing professional education (CPE) hours.

If the SBOE takes no action to reject the proposed rules at its November meeting, the proposed new rules will not take effect until December 27, 2020. Therefore, there are Legacy Master Teacher certificate holders who have had or will have their certificates expire prior to the effective date of these rules. If the SBOE takes no action to reject the proposed new rules at its November meeting, TEA staff will contact those educators to inform them that once the new rules are effective, their Legacy Master Teacher certificates will be converted back to a status of *valid*. TEA staff will provide guidance and options in communicating with current and prospective school districts to help ensure minimal disruption to personnel decisions regarding the impacted assignments.

TEC, §21.041, provides the SBEC full authority to specify the classes of educator certificates to be issued, the period for which each class of educator certificate is valid, and the requirements for the issuance and renewal of an educator certificate. The following is a description of the proposed new rules that reflect the SBEC's charge to draft rule text with the option to establish the status of the Legacy Master Teacher certificate holders to *valid* with no renewal requirements. The rule text is included in the attachment.

§239.101. General Provisions for Legacy Master Teacher Certificates.

Proposed new §239.101 would provide the general requirements for all Legacy Master Teacher certificate holders. The new section would allow all individuals who held a *valid* or *inactive* master teacher certification on August 31, 2019, to be issued a Legacy Master Teacher certification with no expiration date. Additionally, under the new section, Legacy Master Teacher certificates would not be subject to renewal or CPE requirements. The new section would clarify that other standard certificates held by the certificate holder would still be subject to current renewal and CPE requirements. This would allow all current Legacy Master Teacher certificate holders to continue teaching with these certificates while complying with HB 3, which disallowed Legacy Master Teacher certificates from being renewed.

§239.103. Definitions.

Proposed new §239.103 would provide definitions for the terms *valid*, *inactive*, and *expired* that mirror the language used in the glossary of terms for the official record of educator certification maintained on the TEA website. This would provide clarification and alignment with §230.91(d), which specifies that the representation of an individual's certificate status as maintained on the TEA website is considered to be the official record of educator certification. The electronic representation of the certificate satisfies TEC, §21.053(a), which requires individuals to present their certificate prior to employment by a school district. A definition for *master teacher certificate* would also be provided as reference for the four master teacher certificates that fell under this category.

The attachment reflects the proposed rule text changes.

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 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 under Texas Government Code (TGC), §2001.022, is required

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis under 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 create a government program, create a new regulation, and increase the number of individuals subject to the rule's applicability by allowing current and expired Legacy Master Teacher certificate holders to hold a *valid* SBEC certificate by designating those certificates as *valid* without the need to renew. As a result of HB 3, the SBEC repealed an existing regulation by repealing the master teacher certificates effective December 22, 2019. The new Chapter 239, Subchapter E, provides for those certified with those certificates to have them continue or be reinstated if they expired.

The proposed rulemaking 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; 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 the ability for educators to continue utilizing the master teacher certificate obtained and for school districts to continue staffing those assignments. The TEA staff has determined that there is no anticipated cost to persons who are required to comply with the proposal.

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

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

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

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on proposed new 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate.

Staff Members Responsible:

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

Attachment:

Text of Proposed New 19 TAC Chapter 239, Student Services Certificates, Subchapter E, Legacy Master Teacher Certificate

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 239. Student Services Certificates

Subchapter E. Legacy Master Teacher Certificate

§239.101. General Provisions for Legacy Master Teacher Certificates.

- (a) A Legacy Master Teacher certificate will be issued to individuals who held valid or inactive master teacher certificates on August 31, 2019.
- (b) Legacy Master Teacher certificates do not expire and are not subject to renewal requirements.
- (c) Any suspension of or condition on an educator's master teacher certificate in accordance with Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) will apply to the educator's Legacy Master Teacher certificate upon issuance.
- (d) All other standard certificates held by the Legacy Master Teacher certificate holders are subject to renewal and continual professional education requirements as prescribed by Chapter 232 of this title (relating to General Certification Provisions).
- (e) A legacy master teacher may serve as a mentor to other teachers in the subject area of his or her Legacy Master Teacher certification.
- (f) A legacy master teacher may teach in assignments as specified in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).

§239.103. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Expired--An expired credential is no longer valid because it was issued for a specific term, and the ending date has passed.
- (2) Inactive--An inactive certificate does not currently entitle the certificate holder to work as a professional educator in a Texas public school. A certificate is placed on inactive status when one or more of the following conditions exists, and the certificate is returned to valid status once an educator satisfies the condition or conditions that caused the certificate to be placed on inactive status:
 - (A) the holder's standard certificate has not been renewed;
 - (B) the certificate holder has not completed fingerprinting as required by the Texas Education Code, §22.0831; or
 - (C) the certificate holder has fees pending.
- (3) Master teacher certificate--a Master Reading Teacher, Master Mathematics Teacher, Master Science Teacher, or Master Technology Teacher certificate issued by the State Board for Educator Certification that, effective September 1, 2019, was no longer issued or renewed.
- (4) Valid--A valid certificate qualifies the holder for employment as an educator in a Texas public school, is not expired or inactive, and is not subject to an active suspension, surrender, cancellation, or revocation.

Review of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

November 20, 2020

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make revisions to 19 Texas Administrative Code (TAC) Chapter 231, Requirements for Public School Personnel Assignments, Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments. The proposed revisions would implement the statutory requirements in House Bill (HB) 3, 86th Texas Legislature, 2019, that requires that all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes until they expire. The proposed revisions would also incorporate courses approved by the State Board of Education (SBOE), would add certificate areas to the list of credentials appropriate for placement into an assignment, and would reorganize current provisions to improve readability and align citations.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.031(a), 21.041(b)(1) and (2), and 21.064, as amended by HB 3, 86th Texas Legislature, 2019.

TEC, §21.031(a), states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

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, §21.064, as amended by HB 3, 86th Texas Legislature, 2019, required the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

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 231 establish the personnel assignments that correlate with appropriate certifications and are organized as follows: Subchapter A, Criteria for Assignment of Public School Personnel; Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

These subchapters provide guidance to school districts and educators by providing a listing of courses by grade level and subject area and by identifying the corresponding certificates and other requirements for placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions.

The following is an overview of proposed revisions to 19 TAC Chapter 231 shown in the attachment.

Subchapter B. Prekindergarten–Grade 6 Assignments

HB 3 Legacy Master Teacher Updates

Proposed amendments to the following sections in Subchapter B would implement HB 3, 86th Texas Legislature, 2019, which requires all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes: §231.3(b)(15)–(17); §231.9(b)(11)–(13); §231.15(17)–(21); and §231.17(16).

§231.19. *Languages Other Than English, Grades 1–6.*

The proposed amendment in §231.19 would add Classical Languages and Discovering Languages and Cultures to align with the current list of SBOE-approved Languages Other Than English (LOTE) courses. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

Subchapter C. Grades 6–8 Assignments

HB 3 Legacy Master Teacher Updates

Proposed amendments to the following sections in Subchapter C would implement HB 3, which requires all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes: §231.49(19); §231.51(22); §231.61(14) and (15); §231.63(27); and §231.65(38) and (39).

§231.55. *Languages Other Than English, Grades 6–8.*

The proposed amendment in §231.55(a) would add Classical Languages and Discovering Languages and Cultures and delete Exploratory Languages and Cultural and Linguistic Topics for LOTE classrooms for Grades 6–8 to align with the current list of SBOE-approved LOTE courses. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments

Proposed amendments in Subchapter D would streamline rules to prevent redundancy and confusion with SBOE and commissioner of education rules regarding student course credit so that the SBEC rules pertain only to educator certificates and assignments and provide clarity for district personnel, as student course credit decisions are determined by SBOE or Texas Education Agency (TEA) and not the SBEC.

§231.91. Reserve Officer Training Corps.

The proposed amendment in §231.91(d) would delete the provision pertaining to student course credit for Reserve Officer Training Corps classes because student course credit is not within the jurisdiction of the SBEC. Student course credit decisions are determined by the SBOE or TEA, not the SBEC.

§231.93. Athletics; Cheerleading; Drill Team; Marching Band.

The proposed amendment in §231.93(b) would delete the provision pertaining to student course credit for Athletics, Cheerleading, Drill Team, and Marching Band classes because student course credit is not within the jurisdiction of the SBEC. The proposed amendment in §231.93(a) would also provide technical formatting clean-up.

Subchapter E, Grades 9–12 Assignments

HB 3 Legacy Master Teacher Updates

Proposed amendments in the following divisions and sections in Subchapter E would implement HB 3, which requires all master teacher certificates be designated as "legacy" certificates and recognized for assignment purposes:

- Division 1: §231.127(9) and §231.129(9);
- Division 4: §231.191(4), §231.193(4), and §231.195(4);
- Division 5: §231.201(9), §231.203(9), §231.205(7), §231.207(9), §231.209(9), §231.211(7), §231.213(7), §231.215(12), §231.217(12), §231.219(4);
- Division 9: §231.271(c)(3);
- Division 10: §231.283(a)(6) and §231.287(a)(4);
- Division 15: §231.392(10), §231.394(a)(4), §231.395(a)(4), and §231.397(a)(4);
- Division 17: §231.423(a)(8), and §231.425(a)(5);
- Division 18: §231.445(a)(8);
- Division 21: §231.503(a)(7);
- Division 22: §231.525(a)(2);
- Division 24: §231.565(a)(8), §231.569(a)(1), §231.573(a)(1), §231.575(a)(1), §231.577(a)(3), §231.579(a)(1), and §231.581(a)(1).

Aligning with SBOE and Necessary Updates

To reflect courses approved by the SBOE and make other necessary updates, the changes proposed in the specified divisions below would identify the appropriate certificates and/or training requirements for placement into various assignments.

Division 1. English Language Arts and Reading, Grades 9–12 Assignments.

§231.123. English I and II for Speakers of Other Languages, Grades 9–12.

The proposed amendment in §231.123(a) and (b) would add a new SBOE-approved course, English Language Development and Acquisition (ELDA) for Grades 9–12. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

§231.125. English as a Second Language, Grades 9–12.

The proposed amendment in §231.125 would delete the course English Language Development and Acquisition (ELDA) for Grades 9–12, because it would be duplicative of the language that would be added by the proposed amendment to §231.123(a). The proposed amendment to §231.125 would streamline the rules to provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

Division 2. Languages Other Than English, Grades 9–12 Assignments.

§231.151. Languages Other Than English, Grades 9–12.

The proposed amendment in §231.151 would add Levels I–VII for Languages Other than English; Classical Languages, Levels I–VII; Discovering Languages and Cultures; Seminars in Languages Other Than English; Seminar in Classical Languages; and Advanced Language for Career Exploration; and would delete Exploratory Languages and Cultural and Linguistic Topics for Grades 9–12 to align with the current list of SBOE-approved LOTE courses. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

§231.153. American Sign Language, Grades 9–12.

The proposed amendment in §231.153(a) would add Levels I–IV for American Sign Language for Grades 9–12 to specify the specific SBOE-approved courses. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

Division 3. Social Studies, Grades 9–12 Assignments.

§231.177. Ethnic Studies: Mexican American Studies, Grades 9–12.

The proposed amendment in §231.177 would change the section title to read, "Ethnic Studies, Grades 9–12," and would add the SBOE-approved course, Ethnic Studies: African American Studies, Grades 9–12,

to the list of course offerings in the Ethnic Studies section and include the list of credentials appropriate to serve in this assignment. These proposed changes would provide for both ethnic studies courses, Mexican American Studies and African American Studies, to be taught by the same list of certificates appropriate to teach the courses.

Division 8. Technology Applications, Grades 9–12 Assignments.

Division 8 would be proposed for repeal, with current courses and appropriate certificates relocated to other sections in this chapter for clarity to the field.

Division 9. Career Development, Grades 9–12 Assignments.

§231.271. Career Development, Grades 9–12.

Section 231.271(a) would be reorganized to add new paragraph (1) to reflect current certificates for teaching career development for Grades 9–12 and would add new paragraph (2) that would provide holders of special education certificates an opportunity to teach career development courses, provided they complete the additional specified, TEA-approved career and technical education (CTE) training prior to teaching these courses. The proposed amendment would ensure that students who receive special education services have opportunities to enroll in these courses taught by teachers who are highly trained to provide appropriate supports. The proposed amendment would also provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Section 231.271(b) would be reorganized to add new paragraph (1) to reflect current certificates for project-based research courses for Grades 9–12 and would add new paragraphs (2) and (3) that would provide technology certificates to teach project-based research courses. A proposed amendment would remove a reference to vocational or CTE certificates. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Proposed new paragraphs (11)–(14) in §231.271(c) would add new certificates to teach the Applied Mathematics for Technical Professionals course for Grades 9–12. The proposed addition of "legacy" to paragraph (3) and the proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 10. Agriculture, Food, and Natural Resources, Grades 9–12 Assignments.

§231.289. Agriculture Equipment Design and Fabrication; Agricultural Structures Design and Fabrication; Agricultural Mechanics and Metal Technologies; Agricultural Power Systems; Oil and Gas Production, Grades 9–12.

The proposed amendment in §231.289 would delete from the section title, "Oil and Gas Production," and would delete the SBOE-approved courses Oil and Gas Production I and Oil and Gas Production II from the list of course offerings, as they would be duplicative because they have been reorganized to other sections of this chapter. The list of certificates appropriate to teach these courses remains the same. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 11. Architecture and Construction, Grades 9–12 Assignments.

§231.305. Architectural Design, Grades 9–12.

Proposed new §231.305(b)(9) and (10) would provide the appropriate certificates to teach architectural design courses for Grades 9–12. The additional certification areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would also ensure that holders of any home economics and homemaking certificates can teach the full course sequence under the architectural design program of study. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 12. Arts, Audio Video Technology, and Communications, Grades 9–12 Assignments.

§231.331. Professional Communications, Grades 9–12.

Proposed new §231.331(13) and (14) would add two technology applications certificates to teach the professional communications courses for Grades 9–12. The additional technology applications certification areas would allow certificate holders the opportunity to teach the entire sequence of courses in the program of study and would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.333. Principles of Arts, Audio/Video Technology, and Communications, Grades 9–12.

Proposed new §231.333(12) and (13) would provide the appropriate certificates to teach the Principles of Arts, Audio/Video Technology, and Communications courses for Grades 9–12. The additional certification areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would also ensure that holders of Family and Consumer Sciences, Home Economics, and Homemaking certificates can teach the full course sequence under the fashion design program of study. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.335. Animation, Grades 9–12.

The proposed amendment in §231.335(a) would add two SBOE-approved courses, Digital Art and Animation and 3-D Modeling and Animation, for Grades 9–12, which the SBOE has moved to CTE. The proposed amendment would implement HB 963, 86th Texas Legislature, 2019, that required the SBOE to conduct a review of the Texas Essential Knowledge and Skills (TEKS) for CTE and technology application courses for Grades 9–12 and to consolidate courses and eliminate duplicative course, which resulted in moving these former technology application courses to CTE. The proposed amendment would also provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

§231.337. Audio/Video Production; Graphic Design and Illustration, Grades 9–12.

The proposed amendment in §231.337(a) would add three SBOE-approved courses, Web Game Development, Digital Design and Media Production, and Digital Communications in the 21st Century, for Grades 9–12, which the SBOE has moved to CTE for Grades 9–12. The proposed amendment would implement HB 963, 86th Texas Legislature, 2019, that required the SBOE to conduct a review of the TEKS for CTE and technology application courses for Grades 9–12 and to consolidate courses and eliminate duplicative course, which resulted in moving these former technology application courses to CTE. The proposed amendment would also provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The list of certificates appropriate to teach these courses remains the same.

§231.339. Photography, Grades 9–12.

Proposed new §231.339(a)(7) and (8) and §231.339(b)(7) and (8) would add technology applications certificates to teach the photography courses for Grades 9–12. The additional technology applications certification areas would allow certificate holders the opportunity to teach the entire sequence of courses in the program of study and would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Section 231.339(a)(7)–(9) would be renumbered to §231.339(a)(9)–(11) for technical formatting purposes.

§231.341. Printing and Imaging Technology, Grades 9–12.

Proposed new §231.341(a)(4)–(8) and (b)(4)–(8) would provide the appropriate certificates to teach the printing and imaging technology courses for Grades 9–12. The additional certification areas of Technology Applications, Technology Education, Industrial Arts, and Industrial Technology would allow certificate holders the opportunity to teach the entire sequence of courses in the program of study and would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 13. Business Management and Administration, Grades 9–12 Assignments.

§231.361. Business Information Management; Business Law; and Touch System Data Entry, Grades 9–12.

The proposed amendment in §231.361(a) would separate Business Information Management II, Business Law, and Touch System Data Entry from Business Information Management I to conform with changes to SBOE rules that have made Business Information Management I a pre-requisite for Health Informatics. Proposed new §231.361(a)(4)–(7) would provide the appropriate certificates to teach the Business Information Management I course for Grades 9–12. The proposed addition of the marketing certificates to the list of credentials appropriate for this assignment would acknowledge the overlapping knowledge and skills in occupations of business, marketing, and finance and would allow the Marketing certificate holder to also teach business management courses. Making the health science certificates eligible to teach

Business Information Management I would facilitate an educator's ability to teach each course in the program of study. Health science certified teachers with industry experience in health informatics have the practical application and/or knowledge of how Business Information Management I knowledge and skills are implemented in the health informatics occupations, but would not necessarily possess the depth of knowledge to provide instruction to the other courses (Business Information Management II, Business Law, or Touch System Data Entry). Additionally, those courses are not included in the health informatics program of study. The proposed additional certification areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

The proposed amendment to §231.361 would add a new subsection (b) to delineate the appropriate certificates to teach Business Information Management II, Business Law, and Touch System Data Entry. The proposed new subsection would allow Marketing certificate holders to teach these courses; would acknowledge the overlapping knowledge and skills in occupations of business, marketing, and finance; and would allow the Marketing certificate holder to also teach business management courses.

Section 231.361(b) would be relettered to §231.361(c) for technical formatting purposes, and the cross reference in relettered subsection (c) would be changed to subsection (d) to provide the appropriate cross reference. Proposed new subsection (c)(4) and (5) would provide marketing certificates to teach the appropriate business management courses for Grades 9–12. The additional marketing certificates would align with the program of study course sequence and would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction.

Section 231.361(c) would be relettered to §231.361(d) for technical formatting purposes.

§231.365. Business English, Grades 9–12.

Proposed new §231.365(a)(12) and (13) would provide the marketing certificates to teach the Business English course for Grades 9–12. Several occupations in business, marketing, and finance have overlapping required skills and knowledge. Due to the overlap, when developing programs of study, the SBOE decided to combine the three career clusters. In an effort to create equity between two certificates, Business Management and Marketing, the proposed amendment would add the Marketing certification for any course that allowed the Business Management certification provided the necessary content was covered in the postsecondary instruction. An individual with a Marketing certification possesses the requisite skills to teach Business English since the content necessary to have a solid foundation in business is included in the college coursework and would allow the Marketing certificate holder to teach all courses in the program of study.

Division 15. Finance, Grade 9–12 Assignments.

§231.392. Money Matters, Grades 9–12.

Proposed new §231.392(9)–(16) would provide the appropriate mathematics certificates to teach the Money Matters course for Grades 9–12. The content in the Money Matters course aligns with teacher content knowledge required for Mathematics certification. The proposed additional certification areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed

amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.393. *Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments, Grades 9–12.*

Proposed new §231.393(4) and (5) would provide the appropriate marketing certificates to teach Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments courses for Grades 9–12. The proposed amendment would allow Marketing certificate holders to also teach these courses, as there is overlap in the required skills and knowledge for occupations in business, marketing, and finance. The addition of marketing certificates would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would enable these educators to teach the entire program of study course sequence. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.394. *Statistics and Business Decision Making, Grades 9–12.*

Proposed new §231.394(a)(12) and (13) would provide the appropriate marketing certificates to teach the Statistics and Business Decision Making course for Grades 9–12. The proposed amendment would allow Marketing certificate holders to also teach these courses as there is overlap in the required skills and knowledge for occupations in business, marketing, and finance. The addition of the marketing certificates would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would enable these educators to teach the entire program of study course sequence. The proposed addition of "legacy" to paragraph (4) and the proposed new paragraphs would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.395. *Financial Mathematics, Grades 9–12.*

Proposed new §231.395(a)(12) and (13) would provide the appropriate marketing certificates to teach the Financial Mathematics course for Grades 9–12. The proposed amendment would allow Marketing certificate holders to also teach these courses as there is overlap in the required skills and knowledge for occupations in business, marketing, and finance. The addition of marketing certificates would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would enable these educators to teach the entire program of study course sequence. The proposed amendment, including the proposed addition of "legacy" to paragraph (4), would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.397. *Accounting II, Grades 9–12.*

Proposed new §231.397(a)(12) and (13) would provide the appropriate marketing certificates to teach the Accounting II course for Grades 9–12. The proposed amendment would allow Marketing certificate holders to also teach these courses as there is overlap in the required skills and knowledge for occupations in business, marketing, and finance. The addition of the marketing certificates would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction and would enable these educators to teach the entire program of study course sequence. The proposed amendment, including the proposed addition of

"legacy" to paragraph (4), would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 17. Health Science, Grades 9–12 Assignments.

§231.421. Health Science, Grades 9–12.

The proposed amendment in §231.421(a) would separate Medical Terminology from the other courses listed in subsection (a) and move it to new subsection (b). The proposed amendment would provide guidance on the appropriate certificates to teach Medical Terminology for Grades 9–12, which establishes a foundation for key terms that will be utilized throughout the four levels of courses within the healthcare diagnostics program of study. The SBOE expanded the list of certificates for this course to reflect the numerous science certificate holders that have the knowledge and skills necessary to effectively provide student instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments. The proposed amendment would include relettering for technical formatting purposes.

§231.427. Health Informatics, Grades 9–12.

Proposed new §231.427(8) and (9) would provide the appropriate marketing certificates to teach the Health Informatics course for Grades 9–12. The additional Marketing certification areas would align with the addition of the Marketing certification areas in §231.361, Business Information Management I, as that course is a prerequisite to teach Health Informatics and establishes reciprocity in certificate requirements for assignments that cross subject areas. The proposed amendment would also increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 20. Information Technology, Grades 9–12 Assignments.

§231.483. Digital Media; Web Technologies, Grades 9–12.

The proposed amendment in §231.483 would delete the section title, "Web Technologies," and would delete Web Technologies from the list of course offerings for Grades 9–12, as the course has been repealed by the SBOE. The proposed amendment would implement HB 963, 86th Texas Legislature, 2019, that required the SBOE to conduct a review of the TEKS for CTE and technology application courses for Grades 9–12 and to consolidate courses and eliminate duplicative course, which resulted in this course being deemed duplicative and repealed by the SBOE in favor of the technology applications courses. The list of certificates appropriate to teach these courses remains the same. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.485. Web Communications, Web Design, Grades 9–12.

Proposed new §231.485, Web Communications, Web Design, Grades 9–12, would replace §231.485, Computer Programming, proposed for repeal, to align with the SBOE review of CTE and technology applications courses required by HB 963, 86th Texas Legislature, 2019. This proposed change would reflect the move of these courses into CTE as a result of the HB 963 review. The proposed changes would also provide the appropriate courses and certificates to teach those courses in line with other CTE courses

and would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.487. Computer Maintenance, Grades 9–12.

Proposed new §231.487(7) and (8) would provide the appropriate technology applications certificates to teach the Computer Maintenance course for Grades 9–12. The additional technology applications certificates would align with certificate requirements to teach Computer Technician and Practicum in Computer Technician courses and would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.491. Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Grades 9–12.

Proposed new §231.491 would provide the SBOE-approved courses, Independent Study in Evolving/Emerging Technologies and Independent Study in Technology Applications, for Grades 9–12 with the appropriate certificates to teach those courses. The ability to allow any CTE or vocational certificate holder to teach these courses would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 22. Manufacturing, Grades 9–12 Assignments.

§231.521. Manufacturing, Grades 9–12.

Proposed new §231.521(b)(9)–(11) would provide the appropriate agriculture certificates to teach the Manufacturing course for Grades 9–12. Teachers with an agriculture certificate can teach the courses preceding and required for the practicum in Manufacturing course so the proposed change would enable the teachers with an agriculture certificate to teach the entire series of courses in a program of study. The proposed amendment would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 23. Marketing, Grades 9–12 Assignments.

§231.541. Marketing, Grades 9–12.

Proposed new §231.541(a)(4)–(7) and §231.541(b)(4)–(7) would provide the appropriate business certificates to teach the Marketing course for Grades 9–12. The additional certificate areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.543. Advertising, Grades 9–12.

Proposed new §231.543(7)–(9) would provide the appropriate business certificates to teach the Advertising course for Grades 9–12. The additional certificate areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.545. Fashion Marketing, Grades 9–12.

Proposed new §231.545(6)–(9) would provide the appropriate business certificates to teach the Fashion Marketing course for Grades 9–12. The additional certificate areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9–12 Assignments.

§231.567. Engineering Design and Presentation, Grades 9–12.

Proposed new §231.567(b)(1)–(7) would provide the appropriate certificates to teach the Engineering Design and Presentation courses for Grades 9–12. Teachers with an agriculture certification can teach Levels I–III engineering courses in Science, Technology, Engineering, and Mathematics (STEM), so the proposed change would enable the teachers with an agriculture certification to also teach the advanced course option for the engineering program of study. The proposed amendment would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed amendment would provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments and would include renumbering paragraphs (1)–(9) to paragraphs (8)–(16) for technical formatting purposes.

Further Alignment with the SBOE's Implementation of Legislative Changes

The remaining amendments to Division 24 would include proposed new §231.591 and proposed new §§231.585, 231.587, 231.589, 231.593, and 231.595 (relocated from Division 8) that would implement HB 963, 86th Texas Legislature, 2019, which required the SBOE to conduct a review of the TEKS for CTE and technology application courses for Grades 9–12 and to consolidate courses and eliminate duplicative courses. The review the SBOE conducted would result in proposed changes to SBEC rules to relocate courses from Division 8, relating to Technology Applications, to Division 24, Science, Technology, Engineering, and Mathematics, to reflect that the SBOE has reclassified those courses as CTE and to repeal Division 8 to prevent duplication. Any resulting additional certification areas would increase district flexibility in course offerings for students by expanding the list of certified educators with the knowledge and skills to successfully provide the necessary instruction. The proposed new sections would also provide clarity for district personnel to place educators with the appropriate credentials into classroom assignments.

§231.585. Computer Science, Grades 9–12.

Proposed new §231.585 would relocate the current provisions in §231.251 that are proposed for repeal in Division 8 into Division 24 to reflect that the SBOE has reclassified the Computer Science course as a CTE course. There would be no changes to the list of certificates appropriate to teach these courses.

§231.587. Fundamentals of Computer Science, Advanced Placement Computer Science Principles, Grades 9–12.

Proposed new §231.587 would relocate the current provisions in §231.257 that are proposed for repeal in Division 8 into Division 24 to reflect that the SBOE has reclassified the Fundamentals of Computer Science or Advanced Placement Computer Science Principles course as a CTE course. The new section would also add trade and industrial education certifications as permissible to teach the course for Grades 9–12.

§231.589. Game Programming and Design, Grades 9–12.

Proposed new §231.589 would maintain the current provisions in §231.257 that are proposed for repeal for the Game Programming and Design course for Grades 9–12, while moving it into Division 24 to reflect that the SBOE has reclassified the course as a CTE course. The new section would also add trade and industrial education certifications as permissible to teach the course.

§231.591. Mobile Applications Development, Grades 9–12.

Proposed new §231.591 would add the SBOE-approved course Mobile Applications Development for Grades 9–12 and the appropriate certificates to teach that course into Division 24 to reflect that the SBOE has reclassified it as a CTE course. The course was previously referenced in §231.257, which is proposed for repeal.

§231.593. Cybersecurity, Grades 9–12.

Proposed new §231.593 would maintain the current provisions in §231.259 regarding Cybersecurity courses for Grades 9–12, while moving it into Division 24 to reflect that the SBOE has reclassified it as a CTE course. There would be no changes to the list of certificates appropriate to teach these courses.

§231.595. Discrete Mathematics for Computer Science, Grades 9–12.

Proposed new §231.595 would maintain the current provisions in §231.255 regarding Discrete Mathematics for Computer Science for Grades 9–12, while moving it into Division 24 to reflect that the SBOE has reclassified it as a CTE course. The new section would also add trade and industrial education certifications as permissible to teach the course.

Division 25. Transportation, Distribution, and Logistics, Grades 9–12 Assignments.

TEA staff is proposing a repeal and replacement for Division 25, Transportation, Distribution, and Logistics, Grades 9–12, that would address expansion of course numbers in the previous division and correct the numbering for this division. The course information for Division 25 has been renumbered for technical formatting purposes to provide enough room to include current provisions as well as add

additional courses approved by the SBOE along with corresponding certificates. The attachment presents the proposed renumbering of rules.

Division 26. Energy, Grades 9–12 Assignments.

Proposed new Division 26 would add the new Energy cluster to align with curriculum changes and would provide clarity on SBOE-approved courses and the appropriate certificates to teach those courses.

§231.651. Energy and Natural Resources, Grades 9–12.

Proposed new §231.651 would add seven new SBOE-approved courses, Oil and Gas Production I–IV; Introduction to Process Technology; Foundations of Energy; or Petrochemical Safety, Health, and Environment, for Grades 9–12 and would provide guidance on the assignment to teach the courses. TEA staff in Educator Certification, Curriculum, and Career and Technical Education worked together closely to discuss proposed rule changes. TEA staff identified certificates appropriate to teach courses based on alignment of knowledge and skills assessed on examinations for certificate issuance to the certificate holder's ability to successfully instruct students in the TEKS for a specified subject area and course offering.

Subchapter F. Special Education–Related Services Personnel Assignments

The proposed revisions to Subchapter F would address the need to expand course numbering in previous subchapters of the rules. The proposed revisions would include the current rules, renumbered to allow for additional rules in 19 TAC Chapter 231. The attachment presents the reorganization of Subchapter F by proposing for repeal §§231.611, 231.613, 231.615, 231.617, 231.619, 231.621, and 231.623, renumbered as proposed new §§231.701, 231.703, 231.705, 231.707, 231.709, 231.711, and 231.713. The content of the rules remains the same.

Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

The proposed revisions to Subchapter G would address the need to expand course numbering in previous subchapters of the rules. The proposed revisions would include the current rules, renumbered to allow for additional rules in 19 TAC Chapter 231. The attachment presents the reorganization of Subchapter G by proposing for repeal §§231.641, 231.643, and 231.645, renumbered as proposed new §§231.751, 231.753, and 231.755. The content of the rules remains the same.

The attachment reflects the proposed rule text changes.

SBOE Review of Proposed SBEC Rules

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

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

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

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 create new regulations, would repeal existing regulations, and would expand existing regulations by incorporating courses approved, reconfigured, or redesigned by the SBOE and by adding certification areas to the list of credentials appropriate for placement into an assignment. 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 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 will be clear guidance for districts on appropriate credentials for placement of individuals into classroom, administrative, and support personnel assignments. The TEA 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 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 revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments; Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality

Marilyn Cook, Director, Educator Certification

Attachment:

Text of Proposed Revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments; Subchapter B, Prekindergarten–Grade 6 Assignments; Subchapter C, Grades 6–8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6–12 Assignments; Subchapter E, Grades 9–12 Assignments; Subchapter F, Special Education–Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

ATTACHMENT
Text of Proposed Revisions to 19 TAC

Chapter 231. Requirements for Public School Personnel Assignments

Subchapter B. Prekindergarten-Grade 6 Assignments

§231.3. General Education, Prekindergarten.

- (a) All-level certification in art, health education, music, physical education, speech communication and theatre arts, or theatre may be assigned to teach in the certified area(s) in Prekindergarten-Grade 12.
- (b) An assignment for General Education, Prekindergarten, is allowed with one of the following certificates.
 - (1) Bilingual Generalist: Early Childhood-Grade 4.
 - (2) Bilingual Generalist: Early Childhood-Grade 6.
 - (3) Core Subjects: Early Childhood-Grade 6.
 - (4) Early Childhood Education (Prekindergarten and Kindergarten).
 - (5) Elementary--General.
 - (A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.
 - (B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.
 - (6) Elementary--General (Grades 1-6).
 - (A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.
 - (B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.
 - (7) Elementary--General (Grades 1-8).
 - (A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.
 - (B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.
 - (8) Elementary Early Childhood Education (Prekindergarten-Grade 6).
 - (9) Elementary Self-Contained (Grades 1-8).
 - (A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

- (B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.
- (10) English as a Second Language Generalist: Early Childhood-Grade 4.
- (11) English as a Second Language Generalist: Early Childhood-Grade 6.
- (12) Generalist: Early Childhood-Grade 4.
- (13) Generalist: Early Childhood-Grade 6.
- (14) Kindergarten.
- (15) Legacy Master Mathematics Teacher (Early Childhood-Grade 4) (Mathematics only).
- (16) Legacy Master Reading Teacher (Early Childhood-Grade 12) (Reading only).
- (17) Legacy Master Science Teacher (Early Childhood-Grade 4) (Science only).
- (18) Prekindergarten-Grade 5.
- (19) Prekindergarten-Grade 6.
- (20) Teacher of Young Children--General.

§231.9. General Education, Kindergarten.

- (a) All-level certification in art, health education, music, physical education, speech communication and theatre arts, or theatre may be assigned to teach in the certified area(s) in Prekindergarten-Grade 12.
- (b) An assignment for General Education, Kindergarten, is allowed with one of the following certificates.
 - (1) Bilingual Generalist: Early Childhood-Grade 4.
 - (2) Bilingual Generalist: Early Childhood-Grade 6.
 - (3) Core Subjects: Early Childhood-Grade 6.
 - (4) Early Childhood Education (Prekindergarten and Kindergarten).
 - (5) Elementary Early Childhood Education (Prekindergarten-Grade 6).
 - (6) English as a Second Language Generalist: Early Childhood-Grade 4.
 - (7) English as a Second Language Generalist: Early Childhood-Grade 6.
 - (8) Generalist: Early Childhood-Grade 4.
 - (9) Generalist: Early Childhood-Grade 6.
 - (10) Kindergarten.
 - (11) Legacy Master Mathematics Teacher (Early Childhood-Grade 4) (Mathematics only).
 - (12) Legacy Master Reading Teacher (Early Childhood-Grade 12) (Reading only).
 - (13) Legacy Master Science Teacher (Early Childhood-Grade 4) (Science only).
 - (14) Prekindergarten-Grade 5--General.
 - (15) Prekindergarten-Grade 6--General.
 - (16) Teacher of Young Children--General.

§231.15. Elementary, Grades 1-6.

An assignment for Elementary, Grades 1-6, is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (2) Bilingual Generalist: Early Childhood-Grade 6.

- (3) Bilingual Generalist: Grades 4-8 (Grades 4-6 only).
- (4) Core Subjects: Early Childhood-Grade 6.
- (5) Core Subjects: Grades 4-8 (Grades 4-6 only).
- (6) Elementary--General.
- (7) Elementary--General (Grades 1-6).
- (8) Elementary--General (Grades 1-8).
- (9) Elementary Early Childhood Education (Prekindergarten-Grade 6).
- (10) Elementary Self-Contained (Grades 1-8).
- (11) English as a Second Language Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (12) English as a Second Language Generalist: Early Childhood-Grade 6.
- (13) English as a Second Language Generalist: Grades 4-8 (Grades 4-6 only).
- (14) Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (15) Generalist: Early Childhood-Grade 6.
- (16) Generalist: Grades 4-8 (Grades 4-6 only).
- (17) Legacy Master Mathematics Teacher (Early Childhood-Grade 4) (Mathematics in Grades 1-4 only).
- (18) Legacy Master Mathematics Teacher (Grades 4-8) (Mathematics in Grades 4-6 only).
- (19) Legacy Master Reading Teacher (Early Childhood-Grade 12) (Reading in Grades 1-6 only).
- (20) Legacy Master Science Teacher (Early Childhood-Grade 4) (Science in Grades 1-4 only).
- (21) Legacy Master Science Teacher (Grades 4-8) (Science in Grades 4-6 only).
- (22) Prekindergarten-Grade 5--General (Grades 1-5 only).
- (23) Prekindergarten-Grade 6--General.
- (24) Teacher of Young Children--General (Grades 1-3 only).

§231.17. Reading, Grades 1-6.

An assignment for Reading, Grades 1-6, is allowed with one of the following certificates.

- (1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).
- (2) An elementary teacher certificate appropriate for Grades 1-6 assignment.
- (3) Bilingual Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (4) Bilingual Generalist: Early Childhood-Grade 6.
- (5) Bilingual Generalist: Grades 4-8 (Grades 4-6 only).
- (6) Core Subjects: Early Childhood-Grade 6.
- (7) Core Subjects: Grades 4-8 (Grades 4-6 only).
- (8) English as a Second Language Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (9) English as a Second Language Generalist: Early Childhood-Grade 6.
- (10) English as a Second Language Generalist: Grades 4-8 (Grades 4-6 only).
- (11) English Language Arts and Reading: Grades 4-8 (Grades 4-6 only).

- (12) English Language Arts and Reading/Social Studies: Grades 4-8 (Grades 4-6 only).
- (13) Generalist: Early Childhood-Grade 4 (Grades 1-4 only).
- (14) Generalist: Early Childhood-Grade 6.
- (15) Generalist: Grades 4-8 (Grades 4-6 only).
- (16) Legacy Master Reading Teacher (Early Childhood-Grade-12).
- (17) Reading Specialist.
- (18) Reading Specialist (Early Childhood-Grade 12).

§231.19. Languages Other Than English, Grades 1-6.

An assignment for Languages Other Than English, Classical Languages, or Discovering Languages and Cultures, Grades 1-6, is allowed with one of the following certificates.

- (1) A teacher certificate that matches the subject and grade level of the assignment (Grades 1-6).
- (2) A Languages Other Than English certificate in the appropriate language (Early Childhood-Grade 12).
- (3) A secondary teacher certificate with a teaching field in the language of assignment plus six semester credit hours of elementary education.

Subchapter C. Grades 6-8 Assignments

§231.49. Reading (At or Above Grade Level), Grades 6-8.

An assignment in a departmentalized classroom for Reading (at or above grade level), Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (2) Bilingual Generalist: Grades 4-8.
- (3) Core Subjects: Early Childhood-Grade 6 (Grade 6 only).
- (4) Core Subjects: Grades 4-8.
- (5) Elementary English (Grades 1-8). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (6) Elementary Reading (Grades 1-8).
- (7) Elementary teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (8) English as a Second Language Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (9) English as a Second Language Generalist: Grades 4-8.
- (10) English Language Arts and Reading: Grades 4-8.
- (11) English Language Arts and Reading: Grades 7-12 (Grades 7 and 8 only).
- (12) English Language Arts and Reading: Grades 8-12 (Grade 8 only).
- (13) English Language Arts and Reading/Social Studies: Grades 4-8.
- (14) Generalist: Early Childhood-Grade 6 (Grade 6 only).

- (15) Generalist: Grades 4-8.
- (16) Junior High School or High School--English.
- (17) Junior High School or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (18) Junior High School or High School--Reading.
- (19) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (20) Reading Specialist.
- (21) Reading Specialist (Early Childhood-Grade 12).
- (22) Secondary English (Grades 6-8). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (23) Secondary English Language Arts, Composite (Grades 6-8). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (24) Secondary Reading (Grades 6-8).
- (25) Secondary English (Grades 6-12). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (26) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (27) Secondary Reading (Grades 6-12).
- (28) Secondary or all-level teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

§231.51. Reading Improvement (One Year or More Below Grade Level), Grades 6-8.

An assignment in a departmentalized classroom for Reading Improvement (one year or more below grade level), Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (2) Bilingual Generalist: Grades 4-8.
- (3) Core Subjects: Early Childhood-Grade 6 (Grade 6 only).
- (4) Core Subjects: Grades 4-8.
- (5) Elementary English (Grades 1-8). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (6) Elementary Reading (Grades 1-8).

- (7) Elementary teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (8) English as a Second Language Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (9) English as a Second Language Generalist: Grades 4-8.
- (10) English Language Arts and Reading: Grades 4-8.
- (11) English Language Arts and Reading: Grades 7-12 (Grades 7 and 8 only).
- (12) English Language Arts and Reading: Grades 8-12 (Grade 8 only).
- (13) English Language Arts and Reading/Social Studies: Grades 4-8.
- (14) Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (15) Generalist: Grades 4-8.
- (16) Grades 6-12 or Grades 6-8--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (17) Grades 6-12 or Grades 6-8--English Language Arts, Composite. This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (18) Grades 6-12 or Grades 6-8--Reading.
- (19) Junior High School or High School--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (20) Junior High School or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (21) Junior High School or High School--Reading.
- (22) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (23) Reading Specialist.
- (24) Reading Specialist (Early Childhood-Grade 12).
- (25) Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (26) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (27) Secondary Reading (Grades 6-12).
- (28) Teacher certificate plus 9 semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

§231.55. Languages Other Than English, Grades 6-8.

- (a) An assignment in a departmentalized classroom for Languages Other Than English, Classical Languages, or Discovering Languages and Cultures [~~Exploratory Languages, or Cultural and Linguistic Topics~~], Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.
- (1) Elementary teacher certificate in the appropriate language of assignment.
 - (2) Elementary teacher certificate plus 18 semester credit hours in language of assignment.
 - (3) Languages Other Than English certificate in the appropriate language (Early Childhood-Grade 12).
 - (4) Secondary or all-level teacher certificate plus 18 semester credit hours in language of assignment.
 - (5) Secondary teacher certificate in the appropriate language of assignment.
- (b) An assignment in a departmentalized classroom for American Sign Language, Grades 6-8, for a holder of a valid secondary or all-level certificate is allowed with one of the following certificates.
- (1) American Sign Language.
 - (2) American Sign Language: Early Childhood-Grade 12.
- (c) The Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) is required for an American Sign Language assignment.

§231.61. Mathematics, Grades 6-8.

An assignment in a departmentalized classroom for Mathematics, Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (2) Bilingual Generalist: Grades 4-8.
- (3) Core Subjects: Early Childhood-Grade 6 (Grade 6 only).
- (4) Core Subjects: Grades 4-8.
- (5) Elementary Mathematics (Grades 1-8). A teacher holding an Elementary Mathematics (Grades 1-8) certificate may teach Algebra I at the middle school level for high school graduation credit.
- (6) Elementary teacher certificate plus 18 semester credit hours in mathematics.
- (7) English as a Second Language Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (8) English as a Second Language Generalist: Grades 4-8.
- (9) Generalist: Early Childhood-Grade 6 (Grade 6 only).
- (10) Generalist: Grades 4-8.
- (11) Grades 6-12 or Grades 6-8--Mathematics.
- (12) Junior High School or High School--Mathematics.
- (13) Junior High School or High School--Mathematical Science, Composite.
- (14) Legacy Master Mathematics Teacher (Grades 4-8).
- (15) Legacy Master Mathematics Teacher (Grades 8-12) (Grade 8 only).
- (16) Mathematics: Grades 4-8. A teacher holding a Mathematics: Grades 4-8 certificate may teach Algebra I at the middle school level for high school graduation credit.
- (17) Mathematics: Grades 7-12 (Grades 7 and 8 only).
- (18) Mathematics: Grades 8-12 (Grade 8 only).

- (19) Mathematics/Physical Science/Engineering: Grades 6-12.
- (20) Mathematics/Physical Science/Engineering: Grades 8-12 (Grade 8 only).
- (21) Mathematics/Science: Grades 4-8.
- (22) Physics/Mathematics: Grades 7-12 (Grades 7 and 8 only).
- (23) Physics/Mathematics: Grades 8-12 (Grade 8 only).
- (24) Secondary Mathematics (Grades 6-12).
- (25) Secondary or all-level teacher certificate plus 18 semester credit hours in mathematics.

§231.63. Science, Grade 6.

An assignment in a departmentalized classroom for Science, Grade 6, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Any elementary teacher certificate appropriate for Grade 6.
- (2) Bilingual Generalist: Early Childhood-Grade 6.
- (3) Bilingual Generalist: Grades 4-8.
- (4) Core Subjects: Early Childhood-Grade 6.
- (5) Core Subjects: Grades 4-8.
- (6) English as a Second Language Generalist: Early Childhood-Grade 6.
- (7) English as a Second Language Generalist: Grades 4-8.
- (8) Generalist: Early Childhood-Grade 6.
- (9) Generalist: Grades 4-8.
- (10) Grades 6-12 or Grades 6-8--Biology.
- (11) Grades 6-12 or Grades 6-8--Chemistry.
- (12) Grades 6-12 or Grades 6-8--Earth Science.
- (13) Grades 6-12 or Grades 6-8--Life/Earth Science.
- (14) Grades 6-12 or Grades 6-8--Physical Science.
- (15) Grades 6-12 or Grades 6-8--Physics.
- (16) Grades 6-12 or Grades 6-8--Science.
- (17) Grades 6-12 or Grades 6-8--Science, Composite.
- (18) Junior High School or High School--Biology.
- (19) Junior High School or High School--Chemistry.
- (20) Junior High School or High School--Earth Science.
- (21) Junior High School or High School--Life/Earth Science.
- (22) Junior High School or High School--Life/Earth Middle-School Science.
- (23) Junior High School or High School--Physical Science.
- (24) Junior High School or High School--Physics.
- (25) Junior High School or High School--Science.
- (26) Junior High School or High School--Science, Composite.
- (27) Legacy Master Science Teacher (Grades 4-8).

- (28) Mathematics/Science: Grades 4-8.
- (29) Science: Grades 4-8.
- (30) Secondary Biology (Grades 6-12).
- (31) Secondary Chemistry (Grades 6-12).
- (32) Secondary Earth Science (Grades 6-12).
- (33) Secondary Life/Earth Science (Grades 6-12).
- (34) Secondary Physical Science (Grades 6-12).
- (35) Secondary Physics (Grades 6-12).
- (36) Secondary Science (Grades 6-12).
- (37) Secondary Science, Composite (Grades 6-12).
- (38) Secondary or all-level teacher certificate plus 18 semester credit hours in any combination of sciences.

§231.65. Science, Grades 7 and 8.

An assignment in a departmentalized classroom for Science, Grades 7 and 8, is allowed with one of the following certificates.

- (1) Bilingual Generalist: Grades 4-8.
- (2) Chemistry: Grades 7-12.
- (3) Chemistry: Grades 8-12 (Grade 8 only).
- (4) Core Subjects: Grades 4-8.
- (5) Elementary Biology.
- (6) Elementary Chemistry.
- (7) Elementary Earth Science.
- (8) Elementary Life/Earth Middle-School Science.
- (9) Elementary Physical Science.
- (10) Elementary Physics.
- (11) Elementary Biology (Grades 1-8).
- (12) Elementary Chemistry (Grades 1-8).
- (13) Elementary Earth Science (Grades 1-8).
- (14) Elementary Life/Earth Middle-School Science (Grades 1-8).
- (15) Elementary Physical Science (Grades 1-8).
- (16) Elementary Physics (Grades 1-8).
- (17) Elementary teacher certificate plus 18 semester credit hours in any combination of sciences.
- (18) English as a Second Language Generalist: Grades 4-8.
- (19) Generalist: Grades 4-8.
- (20) Grades 6-12 or Grades 6-8--Biology.
- (21) Grades 6-12 or Grades 6-8--Chemistry.
- (22) Grades 6-12 or Grades 6-8--Earth Science.

- (23) Grades 6-12 or Grades 6-8--Life/Earth Middle-School Science.
- (24) Grades 6-12 or Grades 6-8--Physical Science.
- (25) Grades 6-12 or Grades 6-8--Physics.
- (26) Grades 6-12 or Grades 6-8--Science.
- (27) Grades 6-12 or Grades 6-8--Science, Composite.
- (28) Junior High School or High School--Biology.
- (29) Junior High School or High School--Chemistry.
- (30) Junior High School or High School--Earth Science.
- (31) Junior High School or High School--Life/Earth Middle-School Science.
- (32) Junior High School or High School--Physical Science.
- (33) Junior High School or High School--Physics.
- (34) Junior High School or High School--Science.
- (35) Junior High School or High School--Science, Composite.
- (36) Life Science: Grades 7-12.
- (37) Life Science: Grades 8-12 (Grade 8 only).
- (38) Legacy Master Science Teacher (Grades 4-8).
- (39) Legacy Master Science Teacher (Grades 8-12) (Grade 8 only).
- (40) Mathematics/Physical Science/Engineering: Grades 6-12.
- (41) Mathematics/Physical Science/Engineering: Grades 8-12 (Grade 8 only).
- (42) Mathematics/Science: Grades 4-8.
- (43) Physical Science: Grades 6-12.
- (44) Physical Science: Grades 8-12 (Grade 8 only).
- (45) Physics/Mathematics: Grades 7-12.
- (46) Physics/Mathematics: Grades 8-12 (Grade 8 only).
- (47) Science: Grades 4-8.
- (48) Science: Grades 7-12.
- (49) Science: Grades 8-12 (Grade 8 only).
- (50) Secondary Biology (Grades 6-12).
- (51) Secondary Chemistry (Grades 6-12).
- (52) Secondary Earth Science (Grades 6-12).
- (53) Secondary Life/Earth Science (Grades 6-12).
- (54) Secondary Physical Science (Grades 6-12).
- (55) Secondary Physics (Grades 6-12).
- (56) Secondary Science (Grades 6-12).
- (57) Secondary Science, Composite (Grades 6-12).
- (58) Secondary or all-level teacher certificate plus 18 semester credit hours in any combination of sciences.

Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments

§231.91. Reserve Officer Training Corps.

- (a) An assignment for Reserve Officer Training Corps (ROTC), Grades 6-12, is allowed with one of the following credentials.
 - (1) Junior Reserve Officer Training Corps: Grades 6-12 certificate.
 - (2) Emergency permit for Reserve Officer Training Corps (ROTC), Grades 6-12.
- (b) An emergency permit for ROTC may not be renewed, but must be reissued every year as specified in §230.77(g)(4) of this title (relating to Specific Requirements for Initial Emergency Permits).
- (c) School districts must apply and pay for reissuance of a new ROTC instructor emergency permit each year the instructor serves.
- ~~[(d) ROTC may be used for Physical Education substitution credit.]~~

§231.93. Athletics ~~1~~ ¹ Cheerleading ~~1~~ ¹ Drill Team ~~1~~ ¹ Marching Band.

- ~~[(a)]~~ An assignment for Athletics, Cheerleading, Drill Team, and Marching Band is allowed with a valid certificate that matches the grade level of the assignment.
- ~~[(b) Athletics, Cheerleading, Drill Team, and Marching Band may be used for Physical Education substitution credit.]~~

Subchapter E. Grades 9-12 Assignments

Division 1. English Language Arts and Reading, Grades 9-12 Assignments

§231.123. English I and II for Speakers of Other Languages, Grades 9-12.

- (a) An assignment for English I and II for Speakers of Other Languages, Grades 9-12, and English Language Development and Acquisition (ELDA), Grades 9-12, is allowed with one of the following certificates plus a valid English as a Second Language or bilingual education certificate, supplemental certificate, or endorsement listed in subsection (b) of this section.
 - (1) English Language Arts and Reading: Grades 7-12.
 - (2) English Language Arts and Reading: Grades 8-12.
 - (3) Grades 6-12 or Grades 9-12--English.
 - (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
 - (5) Junior High School (Grades 9-10 only) or High School--English.
 - (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
 - (7) Secondary English (Grades 6-12).
 - (8) Secondary English Language Arts, Composite (Grades 6-12).
- (b) An assignment for English I and II for Speakers of Other Languages, Grades 9-12, and English Language Development and Acquisition (ELDA), Grades 9-12, is allowed with one of the following English as a Second Language or bilingual education certificate, supplemental certificate, or endorsement plus a valid certificate listed in subsection (a) of this section.
 - (1) Bilingual Education Supplemental.
 - (2) Bilingual Education Supplemental (Early Childhood-Grade 4).
 - (3) Bilingual Education Supplemental (Grades 4-8).

- (4) Bilingual Endorsement.
 - (5) Bilingual/English as a Second Language Endorsement.
 - (6) English as a Second Language Endorsement.
 - (7) English as a Second Language Supplemental.
 - (8) Junior High School (Grades 9-10 only) or High School--Bilingual/English as a Second Language.
 - (9) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
 - (10) Prekindergarten-Grade 12--English as a Second Language.
 - (11) Secondary Bilingual/English as a Second Language (Grades 6-12).
- (c) At the discretion of the employing school district, persons assigned to teach English for Speakers of Other Languages (ESOL) I or ESOL II prior to June 21, 2009, may continue in the assignment without holding an English, English Language Arts Composite, or English Language Arts and Reading certificate. If a person is reassigned and later returns to teach in an ESOL I or ESOL II assignment, current rules will apply.

§231.125. English as a Second Language, Grades 9-12.

An assignment for English as a Second Language, Grades 9-12, [~~and English Language Development and Acquisition (ELDA), Grades 9-12,~~] is allowed with a valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following certificates.

- (1) Bilingual Education Supplemental.
- (2) Bilingual Education Supplemental (Early Childhood-Grade 4).
- (3) Bilingual Education Supplemental (Grades 4-8).
- (4) Bilingual Endorsement.
- (5) Bilingual/English as a Second Language Endorsement.
- (6) English as a Second Language Endorsement.
- (7) English as a Second Language Supplemental.
- (8) Junior High School (Grades 9-10 only) or High School--Bilingual/English as a Second Language.
- (9) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
- (10) Prekindergarten-Grade 12--English as a Second Language.
- (11) Secondary Bilingual/English as a Second Language (Grades 6-12).

§231.127. Reading I, II, and III, Grades 9-12.

An assignment for Reading I, II, and III, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite. This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (5) Grades 6-12 or Grades 9-12--Reading.

- (6) Junior High School (Grades 9-10 only) or High School--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (7) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (8) Junior High School (Grades 9-10 only) or High School--Reading.
- (9) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (10) Reading Specialist.
- (11) Reading Specialist (Early Childhood-Grade 12).
- (12) Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (13) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (14) Secondary Reading (Grades 6-12).
- (15) Secondary or all-level teacher certificate plus nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques. Initial assignments beginning with the 1990-1991 school year require a teaching field in English plus nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

§231.129. College Readiness and Study Skills, Grades 9-12.

An assignment for College Readiness and Study Skills, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite. This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (5) Grades 6-12 or Grades 9-12--Reading.
- (6) Junior High School (Grades 9-10 only) or High School--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

- (7) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (8) Junior High School (Grades 9-10 only) or High School--Reading.
- (9) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (10) Reading Specialist.
- (11) Reading Specialist (Early Childhood-Grade 12).
- (12) Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (13) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (14) Secondary Reading (Grades 6-12).

Division 2. Languages Other Than English, Grades 9-12 Assignments

§231.151. Languages Other Than English, Grades 9-12.

An assignment for Languages Other Than English, Levels I-VII; Classical Languages, Levels I-VII; Discovering Languages and Cultures; Seminars in Languages Other Than English; Seminar in Classical Languages; Advanced Language for Career Exploration; [Exploratory Languages, Cultural and Linguistic Topics]; or Special Topics in Language and Culture, Grades 9-12, is allowed with one of the following certificates.

- (1) Languages Other Than English certificate in the appropriate language (Early Childhood-Grade 12).
- (2) Secondary teacher certificate in the appropriate language of assignment.

§231.153. American Sign Language, Grades 9-12.

- (a) An assignment for American Sign Language, Levels I-IV, Grades 9-12, is allowed with one of the following certificates.
 - (1) American Sign Language.
 - (2) American Sign Language: Early Childhood-Grade 12.
- (b) The Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) is required for an American Sign Language assignment.

Division 3. Social Studies, Grades 9-12 Assignments

§231.177. Ethnic Studies [~~Mexican American Studies~~], Grades 9-12.

An assignment for Ethnic Studies: Mexican American Studies or Ethnic Studies: African American Studies, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--History.
- (2) Grades 6-12 or Grades 9-12--Social Studies.
- (3) Grades 6-12 or Grades 9-12--Social Studies, Composite.

- (4) History: Grades 7-12.
- (5) History: Grades 8-12.
- (6) Junior High School (Grades 9-10 only) or High School--History.
- (7) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.
- (8) Secondary History (Grades 6-12).
- (9) Secondary Social Studies (Grades 6-12).
- (10) Secondary Social Studies, Composite (Grades 6-12).
- (11) Social Studies: Grades 7-12.
- (12) Social Studies: Grades 8-12.

Division 4. Mathematics, Grades 9-12 Assignments

§231.191. Mathematics, Grades 9-12.

An assignment for Mathematics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.
- (3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

§231.193. Algebraic Reasoning, Grades 9-12.

An assignment for Algebraic Reasoning, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.
- (3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

§231.195. Statistics, Grades 9-12.

An assignment for Statistics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.
- (3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

Division 5. Science, Grades 9-12 Assignments**§231.201. Biology, Grades 9-12.**

An assignment for Biology, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Biology.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Biology.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Life Science: Grades 7-12.
- (8) Life Science: Grades 8-12.
- (9) Legacy Master Science Teacher (Grades 8-12).
- (10) Science: Grades 7-12.
- (11) Science: Grades 8-12.
- (12) Secondary Biology (Grades 6-12).
- (13) Secondary Science (Grades 6-12).
- (14) Secondary Science, Composite (Grades 6-12).

§231.203. Chemistry, Grades 9-12.

An assignment for Chemistry, Grades 9-12, is allowed with one of the following certificates.

- (1) Chemistry: Grades 7-12.
- (2) Chemistry: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--Chemistry.
- (4) Grades 6-12 or Grades 9-12--Science.

- (5) Grades 6-12 or Grades 9-12--Science, Composite.
- (6) Junior High School (Grades 9-10 only) or High School--Chemistry.
- (7) Junior High School (Grades 9-10 only) or High School--Science.
- (8) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (9) Legacy Master Science Teacher (Grades 8-12).
- (10) Mathematics/Physical Science/Engineering: Grades 6-12.
- (11) Mathematics/Physical Science/Engineering: Grades 8-12.
- (12) Physical Science: Grades 6-12.
- (13) Physical Science: Grades 8-12.
- (14) Science: Grades 7-12.
- (15) Science: Grades 8-12.
- (16) Secondary Chemistry (Grades 6-12).
- (17) Secondary Science (Grades 6-12).
- (18) Secondary Science, Composite (Grades 6-12).

§231.205. Physics, Grades 9-12.

An assignment for Physics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Physics.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Physics.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Legacy Master Science Teacher (Grades 8-12).
- (8) Mathematics/Physical Science/Engineering: Grades 6-12.
- (9) Mathematics/Physical Science/Engineering: Grades 8-12.
- (10) Physical Science: Grades 6-12.
- (11) Physical Science: Grades 8-12.
- (12) Physics/Mathematics: Grades 7-12.
- (13) Physics/Mathematics: Grades 8-12.
- (14) Science: Grades 7-12.
- (15) Science: Grades 8-12.
- (16) Secondary Physics (Grades 6-12).
- (17) Secondary Science (Grades 6-12).
- (18) Secondary Science, Composite (Grades 6-12).

§231.207. Integrated Physics and Chemistry, Grades 9-12.

An assignment for Integrated Physics and Chemistry, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Physical Science.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Chemistry, if issued prior to September 1, 1976.
- (5) Junior High School (Grades 9-10 only) or High School--Physical Science.
- (6) Junior High School (Grades 9-10 only) or High School--Physics, if issued prior to September 1, 1976.
- (7) Junior High School (Grades 9-10 only) or High School--Science.
- (8) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (9) Legacy Master Science Teacher (Grades 8-12).
- (10) Mathematics/Physical Science/Engineering: Grades 6-12.
- (11) Mathematics/Physical Science/Engineering: Grades 8-12.
- (12) Physical Science: Grades 6-12.
- (13) Physical Science: Grades 8-12.
- (14) Science: Grades 7-12.
- (15) Science: Grades 8-12.
- (16) Secondary Physical Science (Grades 6-12).
- (17) Secondary Science (Grades 6-12).
- (18) Secondary Science, Composite (Grades 6-12).
- (19) Secondary or All-Level classroom teaching certificate dated between September 1, 1966, and September 1, 1976, plus 24 semester credit hours in a combination of sciences completed prior to September 1, 1976.

§231.209. Principles of Technology, Grades 9-12.

- (a) An assignment for Principles of Technology, Grades 9-12, is allowed with one of the following certificates.
 - (1) Grades 6-12 or Grades 9-12--Industrial Arts.
 - (2) Grades 6-12 or Grades 9-12--Industrial Technology.
 - (3) Grades 6-12 or Grades 9-12--Physics.
 - (4) Grades 6-12 or Grades 9-12--Science.
 - (5) Grades 6-12 or Grades 9-12--Science, Composite.
 - (6) Junior High School (Grades 9-10 only) or High School--Industrial Arts.
 - (7) Junior High School (Grades 9-10 only) or High School--Physics.
 - (8) Junior High School (Grades 9-10 only) or High School--Science, Composite.
 - (9) Legacy Master Science Teacher (Grades 8-12).
 - (10) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (11) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (12) Physical Science: Grades 6-12.
 - (13) Physical Science: Grades 8-12.

- (14) Physics/Mathematics: Grades 7-12.
 - (15) Physics/Mathematics: Grades 8-12.
 - (16) Science: Grades 7-12.
 - (17) Science: Grades 8-12.
 - (18) Secondary Industrial Arts (Grades 6-12).
 - (19) Secondary Industrial Technology (Grades 6-12).
 - (20) Secondary Physics (Grades 6-12).
 - (21) Secondary Science (Grades 6-12).
 - (22) Secondary Science, Composite (Grades 6-12).
 - (23) Technology Education: Grades 6-12.
- (b) An assignment for Principles of Technology, Grades 9-12, may also be taught with a vocational agriculture certificate or a trades and industry certificate with verifiable physics applications experience in business and industry, if assigned prior to the 1998-1999 school year. Six semester credit hours of college physics, chemistry, or electricity/electronics may be substituted for the business and industry experience.

§231.211. Astronomy, Grades 9-12.

An assignment for Astronomy, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Earth Science.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Earth Science.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Legacy Master Science Teacher (Grades 8-12).
- (8) Mathematics/Physical Science/Engineering: Grades 6-12.
- (9) Mathematics/Physical Science/Engineering: Grades 8-12.
- (10) Physical Science: Grades 6-12.
- (11) Physical Science: Grades 8-12.
- (12) Physics/Mathematics: Grades 7-12.
- (13) Physics/Mathematics: Grades 8-12.
- (14) Science: Grades 7-12.
- (15) Science: Grades 8-12.
- (16) Secondary Earth Science (Grades 6-12).
- (17) Secondary Physics (Grades 6-12).
- (18) Secondary Science (Grades 6-12).
- (19) Secondary Science, Composite (Grades 6-12).

§231.213. Earth and Space Science, Grades 9-12.

An assignment for Earth and Space Science, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Earth Science.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Earth Science.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Legacy Master Science Teacher (Grades 8-12).
- (8) Mathematics/Physical Science/Engineering: Grades 6-12.
- (9) Mathematics/Physical Science/Engineering: Grades 8-12.
- (10) Physical Science: Grades 6-12.
- (11) Physical Science: Grades 8-12.
- (12) Science: Grades 7-12.
- (13) Science: Grades 8-12.
- (14) Secondary Earth Science (Grades 6-12).
- (15) Secondary Science (Grades 6-12).
- (16) Secondary Science, Composite (Grades 6-12).

§231.215. Environmental Systems, Environmental Science, and Aquatic Science, Grades 9-12.

- (a) An assignment for Environmental Systems, Advanced Placement (AP) Environmental Science, International Baccalaureate (IB) Environmental Systems, or Aquatic Science, Grades 9-12, is allowed with one of the following certificates.
 - (1) Chemistry: Grades 7-12.
 - (2) Chemistry: Grades 8-12.
 - (3) Grades 6-12 or Grades 9-12--Biology.
 - (4) Grades 6-12 or Grades 9-12--Earth Science.
 - (5) Grades 6-12 or Grades 9-12--Science.
 - (6) Grades 6-12 or Grades 9-12--Science, Composite.
 - (7) Junior High School (Grades 9-10 only) or High School--Biology.
 - (8) Junior High School (Grades 9-10 only) or High School--Earth Science.
 - (9) Junior High School (Grades 9-10 only) or High School--Science.
 - (10) Junior High School (Grades 9-10 only) or High School--Science, Composite.
 - (11) Life Science: Grades 7-12 or Grades 8-12.
 - (12) Legacy Master Science Teacher (Grades 8-12).
 - (13) Science: Grades 7-12.
 - (14) Science: Grades 8-12.
 - (15) Secondary Biology (Grades 6-12).
 - (16) Secondary Earth Science (Grades 6-12).
 - (17) Secondary Science (Grades 6-12).

- (18) Secondary Science, Composite (Grades 6-12).
- (b) An assignment for Environmental Systems, AP Environmental Science, or IB Environmental Systems, Grades 9-12, is allowed with a valid secondary or all-level teacher certificate plus 24 semester credit hours in science, including at least 12 semester credit hours in environmental science and/or ecology if assigned prior to the 1989-1990 school year or any science teaching certificate with 12 semester credit hours in environmental science and/or ecology.

§231.217. Anatomy and Physiology, Medical Microbiology, and Pathophysiology, Grades 9-12.

An assignment for Anatomy and Physiology, Medical Microbiology, or Pathophysiology, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Biology.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Health Science: Grades 6-12.
- (5) Health Science Technology.
- (6) Health Science Technology Education: Grades 8-12.
- (7) Junior High School (Grades 9-10 only) or High School--Biology.
- (8) Junior High School (Grades 9-10 only) or High School--Science.
- (9) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (10) Life Science: Grades 7-12.
- (11) Life Science: Grades 8-12.
- (12) Legacy Master Science Teacher (Grades 8-12).
- (13) Science: Grades 7-12.
- (14) Science: Grades 8-12.
- (15) Secondary Biology (Grades 6-12).
- (16) Secondary Science (Grades 6-12).
- (17) Secondary Science, Composite (Grades 6-12).
- (18) Vocational Handicapped Health.
- (19) Vocational Health Occupations.
- (20) Vocational Health Occupations/Cooperative Training.
- (21) Vocational Health Occupations/Pre-employment Lab.

§231.219. Scientific Research and Design, Grades 9-12.

An assignment for Scientific Research and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Any vocational or career and technical education certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) with a bachelor's degree and 18 semester credit hours in any combination of sciences.
- (2) Any science certificate valid for Grades 6-12, Grades 7-12, or Grades 8-12.
- (3) Any secondary science teaching field.

- (4) Legacy Master Science Teacher (Grades 8-12).

Division 8. Technology Applications, Grades 9-12 Assignments

§231.251. Computer Science, Grades 9-12.

[An assignment for Computer Science I, II, and III; Digital Forensics; or Robotics Programming and Design, Grades 9-12, is allowed with one of the following certificates:

- (1) — Computer Science: Grades 8-12.
- (2) — Grades 6-12 or Grades 9-12 — Computer Information Systems.
- (3) — Junior High School (Grades 9-10 only) or High School — Computer Information Systems.
- (4) — Secondary Computer Information Systems (Grades 6-12).]

§231.253. Technology Applications, Grades 9-12.

[An assignment for Digital Video and Audio Design, Web Communications, Digital Design and Media Production, Digital Art and Animation, 3-D Modeling and Animation, Digital Communications in the 21st Century, Web Design, Web Game Development, Independent Study in Technology Applications, or Independent Study in Evolving/Emerging Technologies, Grades 9-12, is allowed with one of the following certificates:

- (1) — Technology Applications: Early Childhood Grade 12.
- (2) — Technology Applications: Grades 8-12.]

§231.255. Discrete Mathematics for Computer Science, Grades 9-12.

[An assignment for Discrete Mathematics for Computer Science, Grades 9-12, is allowed with one of the following certificates:

- (1) — Computer Science: Grades 8-12.
- (2) — Grades 6-12 or Grades 9-12 — Computer Information Systems.
- (3) — Junior High School (Grades 9-10 only) or High School — Computer Information Systems.
- (4) — Master Mathematics Teacher (Grades 8-12).
- (5) — Mathematics: Grades 7-12.
- (6) — Mathematics: Grades 8-12.
- (7) — Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) — Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) — Physics/Mathematics: Grades 7-12.
- (10) — Physics/Mathematics: Grades 8-12.
- (11) — Secondary Computer Information Systems (Grades 6-12).]

§231.257. Fundamentals of Computer Science; Advanced Placement Computer Science Principles; Game Programming and Design or Mobile Application Development, Grades 9-12.

[An assignment for Fundamentals of Computer Science; Advanced Placement Computer Science Principles; Game Programming and Design or Mobile Application Development, Grades 9-12, is allowed with one of the following certificates:

- (1) — Computer Science: Grades 8-12.
- (2) — Grades 6-12 or Grades 9-12 — Computer Information Systems.

- ~~(3) Junior High School (Grades 9-10 only) or High School Computer Information Systems.~~
- ~~(4) Secondary Computer Information Systems (Grades 6-12).~~
- ~~(5) Technology Applications: Early Childhood-Grade 12.~~
- ~~(6) Technology Applications: Grades 8-12.~~

§231.259. Cybersecurity, Grades 9-12.

[An assignment for Foundations of Cybersecurity, Grades 9-12, and Cybersecurity Capstone is allowed with one of the following certificates.

- ~~(1) Computer Science: Grades 8-12.~~
- ~~(2) Grades 6-12 or Grades 9-12 Computer Information Systems.~~
- ~~(3) Junior High School (Grades 9-10 only) or High School Computer Information Systems.~~
- ~~(4) Secondary Computer Information Systems (Grades 6-12).~~
- ~~(5) Technology Applications: Early Childhood-Grade 12.~~
- ~~(6) Technology Applications: Grades 8-12.~~
- ~~(7) Technology Education: Grades 6-12.~~
- ~~(8) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.~~
- ~~(9) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.~~
- ~~(10) Vocational Trades and Industry. This assignment requires appropriate work approval.]~~

Division 9. Career Development, Grades 9-12 Assignments

§231.271. Career Development, Grades 9-12.

- (a) Subject to the requirements in subsection (e) of this section, an assignment for Career Preparation I, Career Preparation II, or Extended Career Preparation, Grades 9-12, is allowed with one of the following certificates. [any vocational or career and technical education (CTE) classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area))].
 - (1) Any vocational or career and technical education (CTE) classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).
 - (2) Any special education certificate so long as, beginning with the 2020-2021 school year, the special education-certified teacher assigned to teach this course shall complete Texas Education Agency-approved training found at tea.texas.gov/cte prior to teaching this course.
- (b) An assignment for Project-Based Research, Grades 9-12, is allowed with one of the following certificates. [any vocational or CTE classroom teaching certificate specified in §233.13 of this title or §233.14 of this title.]
 - (1) Any vocational or CTE classroom teaching certificate specified in §233.13 of this title or §233.14 of this title.
 - (2) Technology Applications: Early Childhood-Grade 12.
 - (3) Technology Applications: Grades 8-12.
- (c) An assignment for Applied Mathematics for Technical Professionals, Grades 9-12, is allowed with one of the following certificates ~~;~~ ;

- (1) Any vocational or CTE classroom teaching certificate specified in §233.13 of this title or §233.14 of this title. This assignment requires a bachelor's degree.
 - (2) Grades 6-12 or Grades 9-12 Mathematics.
 - (3) Legacy Master Mathematics Teacher (Grades 8-12).
 - (4) Mathematics: Grades 7-12.
 - (5) Mathematics: Grades 8-12.
 - (6) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (7) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (8) Physics/Mathematics: Grades 7-12.
 - (9) Physics/Mathematics: Grades 8-12.
 - (10) Secondary Mathematics (Grades 6-12).
 - (11) Computer Science: Grades 8-12.
 - (12) Grades 6-12 or Grades 9-12--Computer Information Systems.
 - (13) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
 - (14) Secondary Computer Information Systems (Grades 6-12).
- (d) All teachers assigned to Applied Mathematics for Technical Professionals shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.
- (e) The school district is responsible for ensuring that each teacher assigned to Career Preparation I, Career Preparation II, or Extended Career Preparation, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

Division 10. Agriculture, Food, and Natural Resources, Grades 9-12 Assignments

§231.283. Advanced Animal Science and Advanced Plant and Soil Science, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Advanced Animal Science or Advanced Plant and Soil Science, Grades 9-12, is allowed with one of the following certificates.
- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
 - (2) Agricultural Science and Technology: Grades 6-12.
 - (3) Any vocational agriculture certificate.
 - (4) Life Science: Grades 7-12.
 - (5) Life Science: Grades 8-12.
 - (6) Legacy Master Science Teacher (Grades 8-12).
 - (7) Science: Grades 7-12.
 - (8) Science: Grades 8-12.
 - (9) Secondary Biology (Grades 6-12).
 - (10) Secondary Science, Composite (Grades 6-12).
- (b) All teachers assigned to these courses shall participate in Texas Education Agency-approved training prior to teaching these courses effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.287. Mathematical Applications in Agriculture, Food, and Natural Resources, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Mathematical Applications in Agriculture, Food, and Natural Resources, Grades 9-12, is allowed with one of the following certificates.
 - (1) Agriculture, Food, and Natural Resources: Grades 6-12.
 - (2) Agricultural Science and Technology: Grades 6-12.
 - (3) Any vocational agriculture certificate.
 - (4) Legacy Master Mathematics Teacher (Grades 8-12).
 - (5) Mathematics: Grades 7-12.
 - (6) Mathematics: Grades 8-12.
 - (7) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (8) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (9) Physics/Mathematics: Grades 7-12.
 - (10) Physics/Mathematics: Grades 8-12.
 - (11) Secondary Mathematics (Grades 6-12).
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.289. Agricultural Equipment Design and Fabrication; Agricultural Structures Design and Fabrication; Agricultural Mechanics and Metal Technologies; Agricultural Power Systems [~~Oil and Gas Production~~] , Grades 9-12.

An assignment for Agricultural Equipment Design and Fabrication, Agricultural Structures Design and Fabrication, Agricultural Mechanics and Metal Technologies, or Agricultural Power Systems [~~Oil and Gas Production I, or Oil and Gas Production II~~] , Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 11. Architecture and Construction, Grades 9-12 Assignments

§231.305. Architectural Design, Grades 9-12.

- (a) An assignment for Architectural Design I or Architectural Design II, Grades 9-12, is allowed with one of the following certificates.
 - (1) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (2) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (3) Secondary Industrial Arts (Grades 6-12).
 - (4) Secondary Industrial Technology (Grades 6-12).
 - (5) Technology Education: Grades 6-12.

- (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Architectural Design or Extended Practicum in Architectural Design, Grades 9-12, is allowed with one of the following certificates.
- (1) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (2) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (3) Secondary Industrial Arts (Grades 6-12).
 - (4) Secondary Industrial Technology (Grades 6-12).
 - (5) Technology Education: Grades 6-12.
 - (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
 - (9) Any home economics or homemaking certificate.
 - (10) Family and Consumer Sciences, Composite: Grades 6-12.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Architectural Design or Extended Practicum in Architectural Design, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

Division 12. Arts, Audio Video Technology, and Communications, Grades 9-12 Assignments

§231.331. Professional Communications, Grades 9-12.

An assignment for Professional Communications, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Speech and Drama.
- (2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).
- (3) Grades 6-12 or Grades 9-12--Speech Communications.
- (4) Junior High School (Grades 9-10 only) or High School--Speech.
- (5) Junior High School (Grades 9-10 only) or High School--Speech and Drama.
- (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (7) Any vocational or career and technical education classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). The school district is responsible for ensuring that each teacher assigned to Professional Communications, Grades 9-12, has completed appropriate education and/or training in effective communication strategies and demonstrates proficiency in oral and written communication.
- (8) Secondary English Language Arts, Composite (Grades 6-12).
- (9) Secondary Speech (Grades 6-12).
- (10) Secondary Speech Communications (Grades 6-12).

- (11) Speech: Grades 7-12.
- (12) Speech: Grades 8-12.
- (13) Technology Applications: Early Childhood-Grade 12.
- (14) Technology Applications: Grades 8-12.

§231.333. Principles of Arts, Audio/Video Technology, and Communications, Grades 9-12.

An assignment for Principles of Arts, Audio/Video Technology, and Communications, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Secondary Industrial Arts (Grades 6-12).
- (5) Secondary Industrial Technology (Grades 6-12).
- (6) Technology Applications: Early Childhood-Grade 12.
- (7) Technology Applications: Grades 8-12.
- (8) Technology Education: Grades 6-12.
- (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (11) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (12) Any home economics or homemaking certificate.
- (13) Family and Consumer Sciences, Composite: Grades 6-12.

§231.335. Animation, Grades 9-12.

- (a) An assignment for Animation I, Animation I Lab, Animation II, or Animation II Lab, Digital Art and Animation, 3-D Modeling and Animation, Grades 9-12, is allowed with one of the following certificates.
 - (1) Any business or office education certificate.
 - (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - (4) Secondary Industrial Arts (Grades 6-12).
 - (5) Secondary Industrial Technology (Grades 6-12).
 - (6) Technology Applications: Early Childhood-Grade 12.
 - (7) Technology Applications: Grades 8-12.
 - (8) Technology Education: Grades 6-12.
 - (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (11) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Animation or Extended Practicum in Animation, Grades 9-12, is allowed with one of the following certificates.
 - (1) Any business or office education certificate.

- (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - (4) Secondary Industrial Arts (Grades 6-12).
 - (5) Secondary Industrial Technology (Grades 6-12).
 - (6) Technology Applications: Early Childhood-Grade 12.
 - (7) Technology Applications: Grades 8-12.
 - (8) Technology Education: Grades 6-12.
 - (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (11) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Animation or Extended Practicum in Animation, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.337. Audio/Video Production; Graphic Design and Illustration, Grades 9-12.

- (a) An assignment for Audio/Video Production I; Audio/Video Production I Lab; Audio/Video Production II; Audio/Video Production II Lab; Digital Audio Technology I; Digital Audio Technology II; Graphic Design and Illustration I; Graphic Design and Illustration I Lab; Graphic Design and Illustration II; Graphic Design and Illustration II Lab; ~~[a]~~ Video Game Design ~~[a]~~ ; Web Game Development; Digital Design and Media Production; or Digital Communications in the 21st Century. Grades 9-12, is allowed with one of the following certificates.
- (1) Secondary Industrial Arts (Grades 6-12).
 - (2) Secondary Industrial Technology (Grades 6-12).
 - (3) Technology Applications: Early Childhood-Grade 12.
 - (4) Technology Applications: Grades 8-12.
 - (5) Technology Education: Grades 6-12.
 - (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Audio/Video Production, Practicum in Graphic Design and Illustration, Extended Practicum in Audio/Video Production, or Extended Practicum in Graphic Design and Illustration, Grades 9-12, is allowed with one of the following certificates.
- (1) Secondary Industrial Arts (Grades 6-12).
 - (2) Secondary Industrial Technology (Grades 6-12).
 - (3) Technology Applications: Early Childhood-Grade 12.
 - (4) Technology Applications: Grades 8-12.
 - (5) Technology Education: Grades 6-12.
 - (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.

- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Audio/Video Production, Practicum in Graphic Design and Illustration, Extended Practicum in Audio/Video Production, or Extended Practicum in Graphic Design and Illustration, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.339. Photography, Grades 9-12.

- (a) An assignment for Commercial Photography I, Commercial Photography I Lab, Commercial Photography II, or Commercial Photography II Lab, Grades 9-12, is allowed with one of the following certificates.
 - (1) Art (Early Childhood-Grade 12).
 - (2) Art: Junior High School (Grades 9-10 only), High School, Secondary.
 - (3) Art (Grades 6-12, Grades 9-12, or All-Level).
 - (4) Secondary Industrial Arts (Grades 6-12).
 - (5) Secondary Industrial Technology (Grades 6-12).
 - (6) Technology Education: Grades 6-12.
 - (7) Technology Applications: Early Childhood-Grade 12.
 - (8) Technology Applications: Grades 8-12.
 - (9) ~~(7)~~ Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (10) ~~(8)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (11) ~~(9)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Commercial Photography or Extended Practicum in Commercial Photography, Grades 9-12, is allowed with one of the following certificates.
 - (1) Secondary Industrial Arts (Grades 6-12).
 - (2) Secondary Industrial Technology (Grades 6-12).
 - (3) Technology Education: Grades 6-12.
 - (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (6) Vocational Trades and Industry. This assignment requires appropriate work approval.
 - (7) Technology Applications: Early Childhood-Grade 12.
 - (8) Technology Applications: Grades 8-12.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Commercial Photography or Extended Practicum in Commercial Photography, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.341. Printing and Imaging Technology, Grades 9-12.

- (a) An assignment for Printing and Imaging Technology I, Printing and Imaging Technology I Lab, Printing and Imaging Technology II, or Printing and Imaging Technology II Lab, Grades 9-12, is allowed with one of the following certificates.
 - (1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (3) Vocational Trades and Industry. This assignment requires appropriate work approval.

- (4) Technology Applications: Early Childhood-Grade 12.
 - (5) Technology Applications: Grades 8-12.
 - (6) Technology Education: Grades 6-12.
 - (7) Secondary Industrial Arts: Grades 8-12.
 - (8) Secondary Industrial Technology: Grades 6-12.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Printing and Imaging Technology or Extended Practicum in Printing and Imaging Technology, Grades 9-12, is allowed with one of the following certificates.
- (1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (3) Vocational Trades and Industry. This assignment requires appropriate work approval.
 - (4) Technology Applications: Early Childhood-Grade 12.
 - (5) Technology Applications: Grades 8-12.
 - (6) Technology Education: Grades 6-12.
 - (7) Secondary Industrial Arts: Grades 8-12.
 - (8) Secondary Industrial Technology: Grades 6-12.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Printing and Imaging Technology or Extended Practicum in Printing and Imaging Technology, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

Division 13. Business Management and Administration, Grades 9-12 Assignments

§231.361. Business Information Management; Business Law; and Touch System Data Entry, Grades 9-12.

- (a) An assignment for Business Information Management I ~~[and II, Business Law, or Touch System Data Entry]~~, Grades 9-12, is allowed with one of the following certificates.
- (1) Any business or office education certificate.
 - (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - (4) Marketing: Grades 6-12.
 - (5) Marketing Education: Grades 8-12.
 - (6) Health Science Technology Education: Grades 8-12. This assignment requires appropriate work approval.
 - (7) Health Science Education: Grades 6-12. This assignment requires appropriate work approval.
- (b) ~~An assignment for Business Information Management II, Business Law, or Touch System Data Entry, Grades 9-12, is allowed with one of the following certificates.~~
- (1) ~~Any business or office education certificate.~~
 - (2) ~~Business and Finance: Grades 6-12.~~
 - (3) ~~Business Education: Grades 6-12.~~
 - (4) ~~Marketing: Grades 6-12.~~
 - (5) ~~Marketing Education: Grades 8-12.~~

(c) ~~(b)~~ Subject to the requirements in subsection (d) ~~(c)~~ of this section, an assignment for Practicum in Business Management or Extended Practicum in Business Management, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Marketing: Grades 6-12.
- (5) Marketing Education: Grades 8-12.

(d) ~~(c)~~ The school district is responsible for ensuring that each teacher assigned to Practicum in Business Management or Extended Practicum in Business Management, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.365. Business English, Grades 9-12.

(a) An assignment for Business English, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) English Language Arts and Reading: Grades 7-12.
- (5) English Language Arts and Reading: Grades 8-12.
- (6) Grades 6-12 or Grades 9-12--English.
- (7) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (8) Junior High School (Grades 9-10 only) or High School--English.
- (9) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (10) Secondary English (Grades 6-12).
- (11) Secondary English Language Arts, Composite (Grades 6-12).
- (12) Marketing: Grades 6-12.
- (13) Marketing Education: Grades 8-12.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 15. Finance, Grades 9-12 Assignments

§231.392. Money Matters, Grades 9-12.

An assignment for Money Matters, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any homemaking or home economics certificate.
- (3) Any marketing or distributive education certificate.
- (4) Business and Finance: Grades 6-12.
- (5) Business Education: Grades 6-12.
- (6) Family and Consumer Sciences, Composite: Grades 6-12.

- (7) Marketing: Grades 6-12.
- (8) Marketing Education: Grades 8-12.
- (9) Grades 6-12 or Grades 9-12 Mathematics.
- (10) Legacy Master Mathematics Teacher.
- (11) Mathematics: Grades 7-12.
- (12) Mathematics: Grades 8-12.
- (13) Mathematics/Physical Science/Engineering: Grades 6-12.
- (14) Mathematics/Physical Science/Engineering: Grades 8-12.
- (15) Physics/Mathematics: Grades 7-12.
- (16) Physics/Mathematics: Grades 8-12.

§231.393. Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments, Grades 9-12.

An assignment for Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Marketing: Grades 6-12.
- (5) Marketing Education: Grades 8-12.

§231.394. Statistics and Business Decision Making, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Statistics and Business Decision Making, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).
- (12) Marketing: Grades 6-12.
- (13) Marketing Education: Grades 8-12.

- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.395. Financial Mathematics, Grades 9-12.

- (a) An assignment for Financial Mathematics, Grades 9-12, is allowed with one of the following certificates.
 - (1) Any business or office education certificate.
 - (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - (4) Legacy Master Mathematics Teacher (Grades 8-12).
 - (5) Mathematics: Grades 7-12.
 - (6) Mathematics: Grades 8-12.
 - (7) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (8) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (9) Physics/Mathematics: Grades 7-12.
 - (10) Physics/Mathematics: Grades 8-12.
 - (11) Secondary Mathematics (Grades 6-12).
 - (12) Marketing: Grades 6-12.
 - (13) Marketing Education: Grades 8-12.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.397. Accounting II, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Accounting II, Grades 9-12, is allowed with one of the following certificates.
 - (1) Any business or office education certificate.
 - (2) Business and Finance: Grades 6-12.
 - (3) Business Education: Grades 6-12.
 - (4) Legacy Master Mathematics Teacher (Grades 8-12).
 - (5) Mathematics: Grades 7-12.
 - (6) Mathematics: Grades 8-12.
 - (7) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (8) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (9) Physics/Mathematics: Grades 7-12.
 - (10) Physics/Mathematics: Grades 8-12.
 - (11) Secondary Mathematics (Grades 6-12).
 - (12) Marketing: Grades 6-12.
 - (13) Marketing Education: Grades 8-12.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 17. Health Science, Grades 9-12 Assignments

§231.421. Health Science, Grades 9-12.

- (a) An assignment for Health Science Theory, Health Science Clinical, ~~Medical Terminology,~~ Pharmacology, Principles of Health Science, or World Health Research, Grades 9-12, is allowed with one of the following certificates.
- (1) Health Science: Grades 6-12.
 - (2) Health Science Technology Education: Grades 8-12.
 - (3) Vocational Health Occupations.
 - (4) Vocational Health Science Technology.
- (b) An assignment for Medical Terminology, Grades 9-12, is allowed with one of the following certificates.
- (1) Secondary Biology (Grades 6-12).
 - (2) Secondary Science (Grades 6-12).
 - (3) Secondary Science, Composite (Grades 6-12).
 - (4) Health Science: Grades 6-12.
 - (5) Health Science Technology Education: Grades 8-12.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) Legacy Master Science Teacher (Grades 8-12).
 - (9) Science: Grades 7-12.
 - (10) Science: Grades 8-12.
 - (11) Vocational Health Occupations.
 - (12) Vocational Health Science Technology.
- (c) ~~(b)~~ Subject to the requirements in subsection (d) ~~(e)~~ of this section, an assignment for Practicum in Health Science or Extended Practicum in Health Science, Grades 9-12, is allowed with one of the following certificates.
- (1) Health Science: Grades 6-12.
 - (2) Health Science Technology Education: Grades 8-12.
 - (3) Vocational Health Occupations.
 - (4) Vocational Health Science Technology.
- (d) ~~(e)~~ The school district is responsible for ensuring that each teacher assigned to Practicum in Health Science or Extended Practicum in Health Science, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.423. Anatomy and Physiology, Medical Microbiology, and Pathophysiology, Grades 9-12.

- (a) An assignment for Anatomy and Physiology, Medical Microbiology, or Pathophysiology, Grades 9-12, is allowed with one of the following certificates.
- (1) Secondary Biology (Grades 6-12).
 - (2) Secondary Science (Grades 6-12).
 - (3) Secondary Science, Composite (Grades 6-12).
 - (4) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (5) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.

- (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) Legacy Master Science Teacher (Grades 8-12).
 - (9) Science: Grades 7-12.
 - (10) Science: Grades 8-12.
 - (11) Vocational Health Occupations. This assignment requires a bachelor's degree.
 - (12) Vocational Health Science Technology. This assignment requires a bachelor's degree.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.425. Mathematics for Medical Professionals, Grades 9-12.

- (a) An assignment for Mathematics for Medical Professionals, Grades 9-12, is allowed with one of the following certificates.
- (1) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (2) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
 - (3) Vocational Health Occupations. This assignment requires a bachelor's degree.
 - (4) Vocational Health Science Technology. This assignment requires a bachelor's degree.
 - (5) Legacy Master Mathematics Teacher (Grades 8-12).
 - (6) Mathematics: Grades 7-12.
 - (7) Mathematics: Grades 8-12.
 - (8) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (9) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (10) Physics/Mathematics: Grades 7-12.
 - (11) Physics/Mathematics: Grades 8-12.
 - (12) Secondary Mathematics.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.427. Health Informatics, Grades 9-12.

An assignment for Health Informatics, Grades 9-12, is allowed with one of the following certificates.

- (1) Health Science: Grades 6-12.
- (2) Health Science Technology Education: Grades 8-12.
- (3) Vocational Health Occupations.
- (4) Vocational Health Science Technology.
- (5) Any business or office education certificate.
- (6) Business and Finance: Grades 6-12.
- (7) Business Education: Grades 6-12.
- (8) Marketing: Grades 6-12.

(9) Marketing Education: Grades 8-12.

Division 18. Hospitality and Tourism, Grades 9-12 Assignments

§231.445. Food Science, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Food Science, Grades 9-12, is allowed with one of the following certificates.
- (1) Any home economics or homemaking certificate.
 - (2) Chemistry: Grades 7-12.
 - (3) Chemistry: Grades 8-12.
 - (4) Family and Consumer Sciences, Composite: Grades 6-12.
 - (5) Hospitality, Nutrition, and Food Sciences: Grades 8-12.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) Legacy Master Science Teacher (Grades 8-12).
 - (9) Science: Grades 7-12.
 - (10) Science: Grades 8-12.
 - (11) Secondary Biology (Grades 6-12).
 - (12) Secondary Chemistry (Grades 6-12).
 - (13) Secondary Science (Grades 6-12).
 - (14) Secondary Science, Composite (Grades 6-12).
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 20. Information Technology, Grades 9-12 Assignments

§231.483. Digital Media [~~or Web Technologies~~], Grades 9-12.

An assignment for Digital Media [~~or Web Technologies~~], Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Secondary Industrial Arts (Grades 6-12).
- (5) Secondary Industrial Technology (Grades 6-12).
- (6) Technology Education: Grades 6-12.
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12.
- (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (11) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.485. Web Communications, Web Design, Grades 9-12.

An assignment for Web Communications or Web Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Secondary Industrial Arts (Grades 6-12).
- (2) Secondary Industrial Technology (Grades 6-12).
- (3) Technology Applications: Early Childhood-Grade 12.
- (4) Technology Applications: Grades 8-12.
- (5) Technology Education: Grades 6-12.
- (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (9) Any business or office education certificate.
- (10) Business and Finance: Grades 6-12.
- (11) Business Education: Grades 6-12.

[§231.485. Computer Programming, Grades 9-12.]

[An assignment for Computer Programming I or Computer Programming II, Grades 9-12, is allowed using one of the following certificates:

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Computer Science: Grades 8-12.
- (5) Secondary Computer Information Systems (Grades 6-12).
- (6) Secondary Industrial Arts (Grades 6-12).
- (7) Secondary Industrial Technology (Grades 6-12).
- (8) Technology Applications: Early Childhood-Grade 12.
- (9) Technology Applications: Grades 8-12.
- (10) Technology Education: Grades 6-12.
- (11) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (12) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (13) Vocational Trades and Industry. This assignment requires appropriate work approval.]

§231.487. Computer Maintenance, Grades 9-12.

An assignment for Computer Maintenance or Computer Maintenance Lab, Grades 9-12, is allowed with one of the following certificates.

- (1) Secondary Industrial Arts (Grades 6-12).
- (2) Secondary Industrial Technology (Grades 6-12).
- (3) Technology Education: Grades 6-12.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12.

§231.491. Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Grades 9-12.

An assignment for Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Grades 9-12, is allowed with any vocational or Career and Technical Education classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

Division 21. Law, Public Safety, Corrections, and Security, Grades 9-12 Assignments

§231.503. Forensic Science, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Forensic Science, Grades 9-12, is allowed with one of the following certificates.
 - (1) Chemistry: Grades 7-12.
 - (2) Chemistry: Grades 8-12.
 - (3) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (4) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
 - (5) Life Science: Grades 7-12.
 - (6) Life Science: Grades 8-12.
 - (7) Legacy Master Science Teacher (Grades 8-12).
 - (8) Science: Grades 7-12.
 - (9) Science: Grades 8-12.
 - (10) Secondary Biology (Grades 6-12).
 - (11) Secondary Chemistry (Grades 6-12).
 - (12) Secondary Science (Grades 6-12).
 - (13) Secondary Science, Composite (Grades 6-12).
 - (14) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.
 - (15) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.
 - (16) Vocational Health Occupations. This assignment requires a bachelor's degree.
 - (17) Vocational Health Science Technology. This assignment requires a bachelor's degree.
 - (18) Vocational Trades and Industry. This assignment requires a bachelor's degree and appropriate work approval.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 22. Manufacturing, Grades 9-12 Assignments

§231.521. Manufacturing, Grades 9-12.

- (a) An assignment for Diversified Manufacturing I, Diversified Manufacturing II, Manufacturing Engineering Technology I, Metal Fabrication and Machining I, Metal Fabrication and Machining II, Precision Metal Manufacturing I, Precision Metal Manufacturing II, Precision Metal Manufacturing II Lab, Principles of Manufacturing, Grades 9-12, is allowed using one of the following certificates.
 - (1) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (2) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (3) Secondary Industrial Arts (Grades 6-12).
 - (4) Secondary Industrial Technology (Grades 6-12).
 - (5) Technology Education: Grades 6-12.
 - (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Manufacturing or Extended Practicum in Manufacturing, Grades 9-12, is allowed with one of the following certificates.
 - (1) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (2) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (3) Secondary Industrial Arts (Grades 6-12).
 - (4) Secondary Industrial Technology (Grades 6-12).
 - (5) Technology Education: Grades 6-12.
 - (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (8) Vocational Trades and Industry. This assignment requires appropriate work approval.
 - (9) Agriculture, Food, and Natural Resources: Grades 6-12.
 - (10) Agricultural Science and Technology: Grades 6-12.
 - (11) Any vocational agriculture certificate.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Manufacturing or Extended Practicum in Manufacturing, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.525. Manufacturing Engineering Technology II, Grades 9-12.

- (a) An assignment for Manufacturing Engineering Technology II, Grades 9-12, is allowed with one of the following certificates.
 - (1) Grades 6-12 or Grades 9-12 Mathematics.
 - (2) Legacy Master Mathematics Teacher (Grades 8-12).
 - (3) Mathematics: Grades 7-12.
 - (4) Mathematics: Grades 8-12.
 - (5) Mathematics/Physical Science/Engineering: Grades 6-12.

- (6) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (7) Physics/Mathematics: Grades 7-12.
 - (8) Physics/Mathematics: Grades 8-12.
 - (9) Secondary Industrial Arts (Grades 6-12).
 - (10) Secondary Industrial Arts Technology (Grades 6-12).
 - (11) Secondary Mathematics.
 - (12) Technology Education: Grades 6-12.
 - (13) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.
 - (14) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.
 - (15) Vocational Trades and Industry. This assignment requires a bachelor's degree and appropriate work approval.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching the course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

Division 23. Marketing, Grades 9-12 Assignments

§231.541. Marketing, Grades 9-12.

- (a) An assignment for Social Media Marketing or Sports and Entertainment Marketing, Grades 9-12, is allowed with one of the following certificates.
- (1) Any marketing or distributive education certificate.
 - (2) Marketing: Grades 6-12.
 - (3) Marketing Education: Grades 8-12.
 - (4) Any business or office education certificate.
 - (5) Any marketing or distributive education certificate.
 - (6) Business and Finance: Grades 6-12.
 - (7) Business Education: Grades 6-12.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Advanced Marketing, Practicum in Marketing, or Extended Practicum in Marketing, Grades 9-12, is allowed with one of the following certificates.
- (1) Any marketing or distributive education certificate.
 - (2) Marketing: Grades 6-12.
 - (3) Marketing Education: Grades 8-12.
 - (4) Any business or office education certificate.
 - (5) Any marketing or distributive education certificate.
 - (6) Business and Finance: Grades 6-12.
 - (7) Business Education: Grades 6-12.

- (c) The school district is responsible for ensuring that each teacher assigned to Advanced Marketing, Practicum in Marketing, or Extended Practicum in Marketing, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.543. Advertising, Grades 9-12.

An assignment for Advertising, Grades 9-12, is allowed with one of the following certificates.

- (1) Any marketing or distributive education certificate.
- (2) Marketing: Grades 6-12.
- (3) Marketing Education: Grades 8-12.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (7) Any business or office education certificate.
- (8) Business and Finance: Grades 6-12.
- (9) Business Education: Grades 6-12.

§231.545. Fashion Marketing, Grades 9-12.

An assignment for Fashion Marketing, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Any marketing or distributive education certificate.
- (3) Family and Consumer Sciences, Composite: Grades 6-12.
- (4) Marketing: Grades 6-12.
- (5) Marketing Education: Grades 8-12.
- (6) Any business or office education certificate.
- (7) Any marketing or distributive education certificate.
- (8) Business and Finance: Grades 6-12.
- (9) Business Education: Grades 6-12.

Division 24. Science, Technology, Engineering, and Mathematics, Grades 9-12 Assignments

§231.565. Biotechnology I; Biotechnology II, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Biotechnology I or Biotechnology II, Grades 9-12, is allowed with one of the following certificates.
- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
 - (2) Agricultural Science and Technology: Grades 6-12.
 - (3) Any vocational agriculture certificate.
 - (4) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (5) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.

- (8) Legacy Master Science Teacher (Grades 8-12).
- (9) Science: Grades 7-12.
- (10) Science: Grades 8-12.
- (11) Science, Technology, Engineering, and Mathematics: Grades 6-12.
- (12) Secondary Biology (Grades 6-12).
- (13) Secondary Science (Grades 6-12).
- (14) Secondary Science, Composite (Grades 6-12).
- (15) Vocational Health Occupations. This assignment requires a bachelor's degree.
- (16) Vocational Health Science Technology. This assignment requires a bachelor's degree.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.567. Engineering Design and Presentation, Grades 9-12.

- (a) An assignment for Engineering Design and Presentation I or Engineering Design and Presentation II, Grades 9-12, is allowed with one of the following certificates.
 - (1) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (2) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (3) Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (4) Secondary Industrial Arts (Grades 6-12).
 - (5) Secondary Industrial Technology (Grades 6-12).
 - (6) Technology Education: Grades 6-12.
 - (7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (9) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Science, Technology, Engineering, and Mathematics or Extended Practicum in Science, Technology, Engineering, and Mathematics, Grades 9-12, is allowed with one of the following certificates.
 - (1) Agriculture, Food, and Natural Resources: Grades 6-12.
 - (2) Agricultural Science and Technology: Grades 6-12.
 - (3) Any vocational agriculture certificate.
 - (4) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
 - (5) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
 - (6) Life Science: Grades 7-12.
 - (7) Life Science: Grades 8-12.
 - (8) ~~(1)~~ Mathematics/Physical Science/Engineering: Grades 6-12.
 - (9) ~~(2)~~ Mathematics/Physical Science/Engineering: Grades 8-12.
 - (10) ~~(3)~~ Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (11) ~~(4)~~ Secondary Industrial Arts (Grades 6-12).

- (12) ~~(5)~~ Secondary Industrial Technology (Grades 6-12).
- (13) ~~(6)~~ Technology Education: Grades 6-12.
- (14) ~~(7)~~ Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (15) ~~(8)~~ Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (16) ~~(9)~~ Vocational Trades and Industry. This assignment requires appropriate work approval.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Science, Technology, Engineering, and Mathematics or Extended Practicum in Science, Technology, Engineering, and Mathematics, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.569. Engineering Mathematics; Robotics II, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Engineering Mathematics or Robotics II, Grades 9-12, is allowed with one of the following certificates.
 - (1) Legacy Master Mathematics Teacher (Grades 8-12).
 - (2) Mathematics: Grades 7-12.
 - (3) Mathematics: Grades 8-12.
 - (4) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (5) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (6) Physics/Mathematics: Grades 7-12.
 - (7) Physics/Mathematics: Grades 8-12.
 - (8) Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (9) Secondary Mathematics (Grades 6-12).
 - (10) Secondary Industrial Arts (Grades 6-12).
 - (11) Secondary Industrial Technology (Grades 6-12).
 - (12) Technology Education: Grades 6-12.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.573. Principles of Technology, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Principles of Technology, Grades 9-12, is allowed with one of the following certificates.
 - (1) Legacy Master Science Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (4) Physical Science: Grades 6-12.
 - (5) Physical Science: Grades 8-12.
 - (6) Physics/Mathematics: Grades 7-12.
 - (7) Physics/Mathematics: Grades 8-12.

- (8) Science: Grades 7-12.
 - (9) Science: Grades 8-12.
 - (10) Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (11) Secondary Industrial Arts (Grades 6-12).
 - (12) Secondary Industrial Technology (Grades 6-12).
 - (13) Secondary Physics (Grades 6-12).
 - (14) Secondary Science, Composite (Grades 6-12).
 - (15) Technology Education: Grades 6-12.
- (b) An assignment for Principles of Technology, Grades 9-12, may also be taught with a vocational agriculture certificate or a trades and industry certificate with verifiable physics applications experience in business and industry, if assigned prior to the 1998-1999 school year. Six semester credit hours of college physics, chemistry, or electricity/electronics may be substituted for the business and industry experience. All teachers assigned to these courses shall participate in Texas Education Agency-approved training prior to teaching these courses effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.575. Engineering Design and Problem Solving, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Engineering Design and Problem Solving, Grades 9-12, is allowed with one of the following certificates.
- (1) Legacy Master Science Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (4) Physical Science: Grades 6-12.
 - (5) Physical Science: Grades 8-12.
 - (6) Physics/Mathematics: Grades 7-12.
 - (7) Physics/Mathematics: Grades 8-12.
 - (8) Science: Grades 7-12.
 - (9) Science: Grades 8-12.
 - (10) Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (11) Secondary Industrial Arts (Grades 6-12).
 - (12) Secondary Industrial Technology (Grades 6-12).
 - (13) Secondary Physics (Grades 6-12).
 - (14) Secondary Science (Grades 6-12).
 - (15) Secondary Science, Composite (Grades 6-12).
 - (16) Technology Education: Grades 6-12.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.577. Scientific Research and Design, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Scientific Research and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Any vocational or career and technical education classroom teaching certificate with a bachelor's degree and 18 semester credit hours in any combination of sciences.
 - (2) Any science certificate valid for the grade level of the assignment.
 - (3) Legacy Master Science Teacher (Grades 8-12).
 - (4) Science, Technology, Engineering, and Mathematics: Grades 6-12.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.579. Engineering Science, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Engineering Science, Grades 9-12, is allowed with one of the following certificates.
- (1) Legacy Master Science Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (4) Physical Science: Grades 6-12.
 - (5) Physical Science: Grades 8-12.
 - (6) Physics/Mathematics: Grades 7-12.
 - (7) Physics/Mathematics: Grades 8-12.
 - (8) Science: Grades 7-12.
 - (9) Science: Grades 8-12.
 - (10) Science, Technology, Engineering, and Mathematics: Grades 6-12.
 - (11) Secondary Industrial Arts (Grades 6-12).
 - (12) Secondary Industrial Technology (Grades 6-12).
 - (13) Secondary Physics (Grades 6-12).
 - (14) Secondary Science (Grades 6-12).
 - (15) Secondary Science, Composite (Grades 6-12).
 - (16) Technology Education: Grades 6-12.
- (b) All teachers assigned to Engineering Science shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.581. Digital Electronics, Grades 9-12.

- (a) Subject to the requirements in subsection (b) of this section, an assignment for Digital Electronics, Grades 9-12, is allowed with one of the following certificates.
- (1) Legacy Master Mathematics Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (4) Physics/Mathematics: Grades 7-12.
 - (5) Physics/Mathematics: Grades 8-12.
 - (6) Science, Technology, Engineering, and Mathematics: Grades 6-12.

- (7) Secondary Industrial Arts (Grades 6-12).
 - (8) Secondary Industrial Technology (Grades 6-12).
 - (9) Secondary Mathematics (Grades 6-12).
 - (10) Technology Education: Grades 6-12.
- (b) All teachers assigned to Digital Electronics shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.585. Computer Science, Grades 9-12.

An assignment for Computer Science I, II, and III; or Digital Forensics, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

§231.587. Fundamentals of Computer Science, Advanced Placement Computer Science Principles, Grades 9-12.

An assignment for Fundamentals of Computer Science or Advanced Placement Computer Science Principles, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.
- (7) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.
- (8) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.

§231.589. Game Programming and Design, Grades 9-12.

An assignment for Game Programming and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Secondary Industrial Arts (Grades 6-12).
- (6) Secondary Industrial Technology (Grades 6-12).
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12.

- (9) Technology Education: Grades 6-12.
- (10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (12) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.591. Mobile Applications Development, Grades 9-12.

An assignment for Mobile Applications Development, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.
- (7) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.
- (8) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.
- (9) Any business or office education certificate.
- (10) Business and Finance: Grades 6-12.
- (11) Business Education: Grades 6-12.
- (12) Marketing: Grades 6-12.
- (13) Marketing Education: Grades 8-12.

§231.593. Cybersecurity, Grades 9-12.

An assignment for Foundations of Cybersecurity, Grades 9-12, and Cybersecurity Capstone is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.
- (7) Technology Education: Grades 6-12.
- (8) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (9) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (10) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.595. Discrete Mathematics for Computer Science, Grades 9-12.

An assignment for Discrete Mathematics for Computer Science, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Computer Information Systems (Grades 6-12).

Division 25. Transportation, Distribution, and Logistics, Grades 9-12 Assignments

§231.591. Transportation, Distribution, and Logistics, Grades 9-12.

- (a) An assignment for Energy and Power of Transportation Systems; Aircraft Airframe Technology; Aircraft Powerplant Technology; Automotive Basics; Automotive Technology I: Maintenance and Light Repair; Automotive Technology II: Automotive Service; Advanced Transportation Systems Laboratory; Basic Collision Repair and Refinishing; Collision Repair; Paint and Refinishing; Diesel Equipment Technology I; Diesel Equipment Technology II; Distribution and Logistics; Introduction to Aircraft Technology; Principles of Distribution and Logistics; Principles of Transportation Systems; Introduction to Transportation Technology; or Management of Transportation Systems, Grades 9-12, is allowed with one of the following certificates:
- (1) Technology Education: Grades 6-12.
 - (2) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (3) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (4) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, is allowed with one of the following certificates:
- (1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (3) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, has completed appropriate training in state and federal requirements regarding work based learning and safety.

§231.595. Small Engine Technology, Grades 9-12.

[An assignment for Small Engine Technology I or Small Engine Technology II, Grades 9-12, is allowed with one of the following certificates:

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.

- ~~(3) Any vocational agriculture certificate.~~
- ~~(4) Secondary Industrial Arts (Grades 6-12).~~
- ~~(5) Secondary Industrial Technology (Grades 6-12).~~
- ~~(6) Technology Education: Grades 6-12.~~
- ~~(7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.~~
- ~~(8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.~~
- ~~(9) Vocational Trades and Industry. This assignment requires appropriate work approval.]~~

§231.631. Transportation, Distribution, and Logistics, Grades 9-12.

- (a) An assignment for Energy and Power of Transportation Systems; Aircraft Airframe Technology; Aircraft Powerplant Technology; Automotive Basics; Automotive Technology I: Maintenance and Light Repair; Automotive Technology II: Automotive Service; Advanced Transportation Systems Laboratory; Basic Collision Repair and Refinishing; Collision Repair; Paint and Refinishing; Diesel Equipment Technology I; Diesel Equipment Technology II; Distribution and Logistics; Introduction to Aircraft Technology; Principles of Distribution and Logistics; Principles of Transportation Systems; Introduction to Transportation Technology; or Management of Transportation Systems, Grades 9-12, is allowed with one of the following certificates.
 - (1) Technology Education: Grades 6-12.
 - (2) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (3) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (4) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, is allowed with one of the following certificates.
 - (1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (3) Vocational Trades and Industry. This assignment requires appropriate work approval.
- (c) The school district is responsible for ensuring that each teacher assigned to Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.633. Small Engine Technology, Grades 9-12.

An assignment for Small Engine Technology I or Small Engine Technology II, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Secondary Industrial Arts (Grades 6-12).
- (5) Secondary Industrial Technology (Grades 6-12).
- (6) Technology Education: Grades 6-12.
- (7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

- (8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (9) Vocational Trades and Industry. This assignment requires appropriate work approval.

Division 26. Energy, Grades 9-12 Assignments

§231.651. Energy and Natural Resources, Grades 9-12.

An assignment for Oil and Gas Production I; Oil and Gas Production II; Oil and Gas Production III; Oil and Gas Production IV; Introduction to Process Technology; Foundations of Energy; or Petrochemical Safety, Health, and Environment, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.

Subchapter F. Special Education-Related Services Personnel Assignments

[§231.611. Special Education Teacher.]

[(a) Subject to the requirements in subsection (c) of this section, an assignment for Special Education Teacher is allowed with one of the following certificates. If an individual is providing content instruction in a special education classroom setting, a valid certificate that matches the subject and grade level of the assignment is also required, or the individual must demonstrate competency through the state's 2010 and 2011 high objective uniform State standard of evaluation for elementary and secondary special education teachers.]

- (1) Blind School (Texas State School for the Blind and Visually Impaired only).
- (2) Deaf and Severely Hard of Hearing.
- (3) Deaf School (Texas State School for the Deaf only).
- (4) Deaf Blind.
- (5) Deficient Vision.
- (6) Early Childhood Education for Handicapped Children (Infants Grade 6 only).
- (7) Elementary Generic Special Education.
- (8) Emotionally Disturbed.
- (9) Generic Special Education.
- (10) Hearing Impaired.
- (11) High School Generic Special Education.
- (12) Language and/or Learning Disabilities.
- (13) Mentally Retarded.
- (14) Physically Handicapped.
- (15) School Speech-Language Pathologist.
- (16) Secondary Generic Special Education (Grades 6-12) (Grades 6-12 only).
- (17) Severely and Profoundly Handicapped.

- ~~(18) — Severely Emotionally Disturbed and Autistic.~~
- ~~(19) — Special Education Supplemental (Valid at grade level and subject area of the base certificate).~~
- ~~(20) — Special Education: Early Childhood Grade 12.~~
- ~~(21) — Speech and Hearing Therapy.~~
- ~~(22) — Speech and Language Therapy.~~
- ~~(23) — Teacher of Students with Visual Impairments Supplemental: Early Childhood Grade 12.~~
- ~~(24) — Teacher of the Deaf and Hard of Hearing: Early Childhood Grade 12.~~
- ~~(25) — Visually Handicapped.~~
- ~~(b) — The certificates specified in subsection (a) of this section are appropriate for a special education assignment in Prekindergarten Grade 12 except where otherwise noted.~~
- ~~(c) — The employing school district should make every effort to secure educators trained in the specialized skills and knowledge needed to serve the special needs of the children. If a staff member does not have the skills and knowledge needed for the assignment, the school district is responsible for making provisions for the person to acquire the necessary skills and knowledge.~~

§231.613. Teacher of Adaptive Physical Education.

- ~~(a) — An assignment for Teacher of Adaptive Physical Education is allowed with one of the following certificates:~~
 - ~~(1) — All Level Health and Physical Education.~~
 - ~~(2) — All Level Physical Education.~~
 - ~~(3) — Elementary Physical Education (Grades 1-8) (Grades 1-8 only).~~
 - ~~(4) — Grades 6-8 Physical Education (Grades 6-8 only).~~
 - ~~(5) — Physical Education: Early Childhood Grade 12.~~
 - ~~(6) — Secondary Physical Education (Grades 6-12) (Grades 6-12 only).~~
 - ~~(7) — Special education certificate as specified in §231.611 of this title (relating to Special Education Teacher). This assignment requires necessary skills and knowledge in adaptive physical education. Evidence of necessary skills and knowledge in adaptive physical education must be documented through in-service records, seminar attendance records, or transcripts of college courses.~~
- ~~(b) — Other licensed professionals may be eligible to provide adaptive physical education services to students with disabilities under the scope of practice of the specific license held.~~

§231.615. Full Time Teacher of Orthopedically Impaired or Other Health Impaired in a Hospital Class or Home Based Instruction.

~~[An assignment for Full Time Teacher of Orthopedically Impaired or Other Health Impaired in a Hospital Class or Home Based Instruction is allowed with one of the following certificates.~~

- ~~(1) — Special education certificate as specified in §231.611 of this title (relating to Special Education Teacher).~~
- ~~(2) — Teacher certificate. This assignment requires a three semester credit hour survey course in special education and three semester credit hour course related to teaching students who are physically impaired or health impaired.~~

§231.617. Teacher of Students with Visual Impairments.

- ~~(a) — An assignment for Teacher of Students with Visual Impairments is allowed with one of the following certificates:~~

- ~~(1) Deficient Vision.~~
- ~~(2) Visually Handicapped.~~
- ~~(3) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.~~
- ~~(b) A teacher in an assignment for Teacher of Students with Visual Impairment must be available to students with visual impairments.~~

[§231.619. Teacher of Students with Auditory Impairments.]

- ~~[(a) An assignment for Teacher of Students with Auditory Impairments is allowed with one of the following certificates:~~
 - ~~(1) Deaf and Severely Hard of Hearing.~~
 - ~~(2) Hearing Impaired.~~
 - ~~(3) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.~~
- ~~(b) A teacher in an assignment for Teacher of Students with Auditory Impairments must be available to students with auditory impairments.~~
- ~~(c) A teacher in an assignment for Teacher of Students with Auditory Impairments is not required to pass the Texas Assessment of Sign Communication (TASC) or the Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) in order to be assigned to a classroom in which another communication method is used predominately. If this teacher completes certification requirements through a State Board for Educator Certification approved educator preparation program in Texas, the program must have assessed proficiency in the communication method and verified it to be at an appropriate level.~~

[§231.621. Teacher of Gifted and Talented Students.]

- ~~[(a) An assignment for Teacher of Gifted and Talented Students is allowed with one of the following:~~
 - ~~(1) A teacher certificate that matches the subject and grade level of the assignment.~~
 - ~~(2) Gifted and Talented Endorsement (Not required for assignment).~~
 - ~~(3) Gifted and Talented Supplemental (Not required for assignment).~~
- ~~(b) In addition to the requirements specified in this subchapter, individuals assigned to a gifted and talented program must comply with the provisions of Chapter 89, Subchapter A, of this title (relating to Gifted/Talented Education).~~

[§231.623. Special Education Counseling Services; Educational Diagnostician; Speech Therapy Services; and Vocational Adjustment Coordinator.]

- ~~[(a) Special Education Counseling Services:~~
 - ~~(1) An assignment for Special Education Counseling Services is allowed with one of the following certificates:~~
 - ~~(A) Counselor.~~
 - ~~(B) School Counselor (Early Childhood-Grade 12).~~
 - ~~(C) Special Education Counselor.~~
 - ~~(D) Special Education Visiting Teacher.~~
 - ~~(E) Vocational Counselor.~~
 - ~~(2) Individuals certified or licensed to practice in other professions may be eligible to provide counseling services for students with disabilities under the scope of practice of the specific license held.~~
- ~~(b) Educational Diagnostician.~~

- ~~(1) An assignment for Educational Diagnostician is allowed with an Educational Diagnostician certificate.~~
- ~~(2) Individuals certified or licensed to practice in other professions may be eligible to provide evaluative services for students with disabilities under the scope of practice of the specific license held.~~
- ~~(c) Speech Therapy Services.~~
 - ~~(1) An assignment for Speech Therapy Services is allowed with one of the following certificates.~~
 - ~~(A) School Speech-Language Pathologist.~~
 - ~~(B) Speech and Hearing Therapy.~~
 - ~~(C) Speech and Language Therapy.~~
 - ~~(2) Individuals licensed by the State Board of Examiners for Speech-Language Pathology and Audiology also may provide speech therapy services to eligible students under the scope of practice of the specific license held.~~
- ~~(d) Vocational Adjustment Coordinator.~~
 - ~~(1) An assignment for Vocational Adjustment Coordinator is allowed with a Special Education certificate. This assignment requires 60 clock hours of training appropriate for the assignment.~~
 - ~~(2) A teacher in an assignment for Vocational Adjustment Coordinator will have three years from the date of assignment to complete the required training.]~~

§231.701. Special Education Teacher.

- ~~(a) Subject to the requirements in subsection (c) of this section, an assignment for Special Education Teacher is allowed with one of the following certificates. If an individual is providing content instruction in a special education classroom setting, a valid certificate that matches the subject and grade level of the assignment is also required, or the individual must demonstrate competency through the state's 2010 and 2011 high objective uniform State standard of evaluation for elementary and secondary special education teachers.~~
 - ~~(1) Blind School (Texas State School for the Blind and Visually Impaired only).~~
 - ~~(2) Deaf and Severely Hard of Hearing.~~
 - ~~(3) Deaf School (Texas State School for the Deaf only).~~
 - ~~(4) Deaf-Blind.~~
 - ~~(5) Deficient Vision.~~
 - ~~(6) Early Childhood Education for Handicapped Children (Infants-Grade 6 only).~~
 - ~~(7) Elementary Generic Special Education.~~
 - ~~(8) Emotionally Disturbed.~~
 - ~~(9) Generic Special Education.~~
 - ~~(10) Hearing Impaired.~~
 - ~~(11) High School--Generic Special Education.~~
 - ~~(12) Language and/or Learning Disabilities.~~
 - ~~(13) Mentally Retarded.~~
 - ~~(14) Physically Handicapped.~~
 - ~~(15) School Speech-Language Pathologist.~~
 - ~~(16) Secondary Generic Special Education (Grades 6-12) (Grades 6-12 only).~~

- (17) Severely and Profoundly Handicapped.
- (18) Severely Emotionally Disturbed and Autistic.
- (19) Special Education Supplemental (Valid at grade level and subject area of the base certificate).
- (20) Special Education: Early Childhood-Grade 12.
- (21) Speech and Hearing Therapy.
- (22) Speech and Language Therapy.
- (23) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.
- (24) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.
- (25) Visually Handicapped.
- (b) The certificates specified in subsection (a) of this section are appropriate for a special education assignment in Prekindergarten-Grade 12 except where otherwise noted.
- (c) The employing school district should make every effort to secure educators trained in the specialized skills and knowledge needed to serve the special needs of the children. If a staff member does not have the skills and knowledge needed for the assignment, the school district is responsible for making provisions for the person to acquire the necessary skills and knowledge.

§231.703. Teacher of Adaptive Physical Education.

- (a) An assignment for Teacher of Adaptive Physical Education is allowed with one of the following certificates.
 - (1) All-Level Health and Physical Education.
 - (2) All-Level Physical Education.
 - (3) Elementary Physical Education (Grades 1-8) (Grades 1-8 only).
 - (4) Grades 6-8--Physical Education (Grades 6-8 only).
 - (5) Physical Education: Early Childhood-Grade 12.
 - (6) Secondary Physical Education (Grades 6-12) (Grades 6-12 only).
 - (7) Special education certificate as specified in §231.701 of this title (relating to Special Education Teacher). This assignment requires necessary skills and knowledge in adaptive physical education. Evidence of necessary skills and knowledge in adaptive physical education must be documented through in-service records, seminar attendance records, or transcripts of college courses.
- (b) Other licensed professionals may be eligible to provide adaptive physical education services to students with disabilities under the scope of practice of the specific license held.

§231.705. Full-Time Teacher of Orthopedically Impaired or Other Health Impaired in a Hospital Class or Home-Based Instruction.

An assignment for Full-Time Teacher of Orthopedically Impaired or Other Health Impaired in a Hospital Class or Home-Based Instruction is allowed with one of the following certificates.

- (1) Special education certificate as specified in §231.701 of this title (relating to Special Education Teacher).
- (2) Teacher certificate. This assignment requires a three-semester credit hour survey course in special education and three semester credit hour course related to teaching students who are physically impaired or health impaired.

§231.707. Teacher of Students with Visual Impairments.

- (a) An assignment for Teacher of Students with Visual Impairments is allowed with one of the following certificates.
 - (1) Deficient Vision.
 - (2) Visually Handicapped.
 - (3) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.
- (b) A teacher in an assignment for Teacher of Students with Visual Impairments must be available to students with visual impairments.

§231.709. Teacher of Students with Auditory Impairments.

- (a) An assignment for Teacher of Students with Auditory Impairments is allowed with one of the following certificates.
 - (1) Deaf and Severely Hard of Hearing.
 - (2) Hearing Impaired.
 - (3) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.
- (b) A teacher in an assignment for Teacher of Students with Auditory Impairments must be available to students with auditory impairments.
- (c) A teacher in an assignment for Teacher of Students with Auditory Impairments is not required to pass the Texas Assessment of Sign Communication (TASC) or the Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) in order to be assigned to a classroom in which another communication method is used predominately. If this teacher completes certification requirements through a State Board for Educator Certification-approved educator preparation program in Texas, the program must have assessed proficiency in the communication method and verified it to be at an appropriate level.

§231.711. Teacher of Gifted and Talented Students.

- (a) An assignment for Teacher of Gifted and Talented Students is allowed with one of the following.
 - (1) A teacher certificate that matches the subject and grade level of the assignment.
 - (2) Gifted and Talented Endorsement (Not required for assignment).
 - (3) Gifted and Talented Supplemental (Not required for assignment).
- (b) In addition to the requirements specified in this subchapter, individuals assigned to a gifted and talented program must comply with the provisions of Chapter 89, Subchapter A, of this title (relating to Gifted/Talented Education).

§231.713. Special Education Counseling Services; Educational Diagnostician; Speech Therapy Services; and Vocational Adjustment Coordinator.

- (a) Special Education Counseling Services.
 - (1) An assignment for Special Education Counseling Services is allowed with one of the following certificates.
 - (A) Counselor.
 - (B) School Counselor (Early Childhood-Grade 12).
 - (C) Special Education Counselor.
 - (D) Special Education Visiting Teacher.
 - (E) Vocational Counselor.

- (2) Individuals certified or licensed to practice in other professions may be eligible to provide counseling services for students with disabilities under the scope of practice of the specific license held.
- (b) Educational Diagnostician.
 - (1) An assignment for Educational Diagnostician is allowed with an Educational Diagnostician certificate.
 - (2) Individuals certified or licensed to practice in other professions may be eligible to provide evaluative services for students with disabilities under the scope of practice of the specific license held.
- (c) Speech Therapy Services.
 - (1) An assignment for Speech Therapy Services is allowed with one of the following certificates.
 - (A) School Speech-Language Pathologist.
 - (B) Speech and Hearing Therapy.
 - (C) Speech and Language Therapy.
 - (2) Individuals licensed by the State Board of Examiners for Speech-Language Pathology and Audiology also may provide speech therapy services to eligible students under the scope of practice of the specific license held.
- (d) Vocational Adjustment Coordinator.
 - (1) An assignment for Vocational Adjustment Coordinator is allowed with a Special Education certificate. This assignment requires 60 clock-hours of training appropriate for the assignment.
 - (2) A teacher in an assignment for Vocational Adjustment Coordinator will have three years from the date of assignment to complete the required training.

Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

[§231.641. Educational Aide.]

- ~~(a) Educational Aide I.~~
 - ~~(1) An assignment for Educational Aide I is allowed with one of the following certificates.~~
 - ~~(A) Educational Aide I.~~
 - ~~(B) Educational Aide II.~~
 - ~~(C) Educational Aide III.~~
 - ~~(D) Valid Texas Classroom Teacher Certificate.~~
 - ~~(2) The role description for an Educational Aide I is codified in §230.61(1) of this title (relating to Role Descriptions).~~
- ~~(b) Educational Aide II.~~
 - ~~(1) An assignment for Educational Aide II is allowed with one of the following certificates.~~
 - ~~(A) Educational Aide II.~~
 - ~~(B) Educational Aide III.~~
 - ~~(C) Valid Texas Classroom Teacher Certificate.~~
 - ~~(2) The role description for an Educational Aide II is codified in §230.61(2) of this title.~~
- ~~(c) Educational Aide III.~~

~~(1) — An assignment for Educational Aide III is allowed with one of the following certificates.~~

~~(A) — Educational Aide III.~~

~~(B) — Valid Texas Classroom Teacher Certificate.~~

~~(2) — The role description of an Educational Aide III is codified in §230.61(3) of this title.]~~

§231.643. Administrators and Other Instructional and Professional Support Personnel.]

~~(a) — Administrators.~~

~~(1) — An assignment for Superintendent is allowed with one of the following certificates.~~

~~(A) — Administrator.~~

~~(B) — Superintendent.~~

~~(2) — An assignment for Principal is allowed with one of the following certificates.~~

~~(A) — Administrator.~~

~~(B) — Mid Management Administrator.~~

~~(C) — Principal.~~

~~(D) — Superintendent.~~

~~(3) — An assignment for Assistant Principal is allowed with one of the following certificates.~~

~~(A) — Administrator.~~

~~(B) — Assistant Principal.~~

~~(C) — Mid Management Administrator.~~

~~(D) — Principal.~~

~~(E) — Superintendent.~~

~~(b) — School Counselor. An assignment for School Counselor is allowed with one of the following certificates.~~

~~(1) — Counselor.~~

~~(2) — School Counselor (Early Childhood-Grade 12).~~

~~(3) — Special Education Counselor.~~

~~(4) — Vocational Counselor.~~

~~(c) — Librarian. An assignment for Librarian is allowed with one of the following certificates.~~

~~(1) — Learning Resources Endorsement.~~

~~(2) — Learning Resources Specialist.~~

~~(3) — Librarian.~~

~~(4) — School Librarian (Early Childhood-Grade 12).~~

~~(d) — Athletic Director. An assignment for Athletic Director is allowed with a teacher certificate.]~~

§231.645. Professional Support Personnel Requiring Other Professional License.]

~~[A person may not be employed by a school district to perform services within the following professions unless the person holds the appropriate credential or license from the appropriate state agency for that profession. Educator certification is not required for a school district assignment to provide services that are within the scope of that profession.~~

~~(1) — Associate School Psychologist.~~

~~(2) — Audiologist.~~

~~(3) — Licensed Professional Counselor.~~

~~(4) — Marriage and Family Therapist. As long as a person was employed by a school district before September 1, 2011, to perform marriage and family therapy, as defined by the Texas Occupations Code (TOC), §502.002, and remains employed by the same school district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that school district.~~

~~(5) — Nurse.~~

~~(6) — Occupational Therapist.~~

~~(7) — Physical Therapist.~~

~~(8) — Physician.~~

~~(9) — School Psychologist.~~

~~(10) — Social Worker.~~

~~(11) — Speech Language Pathologist. An assignment to provide Speech Therapy Services is allowed with a certificate authorized by the TOC, §401.054.]~~

§231.751. Educational Aide.

(a) Educational Aide I.

(1) An assignment for Educational Aide I is allowed with one of the following certificates.

(A) Educational Aide I.

(B) Educational Aide II.

(C) Educational Aide III.

(D) Valid Texas classroom teacher certificate.

(2) The role description for an Educational Aide I is codified in §230.61(1) of this title (relating to Role Descriptions).

(b) Educational Aide II.

(1) An assignment for Educational Aide II is allowed with one of the following certificates.

(A) Educational Aide II.

(B) Educational Aide III.

(C) Valid Texas classroom teacher certificate.

(2) The role description for an Educational Aide II is codified in §230.61(2) of this title.

(c) Educational Aide III.

(1) An assignment for Educational Aide III is allowed with one of the following certificates.

(A) Educational Aide III.

(B) Valid Texas classroom teacher certificate.

(2) The role description of an Educational Aide III is codified in §230.61(3) of this title.

§231.753. Administrators and Other Instructional and Professional Support Personnel.

(a) Administrators.

(1) An assignment for Superintendent is allowed with one of the following certificates.

- (A) Administrator.
- (B) Superintendent.
- (2) An assignment for Principal is allowed with one of the following certificates.
 - (A) Administrator.
 - (B) Mid-Management Administrator.
 - (C) Principal.
 - (D) Superintendent.
- (3) An assignment for Assistant Principal is allowed with one of the following certificates.
 - (A) Administrator.
 - (B) Assistant Principal.
 - (C) Mid-Management Administrator.
 - (D) Principal.
 - (E) Superintendent.
- (b) School Counselor. An assignment for School Counselor is allowed with one of the following certificates.
 - (1) Counselor.
 - (2) School Counselor (Early Childhood-Grade 12).
 - (3) Special Education Counselor.
 - (4) Vocational Counselor.
- (c) Librarian. An assignment for Librarian is allowed with one of the following certificates.
 - (1) Learning Resources Endorsement.
 - (2) Learning Resources Specialist.
 - (3) Librarian.
 - (4) School Librarian (Early Childhood-Grade 12).
- (d) Athletic Director. An assignment for Athletic Director is allowed with a valid Texas classroom teacher certificate.

§231.755. Professional Support Personnel Requiring Other Professional License.

A person may not be employed by a school district to perform services within the following professions unless the person holds the appropriate credential or license from the appropriate state agency for that profession. Educator certification is not required for a school district assignment to provide services that are within the scope of that profession.

- (1) Associate School Psychologist.
- (2) Audiologist.
- (3) Licensed Professional Counselor.
- (4) Marriage and Family Therapist. As long as a person was employed by a school district before September 1, 2011, to perform marriage and family therapy, as defined by the Texas Occupations Code (TOC), §502.002, and remains employed by the same school district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that school district.
- (5) Nurse.

- (6) Occupational Therapist.
- (7) Physical Therapist.
- (8) Physician.
- (9) School Psychologist.
- (10) Social Worker.
- (11) Speech-Language Pathologist. An assignment to provide Speech Therapy Services is allowed with a certificate authorized by the TOC, §401.054.

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

November 20, 2020

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would make amendments to 19 Texas Administrative Code (TAC) Chapter 229, Accountability System for Educator Preparation Programs. Chapter 229 establishes the performance standards and procedures for educator preparation program (EPP) accountability. The proposed amendments would provide for adjustments to the 2019–2020 Accountability System for Educator Preparation (ASEP) due to Governor Abbott's disaster declaration related to COVID-19; would include an accountability indicator for EPPs based on the improvement in achievement of students taught by beginning teachers; would provide an index for the determination of EPP accreditation status; and would provide updates to the ASEP manual.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.041(a), (b)(1), and (d); 21.043(b) and (c), as amended by Senate Bill (SB) 1839, 85th Texas Legislature, Regular Session, 2017; 21.0441(c) and (d); 21.0443; 21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017; 21.0451; and 21.0452.

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(d), states that the SBEC may adopt a fee for the approval and renewal of approval of an EPP, for the addition of a certificate or field of certification, and to provide for the administrative cost of appropriately ensuring the accountability of EPPs.

TEC, §21.043(b) and (c), as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017, require SBEC to provide EPPs with data, as determined in coordination with stakeholders, based on information reported through the Public Education Information Management System (PEIMS) that enables an EPP to assess the impact of the program and revise the program as needed to improve.

TEC, §21.0441(c) and (d), require the SBEC to adopt rules setting certain admission requirements for EPPs.

TEC, §21.0443, states that the SBEC shall propose rules to establish standards to govern the approval or renewal of approval of EPPs and certification fields authorized to be offered by an EPP. To be eligible for approval or renewal of approval, an EPP must adequately prepare candidates for educator certification and meet the standards and requirements of the SBEC. The SBEC shall require that each EPP be reviewed for renewal of approval at least every five years. The SBEC shall adopt an evaluation process to be used in reviewing an EPP for renewal of approval.

TEC, §21.045, as amended by SB 1839, 85th Texas Legislature, Regular Session, 2017, states that the board shall propose rules establishing standards to govern the approval and continuing accountability of all EPPs.

TEC, §21.0451, states that the SBEC shall propose rules for the sanction of EPPs that do not meet accountability standards and shall annually review the accreditation status of each EPP. The costs of technical assistance required under TEC, §21.0451(a)(2)(A), or the costs associated with the appointment of a monitor under TEC, §21.0451(a)(2)(C), shall be paid by the sponsor of the EPP.

TEC, §21.0452, states that to assist persons interested in obtaining teaching certification in selecting an EPP and assist school districts in making staffing decisions, the SBEC shall make certain specified information regarding educator programs in this state available to the public through the SBEC's Internet website.

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: EPPs are entrusted to prepare educators for success in the classroom. TEC, §21.0443, requires EPPs to adequately prepare candidates for certification. Similarly, TEC, §21.031, requires the SBEC to ensure candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state. TEC, §21.045, also requires SBEC to establish standards to govern the continuing accountability of all EPPs. The SBEC rules in 19 TAC Chapter 229 establish the process used for issuing annual accreditation ratings for all EPPs to comply with these provisions of the TEC and to ensure the highest level of educator preparation, which is specified in the SBEC Mission Statement.

At the December 2018 SBEC meeting, Texas Education Agency (TEA) staff presented several topics and received direction from the SBEC to inform potential rule changes to Chapter 229 in the future. At that time, TEA staff informed the SBEC that staff would be working to explore opportunities for adjustments to the comprehensive accountability system to increase consistency and transparency. In addition to SBEC input and direction, TEA staff have worked with stakeholders to solicit feedback regarding potential options for the SBEC's consideration.

At the May 2020 SBEC meeting, TEA staff presented draft rule text and the SBEC directed staff to solicit additional stakeholder input on issues related to public comment received regarding the weighting of ASEP Indicator 1b, certification examination results for non-PPR exams, and the indexing system. Staff hosted a meeting with stakeholders on May 15 and gathered feedback on these issues. Public testimony at the July 24, 2020 meeting voiced support for the amendments as proposed.

Following is a description of the topics for the SBEC's consideration for proposed amendments to 19 TAC Chapter 229 presented in the attachments. In addition to the detailed descriptions below, the proposed amendments would also remove outdated provisions related to the 2018–2019 academic year; would provide edits to the manual to address the 2019–2020 reporting year; would provide technical clean-up edits for clarification; and would provide relettering/renumbering to conform with the *Texas Register* style and formatting requirements.

§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.

Update on Scope of ASEP Manual

The proposed amendment to §229.1(c) would strike the reference to subsection (a) of §229.4 in favor of a broader reference to §229.4 as a whole to clarify that the relevant criteria, formulas, and calculations relevant to all of §229.4 are contained in Figure: 19 TAC §229.1(c).

ASEP Manual

The proposed changes to Figure: 19 TAC §229.1(c) would update the ASEP manual. Updates to the ASEP manual would provide transparency to the field as to the calculations used to determine accreditation statuses. These updates were developed in conference with the Data Working Group. The following is a chapter-by-chapter summary of the proposed changes to Figure: 19 TAC §229.1(c), the ASEP manual.

On the cover page and in the chapters, dates and years would be updated to align with the 2019–2020 reporting year. The table of contents would be updated to match the new page numbers and to be simplified for readability.

Chapter 1 would include a sentence in the About this Manual section describing the new content included in Chapter 9. The sections describing the Educator Preparation Advisory Committee and Educator Preparation Data Workgroup would be removed, as they are authorized by SBEC action, not by the ASEP manual.

Chapter 4 describes the calculations related to the appraisal of first-year teachers by administrators. A sentence noting the pilot year would be removed as it is not necessary for the purpose of the manual. In the Scoring Approach section, sentences describing the development of the scoring approach would be removed as they are not necessary for the purpose of the manual.

Chapter 5 describes the calculations related to the improvement in student achievement indicator. The existing placeholder text would be removed, and the description of how the indicator is calculated would be added. This would include an overview of the indicator, a description of the individuals included in the calculation, a description of the assessments included in the calculation, the scoring approach, special methodological considerations, and a worked example.

Chapter 6 describes the calculations related to the field supervision indicator. A sentence limiting the population would be removed as it is duplicative of rule text. The worked example would be updated to remove the observation date because it is not necessary for the example and to simplify future updates to the manual.

Chapter 7 describes the calculations related to new teacher satisfaction. A sentence noting the pilot year would be removed as it is not necessary for the purpose of the manual. Verb tense would be updated to agree with the pattern elsewhere in the manual.

Chapter 8 describes the calculations related to the EPP commendations. Language would be added to align with newly proposed 19 TAC §229.1(d).

New Chapter 9 would be added and would contain the calculations related to the ASEP Index system. This new chapter would include an overview of the ASEP Index system, a description of the calculation approach, a description of the weights, and a worked example.

At the May 1, 2020 meeting of the SBEC and in the May 15, 2020 stakeholder feedback session, there was discussion about the weighting of Indicator 1b, certification examination results for non-PPR exams. Weights within the ASEP Index have been developed based on stakeholder feedback over the past two years. There has been feedback from EPPs, including alternative certification programs and traditional undergraduate institutions, to adjust the weight of Indicator 1b. A plurality of feedback at the May 15, 2020 stakeholder meeting endorsed this recommendation, and subsequently the weight has been adjusted in the manual text. Additionally, at the May 1, 2020 meeting of the SBEC and feedback from stakeholders, there were concerns about the clarity of Chapter 5. The text was updated to better describe the individuals included and to use more consistent language throughout.

Limitation on Eligibility for EPP Commendations

The proposed amendment in §229.1(d) would clarify that EPPs that were under an active SBEC order or other TEA or SBEC sanction would be disqualified from receiving a commendation. This amendment would address comments received from the SBEC at the February 2020 meeting expressing concern that the SBEC sent mixed signals when it simultaneously commended a program that is sanctioned by the SBEC.

§229.4. Determination of Accreditation Status.

The proposed amendment to §229.4(a) would provide that the 2019–2020 academic year data for the performance indicators would be reported to EPPs but not be used for accountability purposes. The governor declared a state of disaster on March 13, 2020, due to the COVID-19 pandemic that caused many campuses, facilities, and services to close during the disaster period and impacted the collection of relevant data and the opportunity for EPPs to meet these accountability measures. This amendment would prevent EPPs from being subject to accountability ratings based on data from the 2019–2020 academic year, which are partial and incomplete. The proposed changes would also include a technical edit to clarify that paragraphs (1)–(5) of §229.4(a) set out the indicators on which EPP accreditation statuses are based.

Exception for Inclusion of Candidates Certified on the Governor's Disaster Waiver

The proposed amendment in §229.4(a)(1)(B) would exempt candidates issued a probationary certificate without the appropriate certification exams under the governor's waiver from the calculation of the ASEP pass rates for the 2020–2021 academic year. This would keep EPPs from being held accountable for the test performance of individuals who have already completed the program long before they test, preventing EPPs from being able to require that the individuals have done sufficient preparation immediately prior to the examination to ensure success on the test.

Technical and Clean-up Amendments

Proposed amendments in §229.4(a)(2) and §229.4(a)(5) would delete outdated provisions designating the 2018–2019 academic year as report-only for data related to these indicators.

Proposed amendments to the definition of the performance standards in §229.4(a)(2), (3), (4)(B), and (5) would provide technical edits to clarify the performance standard for each of these indicators, combining the description of the methodology with the specific percentage required to pass into a single sentence to avoid confusion.

ASEP Indicator Based on Student Growth

A proposed amendment in §229.4(a)(3) would also update the rule text to implement the ASEP Indicator based on student growth. The relevant student-level calculations are completed as part of the Kindergarten–Grade 12 accountability ratings, and the relevant teacher and EPP calculations are described in Figure: 19 TAC §229.1(c). These amendments and methods would update the ASEP system to comply with the statutory mandate in TEC, §21.045(a)(3). Based on feedback from the SBEC and stakeholders, the wording in §229.4(a)(3) was updated for the July 24, 2020 meeting to stipulate that this indicator will become actionable only after two years of data after the 2019–2020 academic year have been available and reported to the field as “report only” data.

This indicator, the related methodology, the related performance standard, and the related timeline for implementation were developed in conference with the Indicator 3 working group, an ad hoc stakeholder group consisting of representatives from EPPs, educator organizations, representatives from higher education, and other nonprofit groups. TEA also conferred with the Data Working Group in the development of the indicator.

Determination of Accreditation Status

The proposed amendment to §229.4(b) would clarify that for the 2020–2021 academic year, the recommended accreditation status would be the more favorable outcome of the index system described in the proposed new §229.4(b)(1)(A)–(D) or the existing system, relettered to §229.4(b)(2)(A)–(D) for each EPP.

Proposed new §229.4(b)(1) would clarify that beginning in the 2020–2021 academic year, the relevant calculations for the ASEP Index system are contained in the ASEP manual, Figure: 19 TAC §229.1(c), and in compliance with SBEC rules and the TEC. This would provide transparency to the field and policymakers in how the accreditation statuses are assigned.

Proposed new §229.4(b)(1)(A)–(D) would prescribe the new system of the determination of accreditation status assignment. The proposed rule sets 80% of possible points as threshold score for *Accredited—Probation* status as suggested by stakeholders and in an effort to ensure that the index system created a similar number of programs on *Accredited—Probation* status to the number on *Accredited—Probation* status in the current system. The proposed rule sets 85% of possible points as the threshold score for *Accredited—Warned* status in response to stakeholder comment and to identify programs that are in danger of slipping into *Accredited—Probation* status in coming years without introducing additional challenges for programs that are effectively engaged in improvement. Specifically, the proposed amendments are as follows.

- New §229.4(b)(1)(A) would assign an EPP a status of *Accredited* if they meet the standard of 85% of the possible points for the academic year in the ASEP Index system.
- New §229.4(b)(1)(B) would assign an EPP a status of *Accredited—Not Rated* prior to the accumulation of data necessary for determining a rating.

- New §229.4(b)(1)(C)(i) would assign an EPP a status of *Accredited—Warned* if they accumulate 80% or more but less than 85% of the possible points for the academic year in the ASEP Index system.
- New §229.4(b)(1)(C)(ii) would maintain the current provisions now reflected in proposed renumbered §229.4(b)(2)(C)(ii) that states an EPP may be assigned a status of *Accredited—Warned* for violations of rule, order, and/or statute.
- New §229.4(b)(1)(D)(i) would assign an EPP a status of *Accredited—Probation* if they accumulate less than 80% of the possible points for the year in the ASEP Index system.
- New §229.4(b)(1)(D)(ii) would maintain language of proposed renumbered §229.4(b)(2)(D)(ii) stating that an EPP may be assigned a status of *Accredited—Probation* for violations of rule, order, and/or statute.

Proposed amended and renumbered §229.4(b)(2) would retain the current accreditation status assignment provisions based on the performance standards described in §229.4(a) and in compliance with SBEC rules, orders, and/or TEC, Chapter 21. Per proposed §229.4(b), this method for the determination of accreditation statuses would be assessed in the 2020–2021 academic year, and the recommended accreditation status for the EPP would be the more favorable outcome of this method or the index method in proposed new §229.4(b)(1). The proposed amendment in §229.4(b)(1)–(4) would be renumbered to subsection (b)(2)(A)–(D) for technical formatting purposes.

The proposed amendment would also renumber §229.4(b)(5) to §229.4(b)(3) for technical formatting purposes.

Proposed new §229.4(b)(4) would provide an accreditation status of *Not Rated: Declared State of Disaster* for the 2019–2020 academic year for all EPPs. This status is based on the governor's declaration of disaster on March 13, 2020, due to COVID-19. This new status would limit the impact of test center closures, local educational agency (LEA) closures, and survey waivers on EPP accreditation statuses. The proposed new subsection would also prescribe that the 2019–2020 *Not Rated: Declared State of Disaster* status shall not interrupt consecutively measured years or next most recent years and would not be included in any count of years related to the ASEP system. Additionally, the proposed new subsection would prescribe that the ASEP status that each EPP was assigned by the SBEC for the 2018–2019 academic year would be the operative accreditation status for purposes prescribed in 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

The attachments reflect the proposed rule text changes.

SBOE Review of Proposed SBEC Rules

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

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, 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 proposed amendments would be an accountability system that informs the public of the quality of educator preparation provided by each SBEC-approved EPP. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have 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 229, Accountability System for Educator Preparation Programs.

Staff Members Responsible:

Ryan Franklin, Associate Commissioner, Educator Leadership and Quality
Mark Olofson, Director, Educator Data and Preparation Program Management
LaCole Foots, Data Analyst, Educator Data and Program Accountability

Attachment I:

Text of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs

Attachment II:

Figure: 19 TAC §229.1(c)

ATTACHMENT I
Text of Proposed Amendments to 19 TAC

Chapter 229. Accountability System for Educator Preparation Programs

§229.1. General Provisions and Purpose of Accountability System for Educator Preparation Programs.

- (a) The State Board for Educator Certification (SBEC) is responsible for establishing standards to govern the continuing accountability of all educator preparation programs (EPPs). The rules adopted by the SBEC in this chapter govern the accreditation of each EPP that prepares individuals for educator certification. No candidate shall be recommended for any Texas educator certification class or category except by an EPP that has been approved by the SBEC pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) and is accredited as required by this chapter.
- (b) The purpose of the accountability system for educator preparation is to assure that each EPP is held accountable for the readiness for certification of candidates completing the programs.
- (c) The relevant criteria, formulas, calculations, and performance standards relevant to subsection (d) of this section and ~~§229.4~~ ~~§229.4(a)~~ of this title (relating to Determination of Accreditation Status) are prescribed in the *Texas Accountability System for Educator Preparation (ASEP) Manual* provided as a figure ~~provided~~ in this subsection.

Figure: 19 TAC §229.1(c) [Figure: 19 TAC §229.1(e)]

- (d) An accredited EPP ~~that is not under an active SBEC order or otherwise sanctioned by the SBEC~~ may receive commendations for success in the following four dimensions ~~categories~~ identified by the SBEC and prescribed in the figure in subsection (c) of this section:
 - (1) Rigorous and Robust Preparation;
 - (2) Preparing the Educators Texas Needs;
 - (3) Preparing Educators for Long-Term Success; and
 - (4) Innovative Educator Preparation.

§229.4. Determination of Accreditation Status.

- (a) Accountability performance indicators. The State Board for Educator Certification (SBEC) shall determine the accreditation status of an educator preparation program (EPP) at least annually, based on the following accountability performance indicators, disaggregated by demographic group and other requirements of this chapter and determined with the formulas and calculations included in the figure provided in §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). Data will be used only if the following indicators were included in the accountability system for that academic year ~~. [§] Except for the 2019-2020 academic year, when the data described in paragraphs (1)-(5) of this subsection will be reported to EPPs and will not be used to determine accreditation statuses, EPP accreditation statuses shall be based on:~~
 - (1) the EPP candidates' performance on examinations of pedagogy and professional responsibilities (PPR) and non-PPR standard certification examinations. The EPP candidates' performance on PPR and non-PPR examinations shall provide separate accountability performance indicators for EPPs.
 - (A) For both PPR and non-PPR examinations, the performance standard shall be calculated based on the percentage of individuals admitted after December 26, 2016, who passed an examination within the first two attempts. For purposes of determining the pass rate, an individual shall not be excluded because the individual has not been recommended for a standard certificate. The pass rate is based solely on the examinations approved by the EPP and required to obtain initial certification in the class or category for which the individual serves his or her internship, clinical teaching, or practicum. Examinations not required for certification in that class or category, whether taken before or after admission to an EPP, are not included in the rate. The formula for calculation of pass rate is the

number of individuals who have passed an examination on their first or second attempt, including any attempts after the candidate completed the EPP, divided by the number of individuals who passed an examination on their first attempt plus those who passed or failed on their second attempt.

- (B) For the 2020-2021 academic year and following, the performance standard shall be the percent of individuals admitted after December 26, 2016, who passed an examination within the first two attempts, including those examinations attempted after the individual has completed the EPP or when the EPP has not recommended the individual for a standard certificate. The pass rate is based solely on the examinations approved by the EPP. Examinations taken before admission to the EPP or specific examinations taken for pilot purposes are not included in the pass rate. Completers who have been issued a probationary certificate under a waiver issued by the governor pursuant to the declaration of disaster on March 13, 2020, are not included in the pass rate for the 2020-2021 academic year.
 - (C) For examinations of PPR, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. The performance standard shall be a pass rate of 85%.
 - (D) For non-PPR examinations, the pass rate will be calculated as described in subparagraph (A) of this paragraph for the 2018-2019 and 2019-2020 academic years and subparagraph (B) of this paragraph beginning with the 2020-2021 academic year. The performance standard shall be a pass rate of 75%.
- (2) the results of appraisals of first-year teachers by administrators, based on a survey in a form to be approved by the SBEC. The performance standard shall be 70% [the percentage] of first-year teachers from the [each] EPP who are appraised as "sufficiently prepared" or "well prepared." [The performance standard shall be 70%. The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status;]
 - (3) the growth of students taught by beginning teachers as indicated by the STAAR Progress Measure, determined at the student level as described in Figure: 19 TAC §97.1001(b) of Part II of this title (relating to Accountability Rating System), and aggregated at the teacher level as described in Figure: 19 TAC §229.1(c) of this title (relating to General Provisions and Purpose of Accountability System for Educator Preparation Programs). The performance standard shall be 70% of beginning teachers from the EPP reaching the individual performance threshold. The first two academic years for which the Texas Education Agency (TEA) has data necessary to calculate this performance standard following the 2019-2020 academic year will be reporting years only and will not be used to determine accreditation status; [to the extent practicable, as valid data become available and performance standards are developed, the improvement in student achievement of students taught by beginning teachers;]
 - (4) the results of data collections establishing EPP compliance with SBEC requirements specified in §228.35(g) of this title (relating to Preparation Program Coursework and/or Training), regarding the frequency, duration, and quality of field supervision to candidates completing clinical teaching or an internship. The frequency and duration of field supervision shall provide one accountability performance indicator, and the quality of field supervision shall provide a separate accountability performance indicator.
 - (A) The performance standard as to the frequency, duration, and required documentation of field supervision shall be that the EPP meets the requirements of documentation of §228.35(g) of this title for 95% of the EPP's candidates.
 - (B) The performance standard for quality shall be 90% [the percentage] of candidates rating [who rate] the field supervision as "frequently" or "always or almost always" providing the components of structural guidance and ongoing support [: The performance standard shall be 90%] ; and

- (5) the results from a teacher satisfaction survey, in a form approved by the SBEC, of new teachers administered at the end of the first year of teaching under a standard certificate. The performance standard shall be 70% [the percentage] of teachers responding [who respond] that they were "sufficiently prepared" or "well prepared" by their EPP. [The performance standard shall be 70%. The 2018-2019 academic year will be a reporting year only and will not be used to determine accreditation status.]
- (b) Accreditation status assignment. For the 2020-2021 academic year, the assigned accreditation status shall be the better result for the EPP from the system described in paragraph (1) of this subsection and paragraph (2) of this subsection [All approved EPPs shall be assigned an accreditation status based on the accountability performance standards described in subsection (a) of this section and in compliance with SBEC rules and/or TEC, Chapter 21].
- (1) Beginning in the 2020-2021 academic year, all approved EPPs may be assigned an accreditation status based on their performance in the Accountability System for Educator Preparation Programs (ASEP) Index system, as described in Figure: 19 TAC §229.1(c) of this title.
- (A) Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the standard of 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
- (B) Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
- (C) Accredited-Warned status.
- (i) An EPP shall be assigned Accredited-Warned status if the EPP accumulates 80% or greater but less than 85% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.
- (ii) An EPP may be assigned Accredited-Warned status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or Texas Education Code (TEC), Chapter 21.
- (D) Accredited-Probation status.
- (i) An EPP shall be assigned Accredited-Probation status if the EPP accumulates less than 80% of the possible points in the ASEP Index system as described in Figure: 19 TAC §229.1(c) of this title.
- (ii) An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.
- (2) Through the 2020-2021 academic year, all approved EPPs may be assigned an accreditation status as follows.
- (A) ~~(1)~~ Accredited status. An EPP shall be assigned an Accredited status if the EPP has met the accountability performance standards described in subsection (a) of this section and has been approved by the SBEC to prepare, train, and recommend candidates for certification.
- (B) ~~(2)~~ Accredited-Not Rated status. An EPP shall be assigned Accredited-Not Rated status upon initial approval to offer educator preparation, until the EPP can be assigned a status based on the performance standards described in subsection (a) of this section. An EPP is fully accredited and may recommend candidates for certification while it is in Accredited-Not Rated status.
- (C) ~~(3)~~ Accredited-Warned Status.

(i) ~~(A)~~ An EPP shall be assigned Accredited-Warning status if the EPP:

(I) ~~(i)~~ fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section in any one year;

(II) ~~(ii)~~ fails to meet the performance standards in two demographic groups on an indicator set forth in subsection (a) of this section in any one year; or

(III) ~~(iii)~~ fails to meet the performance standards for a demographic group on any of the indicators set forth in subsection (a) of this section for two consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(ii) ~~(B)~~ An EPP may be assigned Accredited-Warning status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.

(D) ~~(4)~~ Accredited-Probation status.

(i) ~~(A)~~ An EPP shall be assigned Accredited-Probation status if the EPP:

(I) ~~(i)~~ fails to meet the performance standards set by the SBEC for the overall performance of all its candidates on any of the indicators set forth in subsection (a) of this section for two consecutively measured years;

(II) ~~(ii)~~ fails to meet the performance standards in three demographic groups on an indicator set forth in subsection (a) of this section in any one year; or

(III) ~~(iii)~~ fails to meet the performance standards for a demographic group on any of the indicators set forth in subsection (a) of this section for three consecutively measured years, regardless of whether the deficiency is in the same demographic group or standard.

(ii) ~~(B)~~ An EPP may be assigned Accredited-Probation status if the SBEC determines that the EPP has violated SBEC rules, orders, and/or TEC, Chapter 21.

(3) ~~(5)~~ Not Accredited-Revoked status.

(A) An EPP shall be assigned Not Accredited-Revoked status and its approval to recommend candidates for educator certification revoked if it is assigned Accredited-Probation status for three consecutively measured years.

(B) An EPP may be assigned Not Accredited-Revoked status if the EPP has been on Accredited-Probation status for one year, and the SBEC determines that revoking the EPP's approval is reasonably necessary to achieve the purposes of the TEC, §21.045 and §21.0451.

(C) An EPP may be assigned Not Accredited-Revoked status if the EPP fails to pay the required ASEP ~~[Accountability System for Educator Preparation Programs (ASEP)]~~ technology fee by the deadline set by TEA as prescribed in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).

(D) An assignment of Not Accredited-Revoked status and revocation of EPP approval to recommend candidates for educator certification is subject to the requirements of notice, record review, and appeal as described in this chapter.

(E) A revocation of an EPP approval shall be effective for a period of two years, after which a program may reapply for approval as a new EPP pursuant to Chapter 228 of this title (relating to Requirements for Educator Preparation Programs).

(F) Upon revocation of EPP approval, the EPP may not admit new candidates for educator certification but may complete the training of candidates already admitted by the EPP and recommend them for certification. If necessary, TEA staff and other EPPs shall cooperate to assist the previously admitted candidates of the revoked EPP to complete their training.

(4) Not Rated: Declared State of Disaster status.

- (A) Due to the governor's declaration of disaster on March 13, 2020 in accordance with Texas Government Code, §418.014, all EPPs shall be assigned a status of Not Rated: Declared State of Disaster for the 2019-2020 academic year.
- (B) The assignment of Not Rated: Declared State of Disaster shall not interrupt consecutively measured years or next most recent prior years as prescribed in this chapter. The assignment of Not Rated: Declared State of Disaster shall not be included in any count of years prescribed in this chapter.
- (C) For the purposes of §228.10 of this title (relating to Approval Process), §228.17(c) of this title (relating to Change of Ownership and Name Change), and §228.20 of this title (relating to Governance of Educator Preparation Programs), the status the SBEC assigned an EPP for the 2018-2019 academic year shall be the operative accreditation status.

(c) Small group exception.

- (1) For purposes of accreditation status determination, the performance of an EPP candidate group, aggregated or disaggregated by demographic group, shall be measured against performance standards described in this chapter in any one year in which the number of individuals in the group exceeds 10. The small group exception does not apply to compliance with the frequency and duration of field supervisor observations.
- (2) For an EPP candidate group, aggregated or disaggregated by demographic group, where the group contains 10 or fewer individuals, the group's performance shall not be counted for purposes of accreditation status determination for that academic year based on only that year's group performance.
- (3) If the current year's EPP candidate group, aggregated or disaggregated by demographic group, contained between one and 10 individuals, that group performance shall be combined with the next most recent prior year's group performance for which there was at least one individual, and if the two-year cumulated group contains more than 10 individuals, then the two-year cumulated group performance must be measured against the standards in the current year.
- (4) If the two-year cumulated EPP candidate group, aggregated or disaggregated by demographic group, contains between one and 10 individuals, then the two-year cumulated group performance shall be combined with the next most recent group performance for which there was at least one individual. The three-year cumulated group performance must be measured against the standards in the current year, regardless of how small the cumulated number of group members may be.
- (5) In any reporting year in which the EPP candidate group, aggregated or disaggregated by demographic group, does not meet the necessary number of individuals needed to measure against performance standards for that year, for all indicators, the accreditation status will continue from the prior year. Any sanction assigned as a result of an accredited-warned or accredited-probation status in a prior year will continue if that candidate group has not met performance standards since being assigned accredited-warned or accredited-probation status. The SBEC may modify the sanction as the SBEC deems necessary based on subsequent performance, even though that performance is not measured against performance standards for a rating.

ATTACHMENT II

Figure: 19 TAC §229.1(c)

**Texas Accountability System for Educator
Preparation (ASEP) Manual
2019–2020 [~~2018–2019~~]**

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Chapter 1 – Accountability Overview

The Accountability System for Educator Preparation Programs (ASEP) was the result of state legislation¹ that implemented an accountability framework for educator preparation programs (EPPs) and provided information for EPPs, policymakers, and the public. ASEP provides information about the performance of EPPs and establishes accountability measures related to EPP processes and outcomes. Within this legislation, The State Board for Educator Certification (SBEC) was charged with establishing rules² governing ASEP. Key provisions of the governing legislation and rules include:

- Establishing minimum standards for initial and continuing approval of EPPs
- Establishing sanctions for EPPs that do not meet standards
- Requiring annual reporting of performance data for each EPP
- Providing publicly available consumer information to support individuals in selection of EPPs and school districts in making recruitment and staffing decisions

About This Manual

This manual provides descriptions and examples of the analyses and calculations used in calculating the values for the ASEP indicators for accreditation. These analytical approaches will be used to compute ASEP values based on 2019–2020 ~~[2018–2019]~~ data. This manual is designed to be adopted into rule by the SBEC. To this end, it has been condensed from prior iterations to focus solely on those indicators and calculations for the ASEP accreditation indicators.

This manual begins with an overview of ASEP and accreditation, followed by methodological considerations that apply across the system (Chapter 2). Chapters 3–7 elaborate on each individual ASEP indicator and include an explanation of the analysis along with an example. Chapter 8 presents information about the recognition of high-performing EPPs. Chapter 9 describes the determination of accreditation statuses using the ASEP Index.

~~[Educator Preparation Advisory Committee:]~~

~~[The purpose of the Educator Preparation Advisory Committee (EPAC) is to provide input on issues related to EPP policy in Texas. The committee members selected for the EPAC are representative of the different types of EPP stakeholders in the state. Texas Education Agency (TEA) staff engages other stakeholders through their professional organization events (conferences, workshops, board meetings, etc.) and invites representatives to EPAC meetings or portions of meetings as appropriate. Members of this standing committee are approved by the SBEC and meet regularly in Austin and in virtual spaces to provide their perspective and input.]~~

~~[Educator Preparation Data Workgroup:]~~

~~[The purpose of the Educator Preparation Data Workgroup is to advise TEA staff on matters relating to the collection, analysis, reporting, and use of EPP data to improve the quality of the EPPs. Members of this standing committee are approved by the SBEC and meet regularly in Austin and in virtual spaces to provide their perspective and input.]~~

¹ Texas Education Code (TEC) §§21.045, 21.0451, and 20.0452.

² Texas Administrative Code (TAC) §229

ASEP Accountability Indicators

ASEP accountability indicators are used to determine accreditation status of EPPs. These indicators are described in Texas Education Code (TEC) §21.045 and enacted in rule in Texas Administrative Code (TAC) Chapter 229. TEC statute identifies five measures, which TAC rule further delineates into seven separate indicators:

- ASEP Accountability Indicator 1a: Certification examination results for pedagogy and professional responsibilities (PPR) exams
- ASEP Accountability Indicator 1b: Certification examination results for non-PPR exams
- ASEP Accountability Indicator 2: Principal appraisal of the preparation of first-year teachers
- ASEP Accountability Indicator 3: Improvement in student achievement of students taught by beginning teachers
- ASEP Accountability Indicator 4a: Frequency and duration of field observations
- ASEP Accountability Indicator 4b: Quality of field supervision
- ASEP Accountability Indicator 5: Satisfaction of new teachers

These indicators are further explained in the following chapters, including the performance standards and methods for calculations.

Chapter 2 – Methodological Considerations

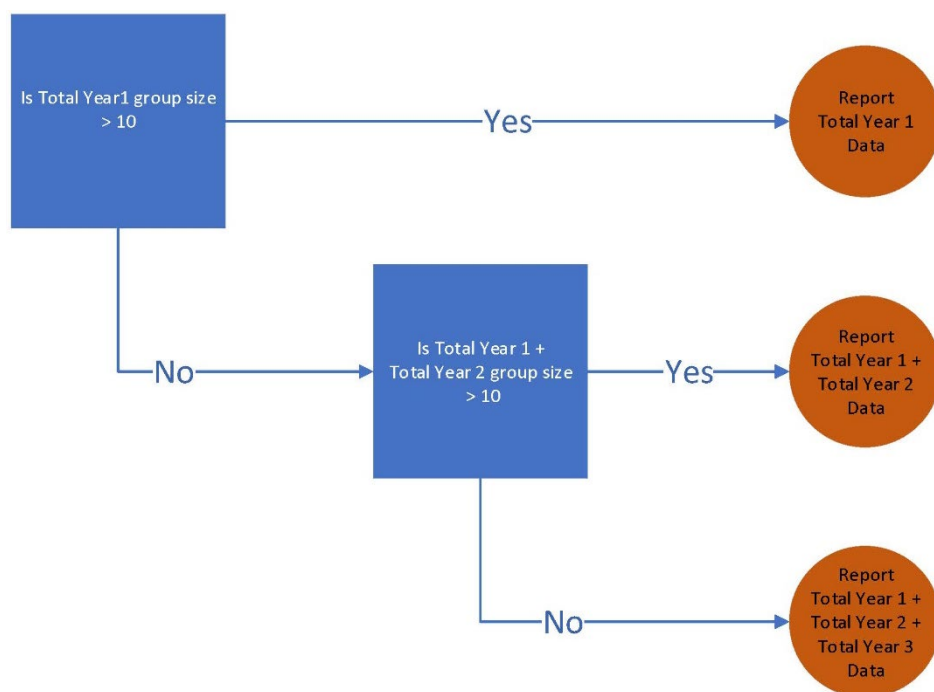
This ASEP chapter discusses methodological and reporting considerations that are relevant to ASEP accountability indicators.

Small Group Aggregation

Per 19 TAC §229.4(c), selected ASEP accountability indicators are subject to a small group consideration and aggregation. These indicators are used for accountability if groups include more than 10 individuals in an individual year or contain 10 individuals when combined with the next-most prior year for which there are data, or when combined with the two next-most prior years for which there are data.

Illustration 1 summarizes the procedure for the small group aggregation. If 10 or fewer individuals are present in a reporting group in a year, data are combined with data for the next most prior year for which there are data. If the combined (Year 1 and Year 2) group size is more than 10, then the combined group data are reported. If the combined group size is 10 or fewer, then data from the next most prior year for which there are data are combined (Year 1, Year 2, and Year 3) and the performance for the combined group is reported regardless of sample size.

Illustration 1: Overview of Small Group Aggregation Procedure



As illustrated above, use of the small group exception may result in nonreported data for ASEP for some years. Because determination of accreditation status may be based on performance across multiple years, the small group procedure allows for accreditation determinations to be based on data from nonconsecutive years, including only those years in which enough data are available.

Demographic Group Conventions

As prescribed by 19 TAC §229.4(a), ASEP accountability indicators are to be reported with disaggregation in respect to gender, race, and ethnicity. For these categories, TEA uses the race, ethnicity, and gender designations defined in 19 TAC §229.2(13).

As of this publication, Educator Certification Online System (ECOS) allows for self-identified gender designations of male and female, which are the disaggregated gender categories reported for ASEP. If no selection is made, the individual is excluded from the disaggregated performance metric calculations. However, the individual is still included in the aggregated performance metric calculations.

Per 19 TAC §229.2(13) ASEP uses these four categories for the race and ethnicity demographic group: African American, Hispanic, White, and Other. If no selection for race and ethnicity is made, the individual is excluded from the disaggregated performance metric calculations. However, the individual is still included in the aggregated performance metric calculations.

Rounding Conventions

Unless otherwise noted, to compute ASEP accountability indicators, conventional rounding rules are applied. For example, when rounding to a whole number, numbers that end with a decimal value of .4999 or less are rounded down; those that end with a decimal value of .5000 or more are rounded up. When rounding to a one-place decimal, numbers that end with .9499 round to .9, and those that end with .9500 round to 1.0.

Chapter 3 – Certification Exam Pass Rate

Overview

ASEP Indicator 1 is the pass rate on certification exams approved by the EPP. The SBEC has separated this indicator into two measures: the pass rate on PPR exams (1a) and the pass rate on non-PPR exams (1b). This chapter presents the individuals included, the assessments included, special methodological considerations, and a worked example of computing these two similar indicators.

Individuals Included

For the 2019–2020 [~~2018–19~~] academic year (AY), all individuals who are enrolled in an EPP and complete an examination required for licensure are eligible for inclusion. Individuals admitted to the EPP prior to December 27, 2016, who have not exited the program and subsequently re-entered the EPP following December 26, 2016, are excluded from this calculation. For the purposes of determining the pass rate, individuals shall not be excluded because the individual has not been recommended for a standard certificate.

Assessments Included

For the 2019–2020 [~~2018–19~~] AY, certification examinations approved by the EPP and required for certification in the category(ies) in which the candidate is pursuing certification are eligible for inclusion. The TEA identifies these examinations by comparing the examinations completed by the individual to the category being pursued, specified by the EPP on the finisher records list in ECOS with the category(ies) of the certificate associated with the internship active at the time of the examination, should such an internship exist.

The examination must be the first or second attempt for the particular examination³ approved by the EPP for the individual. Examinations approved by the EPP and completed prior to the reporting year are used in determining the attempt-count for an individual. Results from examinations taken during the reporting year are used in the calculation of the pass rate. Examinations approved by the EPP but completed after the individual has finished the EPP are included. Examinations that are part of an exam pilot program as of the date they are approved by the EPP are excluded, both from the pass rate and from the determination of which examinations are the first two attempts.

Calculation

ASEP Accountability Indicator 1a:

Divide the number of passed PPR certification examinations on the first or second attempt by the total number of passed PPR certification examinations on the first attempt plus the number of PPR certification examinations passed or failed on their second attempt. Multiply by 100. Round to the nearest whole number.

³ Examinations are uniquely identified by test number and test type

ASEP Accountability Indicator 1b:

Divide the number of passed non-PPR certification examinations on the first or second attempt by the total number of passed non-PPR certification examinations on the first attempt plus the number of non-PPR certification examinations passed or failed on their second attempt. Multiply by 100. Round to the nearest whole number.

Special Methodological Considerations

Core Subjects Adjustment

The Core Subjects examinations (i.e., 291 Core Subjects EC-6 TExES and 211 Core Subjects 4-8 TExES) allow for candidates to re-take individual subject areas if they fail the examination on their first attempt. The way in which the test vendor reports this data back to TEA necessitates a post-hoc adjustment to the pass rates related to these exams. The core subjects adjustment treats individual subject retakes as second attempts only once a) all subject areas have been passed or b) a particular subject area has been failed the second time. If all subject areas are passed without a subject area being failed the second time, TEA identifies this as a second attempt pass. If the candidate fails an individual subject area a second time, TEA identifies this as a second attempt fail.

It should be noted that if individuals take the individual subject matter exams, each attempt counts towards their 5-time test limit for the overall (*i.e.*, 291 Core Subjects EC-6 TExES and 211 Core Subjects 4-8 TExES) exam.

Disaggregation at the Test Level

EPP results are disaggregated at the individual certification exam level. The same approach to candidate and assessment identification is used in this reporting. Additionally, the TEA uses the small group aggregation procedure described in Chapter 2 for the individual exam level. Per 19 TAC §229.5(e), results within individual certification areas are not disaggregated by race, gender, or ethnicity.

Small Group Aggregation and Enrollment Date

As described in Chapter 2, if individual demographic groups contain ten or fewer test individuals, the TEA adds results from the prior year for which there is data. For use in ASEP Accountability Indicators 1a and 1b, these prior-year groups continue to exclude individuals who were admitted prior to December 27, 2016. This means that the earliest available year for aggregation is AY 2016-2017.

Worked Examples

Example Calculation: Percent of Individuals Passing PPR Certification Examinations (ASEP Accountability Indicator 1a)

Step 1: Using the test approval list in ECOS, identify all individuals admitted to the EPP after December 26, 2016.

Step 2: Identify which tests to include in calculations. PPR examinations which are necessary for the category(ies) necessary for the certificate(s) under which an individual is serving an internship and tests necessary for the category(ies) identified by the EPP on the finisher records list in ECOS are included. Tests which were part of a pilot program when they were approved by the EPP and completed by the candidate are excluded.

Step 3: Retrieve PPR exam results for candidates identified in Step 1 for their category(ies) identified in Step 2.

Step 4: Counting chronologically, identify the attempt number associated with each exam for each candidate in each category at each EPP.

Step 5: Identify which test scores to include in calculations. For the purpose of calculating pass rate, only passes on first attempts, passes on second attempts, or failures on second attempts are included. Only first attempt passes, second attempt passes, and second attempt fails completed in the academic year are included.

ASEP Indicator 1a Example

Name	Admission Date Test Date	Certificate Description Test Number / Name	Test Result
Andrea	1/15/2017	Core Subjects EC-6	
Andrea	February 2019	160: PPR EC-12	F
Andrea	April 2019	160: PPR EC-12	P
Betty	6/15/2017	Core Subjects 4-8	
Betty	October 2018	160: PPR EC-12	F
Betty	December 2018	160: PPR EC-12	F
Betty	February 2019	160: PPR EC-12	F
Betty	April 2019	160: PPR EC-12	P
Carlos	1/1/2018	LOTE EC-12-Spanish	
Carlos	February 2018	160: PPR EC-12	P
Dana	12/15/2018	Physical Ed EC-12	
Dana	April 2019	160: PPR EC-12	F
Eduardo	7/15/2017	Social Studies 8-12 & ESL Supplemental	
Eduardo	February 2019	160: PPR EC-12	P
Faye	6/6/2017	Core Subjects EC-6	
Faye	December 2017	160: PPR EC-12	F
Faye	December 2018	160: PPR EC-12	F
Faye	March 2019	160: PPR EC-12	F
Faye	August 2019	160: PPR EC-12	F
Hector	3/15/2018	Core Subjects 4-8	
George	8/1/2017	Core Subjects EC-6	
George	December 2018	160 PPR EC-12	F
Imogen	8/12/2018	Social Studies 7-12	
Imogen	February 2019	270: PPR Trade and Industrial Education 6-12	P

Exclusion example:
All results that are not shaded in gray are excluded from calculations because the individual did not make a second attempt during the reporting AY or already attempted the exam twice.

Exclusion example:
Test 270: PPR Trade and Industrial Education for Imogen is excluded because it is not required for the candidates' certification category.

Name	Admission Date Test Date	Certificate Description Test Number / Name	Test Result
Jermaine	9/1/2017	Core Subjects 4–8	
Jermaine	December 2018	160: PPR EC–12	P
Ken	6/1/2019	Math 7–12	
Lawrence	9/12/2018	Core Subjects 4–8 & Bilingual Supplemental— Spanish	
Lawrence	December 2018	160 PPR EC–12	F
Mel	6/22/2017	Social Studies 78–12	
Mel	Sept. 2018	160 PPR EC–12	F
Nancy	12/29/2016	Physical Ed EC–12	
Nancy	December 2018	160 PPR EC–12	F
Oscar	2/11/2017	LOTE Spanish EC–12	
Oscar	December 2018	160 PPR EC–12	F
Oscar	February 2019	160 PPR EC–12	P
Patrice	1/12/2018	Core Subjects EC–6 & Bilingual Supplemental— Arabic	
Patrice	June 2019	160 PPR EC–12	P
Quinn	6/15/2017	Core Subjects EC–6 & Bilingual Supplemental— Spanish	
Quinn	June 2018	160 PPR EC–12	F
Quinn	October 2019	160 PPR EC–12	P
Roberto	7/1/2017	Core Subjects 4–8	
Roberto	February 2018	160 PPR EC–12	F
Roberto	April 2019	160 PPR EC–12	P
Sally	6/15/2018	LOTE Spanish EC–12	
Sally	February 2019	160 PPR EC–12	P

Step 6: As necessary, perform the small group aggregation. If the aggregated group or any of the disaggregated groups contain ten or fewer individuals, perform steps 1–5 for the prior year and add those individuals to the list. See Chapter 2 of this manual for further explanation of the small group aggregation.

Step 7: Calculate the pass rate by dividing the number of eligible passed examinations on the first or second attempt (9) by the total number of eligible examinations passed on the first added to the total number of eligible examinations that were passed or failed on the second attempt (11). Multiply this value by 100. Round to the nearest whole number.

Example Pass Rate Calculation

$$= \frac{\text{Number of tests passed on first or second attempt}}{\text{Number of tests passed on first or second attempt or failed on second attempt}} \times 100$$

$$= \frac{9}{11} \times 100 =$$

$$0.81818 \times 100 =$$

$$82\%$$

Example Calculation: Percent of Individuals Passing Non-PPR Certification Examinations (ASEP Accountability Indicator 1b)

Step 1: Using the test approval list in ECOS, identify all individuals admitted to the EPP after December 26, 2016.

Step 2: Identify which tests to include in calculations. Non-PPR exams which are necessary for the category(ies) necessary for the certificate(s) under which an individual is serving an internship and tests necessary for the category(ies) identified by the EPP on the finisher records list are included.

Step 3: Retrieve non-PPR exam results for candidates identified in Step 1 for their category(ies) identified in Step 2.

Step 4: Counting chronologically, identify the attempt number associated with each exam for each candidate in each field at each EPP.

Step 5: Identify which test scores to include in calculations. For the purpose of calculating pass rate, only passes on first attempts, passes on second attempts, or failures on second attempts are included. Only first attempt passes, second attempt passes, and second attempt fails completed in the academic year are included.

ASEP Indicator 1b Example

Name	Admission Date Test Date	Certificate Description Test Number / Name	Test Result
Andrea	1/15/2017	Core Subjects EC-6	
Andrea	October 2018	291 Core Subjects EC-6	F
Andrea	December 2018	291 Core Subjects EC-6	F
Andrea	February 2019	291 Core Subjects EC-6	F
Andrea	April 2019	291 Core Subjects EC-6	P
Betty	6/15/2017	Core Subjects 4-8	
Betty	October 2018	211 Core Subjects 4-8	P
Carlos	1/1/2018	LOTE Spanish EC-12	

Exclusion example:
All results that are not shaded in gray are excluded from calculations because the individual did not make a second attempt during the reporting AY or already attempted the exam twice.

Name	Admission Date Test Date	Certificate Description Test Number / Name	Test Result
Carlos	December 2018	613 LOTE Spanish EC-12	P
Dana	12/15/2018	Physical Ed EC-12	
Dana	December 2018	158 Physical Education EC-12	F
Dana	April 2019	158 Physical Education EC-12	P
Eduardo	7/15/2017	Social Studies 7-12 & ESL Supplemental	
Eduardo	December 2018	232 Social Studies 7-12	P
Eduardo	January 2019	154 English as a Second Language Supplemental	P
Faye	6/6/2017	Core Subjects EC-6	
Faye	December 2018	291 Core Subjects EC-6	F
Faye	March 2019	291 Core Subjects EC-6	F
Faye	September 2019	291 Core Subjects EC-6	P
George	8/1/2017	Core Subjects EC-6	
George	September 2018	291 Core Subjects EC-6	P
Hector	3/15/2018	Core Subjects 4-8	
Hector	October 2018	211 Core Subjects 4-8	P
Imogen	8/12/2018	Social Studies 7-12	
Imogen	October 2018	232 Social Studies 7-12	F
Imogen	December 2018	232 Social Studies 7-12	F
Imogen	February 2019	232 Social Studies 7-12	F
Imogen	December 2018	233 History 7-12	P
Jermaine	9/1/2017	Core Subjects 4-8	
Jermaine	October 2018	211 Core Subjects 4-8	P
Jermaine	February 2019	068 Principal	P
Ken	6/1/2019	Math 7-12	
Ken	June 2019	235 Math 7-12	P
Lawrence	9/12/2018	Core Subjects 4-8 & Bilingual Supplemental-Spanish	
Lawrence	June 2019	164 Bilingual Education Supplemental	P
Lawrence	October 2018	211 Core Subjects 4-8	F
Mel	6/22/2017	Social Studies 7-12	
Mel	June 2019	232 Social Studies 7-12	F
Nancy	12/29/2016	Physical Ed EC-12	
Nancy	December 2018	158: Physical Ed EC-12	F
Oscar	2/11/2017	LOTE Spanish EC-12	
Oscar	December 2018	613: LOTE Spanish EC-12	P
Patrice	1/12/2018	Core Subjects EC-6 & Bilingual Supplemental-Arabic	
Patrice	June 2019	164 Bilingual Education Supplemental	P

Name	Admission Date Test Date	Certificate Description Test Number / Name	Test Result
Patrice	October 2018	291 Core Subjects EC-6	F
Patrice	December 2018	291 Core Subjects EC-6	F
Patrice	February 2019	291 Core Subjects EC-6	P
Quinn	6/15/2017	Core Subjects EC-6 & Bilingual Supplemental—Spanish	
Quinn	June 2019	164 Bilingual Education Supplemental	P
Quinn	October 2018	291 Core Subjects EC-6	P
Roberto	4/1/2017	Core Subjects 4-8	
Roberto	June 2018	211 Core Subjects 4-8	F
Roberto	October 2018	211 Core Subjects 4-8	F
Roberto	December 2018	211 Core Subjects 4-8	P
Sally	6/15/2018	LOTE Spanish EC-12	
Sally	December 2018	613 LOTE Spanish EC-12	F

Step 6: As necessary, perform the small group aggregation. If the aggregated group or any of the disaggregated groups contain ten or fewer individuals, perform steps 1–5 for the prior year and add those individuals to the list. See Chapter 2 for further explanation of the small group aggregation.

Step 7: Calculate the pass rate by dividing the number of examinations passed on their first or second attempt (14) by the total number examinations passed on the first and second attempt plus the number of failed examinations on the second attempt (19). Multiply this value by 100. Round to the nearest whole number.

Example Pass Rate Calculation

$$= \frac{\text{Number of tests passed}}{\text{Number of tests completed}} \times 100$$

=

$$\frac{14}{19} \times 100 =$$

$$0.736 \times 100 =$$

73.6%, which rounds to 74%

Chapter 4 – Appraisal of First-Year Teachers by Administrators

Overview

ASEP Accountability Indicator 2 is the percent of first-year teachers who are designated as *sufficiently prepared* or *well-prepared* based on survey ratings by their principals. ~~[The SBEC has approved a new survey for use in the 2018–2019 AY, which was previously piloted in the 2017–2018 AY.]~~

The principal survey is administered between early April and mid-June at the end of the relevant academic year. The survey is delivered through the ECOS. The roster of first-year teachers is determined using certification data and Public Education Information Management System (PEIMS) data. This roster is loaded into ECOS and district-level human resources staff perform roster verification, certifying that the individual is employed in the district, was employed for at least five months in the reporting period, and works at the school designated in the system.

Principals log in to ECOS to complete the survey. Within the survey, the principal verifies that the individual is teaching in the area(s) for which he or she was prepared by the EPP and that the individual was employed for at least five months in the reporting period. If the principal does not verify these two statements, the survey is not collected.

The survey application requires the completion of all questions in the four required sections of the survey. These sections are Planning, Instruction, Learning Environment, and Professional Practices & Responsibilities. Additionally, if the principal indicates that the individual worked with students with disabilities or students who are English language learners, these additional survey sections are displayed and required to be completed.

Following the end of the principal survey data collection period, the data is retrieved from ECOS, cleaned, processed, de-identified, and posted online. Additionally, EPP-specific reports are generated and delivered to EPPs and the public. The aggregated and disaggregated results are used as ASEP Accountability Indicator 2.

Individuals Included

All first-year teachers of record currently enrolled in an EPP or who finished an EPP program within the five years prior to the reporting period and taught in the Texas public school system for a minimum of five months during the reporting period are included.⁴ Teachers on standard, intern, and probationary certificates are included. Teachers who are teaching under an emergency permit are excluded.

Assessments Included

All complete surveys with valid data for teachers who meet the conditions above are included. Surveys that lack valid data on any of the four required survey sections are excluded. Data from optional sections (i.e., Students with Disabilities, English Language Learners) are included when available.

⁴ See TAC §229.2(18) for the definition of a first-year teacher

Calculation

Count the number of principal surveys for the EPP that met standard. Divide this number by the total number of completed principal surveys for the EPP. Multiply by 100. Round to the nearest whole number.

Scoring Approach

[In 2018–19 AY, the scoring approach was updated to align with the content and structure of the principal survey. This scoring approach was developed with input from the Educator Preparation Data Workgroup.] The scoring approach weights all individual categories equally. Each item is weighted by the inverse of the number of items in the subscale. Operationally, this means that the average for each subscale is calculated, and then the average of these subscale values is calculated for the final individual-level score. The individual must average a score of 2 or better, corresponding with *sufficiently prepared*.

The individual subscales and their constituent items are presented in the table below.

Individual Subscales and Constituent Items

Subscale	Number of Items	Items in ECOS Survey
Planning	12	Q4 – Q15
Instruction	13	Q16 – Q28
Learning Environment	7	Q29 – Q35
Professional Practices & Responsibilities	6	Q36 – Q41
Students with Disabilities	6	Q43 – Q48
English Language Learners	4	Q50 – Q53

Special Methodological Considerations

Optional Sections and Missing Data

As noted above, the Students with Disabilities section and English Language Learners section are only displayed if the principal indicates that the teacher worked with either or both of these populations. If the survey sections are not displayed on the survey, no data are recorded for these sections. The determination of whether or not the individual survey met standard is based only on the sections of the survey with complete data.

The survey tool does not allow for individuals completing the survey to leave questions blank. Consequentially, each individual survey will have either four, five, or six complete survey sections.

Small Group Aggregation

Per 19 TAC §229.4(c), the small group aggregation procedure as described in ASEP Manual Chapter 2 is conducted for ASEP Accountability Indicator 2. Only data from years in which ASEP Accountability Indicator 2 has been a consequential indicator are used in this aggregation. The small group aggregation procedure uses results calculated using the survey and scoring approach effective for the particular administration of the survey.

Worked Example

Example Calculation: Principal Appraisal of First-Year Teachers (ASEP Accountability Indicator 2)

Step 1: Retrieve principal survey data in ECOS.

Step 2: Average the item scores in each subsection.

Step 3: Average the subsection values.

Step 4: Identify which surveys have the minimum acceptable score or higher.

Example Survey Data and Calculation

Name ⁵	Points by Survey Section ⁶						Average by Survey Section						Overall Average	Met Standard
	PL	INS	LE	PPR	SWD	ELL	PL	INS	LE	PPR	SWD	ELL		
<i>Number of Questions</i>	12	13	7	6	6	4	12	13	7	6	6	4		
Kurt	27	28	16	16		12	2.25	2.15	2.29	2.67		3.00	2.47	Y
Salvador	26	28	18	15	14		2.17	2.15	2.57	2.50	2.33		2.35	Y
Regina	25	31	19	17	18	9	2.08	2.38	2.71	2.83	3.00	2.25	2.54	Y
Silvia	22	26	16	15	13	12	1.83	2.00	2.29	2.50	2.17	3.00	2.30	Y
Rachael	30	36	20	17	18	7	2.50	2.77	2.86	2.83	3.00	1.75	2.62	Y
Myra	29	32	19	16			2.42	2.46	2.71	2.67			2.56	Y
Darla	26	29	18	14	15	8	2.17	2.23	2.57	2.33	2.50	2.00	2.30	Y
Guadalupe	32	33	19	14	16	11	2.67	2.54	2.71	2.33	2.67	2.75	2.61	Y
George	21	24	16	13	12	6	1.75	1.85	2.29	2.17	2.00	1.50	1.92	N
Jessie	31	35	21	17	16	9	2.58	2.69	3.00	2.83	2.67	2.25	2.67	Y
Lewis	24	25	12	7	11	8	2.00	1.92	1.71	1.17	1.83	2.00	1.77	N
Ruby	26	25	16	15	16	5	2.17	1.92	2.29	2.50	2.67	1.25	2.13	Y
Josefina	33	35	20	16	17		2.75	2.69	2.86	2.67	2.83		2.76	Y
Susan	34	33	20	15	15	11	2.83	2.54	2.86	2.50	2.50	2.75	2.66	Y
Molly	28	29	18	14	15	5	2.33	2.23	2.57	2.33	2.50	1.25	2.20	Y
Sam	20	25	16	15	17	11	1.67	1.92	2.29	2.50	2.83	2.75	2.33	Y
Lucy	26	29	19	17	15	8	2.17	2.23	2.71	2.83	2.50	2.00	2.41	Y
Kevin	28	33	20	13	14		2.33	2.54	2.86	2.17	2.33		2.45	Y
Robin	29	35	19	11	13	5	2.42	2.69	2.71	1.83	2.17	1.25	2.18	Y
Mercedes	33	37	20	15	16	5	2.75	2.85	2.86	2.50	2.67	1.25	2.48	Y

⁵ Public data sets do not include names.

⁶ PL = Planning; INS = Instruction; LE = Learning Environment; PPR = Professional Practices & Responsibilities; SWD = students with disabilities; ELL = English language learners. Empty cells denote missing data.

Step 5: As necessary, perform the small group aggregation. If the aggregated group or any of the disaggregated groups contain ten or fewer individuals, perform Steps 1–5 for the prior year and add those individuals to the list. See Chapter 2 of the ASEP Manual for further explanation of the small group aggregation.

Step 6: Count the number of first-year teachers who met the criteria for being designated as *sufficiently-prepared* or *well-prepared* (18).

Step 7: Divide the number of surveys which met the criteria for being designated as *sufficiently-prepared* or *well-prepared* (18) by the total number of surveys with valid scores (20). Multiply this value by 100. Round to the nearest whole number.

$$\frac{\text{Number of surveys meeting standard}}{\text{Total number of valid surveys}} \times 100 =$$

$$\frac{18}{20} \times 100 =$$

90%

Chapter 5 – Improvement in Student Achievement of Students Taught by Beginning Teachers

Overview

ASEP Accountability Indicator 3 is the improvement of student achievement of students in the classrooms of beginning teachers. This indicator uses student data from the STAAR progress measure generated as part of the Accountability Rating System of districts, campuses, and charter schools and aggregates it to the EPP by linking the students to the beginning teachers whom have completed the EPP. Once values are determined for the beginning teachers, the value for the EPP is calculated and compared to the performance standard [not reported in AY 2018-2019] .

Individuals

All beginner teachers of record currently employed within a Texas public school. Beginner teachers are defined as teachers of record with three (3) or fewer consecutive years of teaching. These teachers are verified through the Public Education Information Management System (PEIMS) and through validation by local education agencies. Teachers on standard, intern, and probationary certificates are included. Teachers who are teaching under an emergency permit are excluded. Teachers who received initial teacher certification through a route other than preparation by a Texas EPP are excluded. Teachers of students with STAAR progress measures are included. Students' STAAR progress measures are associated with the corresponding teacher as contained in the assessment data.

Assessments Included

The model utilizes the STAAR progress measure for individual students, calculated as described in 19 TAC Figure: §97.1001(b). The STAAR progress measure indicates the amount of improvement or growth a student has made from year to year. For STAAR assessments (with or without accommodations), progress is measured as a student's gain score—the difference between the scaled score a student achieved in the prior year and the scaled score a student achieved in the current year. Individual student progress is then categorized as Limited, Expected, or Accelerated. If a student's STAAR progress measure is Expected, he or she met growth expectations. If the student's STAAR progress measure is Accelerated, he or she exceeded growth expectations. Currently, STAAR results for grades 4–8, English II, and Algebra I end-of-course (EOC), are utilized.

Scoring Approach

The scoring approach first determines a value associated with the teacher based on the associated student STAAR progress measures. TEA then compares the teacher score to the individual standard. The individual teacher performances are then aggregated at the EPP level, and the EPP performance is determined. This EPP value is then compared with the performance standard.

Teacher level aggregation

The value for the individual teacher is generated by first taking the average of the students' progress measures for each STAAR subject area taught by that teacher and multiplied by 100. Next, we find the average of all the subject-level progress measures associated with the teacher. This value is compared to a value of 50, which corresponds with neutral student growth. If the value is 50 or greater, the individual teacher is considered to have met the individual standard.

EPP Score Determination

Following the determination of the performance standard for the individual teachers, the value for the EPP is determined. The number of teachers associated with the EPP who met the individual standard is then divided by the total number of teachers associated with the EPP in the sample and multiplied by 100 to get a percent. This is the EPP value for Indicator 3, which is compared with the performance standard.

Special Methodological Considerations

Small Group Aggregation

Per 19 TAC §229.4(c), the small group aggregation procedure as described in ASEP Manual Chapter 2 is conducted for ASEP Accountability Indicator 3. Only data from years in which ASEP Accountability Indicator 3 has been a consequential indicator are used in this aggregation. The small group aggregation procedure uses results calculated using the scoring approach effective for the year in which the values were calculated.

Worked Example

Example Calculation: Student growth of Beginning Teachers (ASEP Accountability Indicator 3)

Step 1: Identify teachers in their first three years serving as a teacher of record who were prepared for initial certification by a Texas EPP.

Step 2: Retrieve student data from Performance Reporting for students associated with the beginning teacher roster.

Step 3: Average the student progress measures for each unique combination of teacher and STAAR area

<u>EPP Code (E)</u>	<u>Teacher (T)</u>	<u>Average Student Growth Scores (GSs)</u>	<u>Course (C)</u>
<u>123456</u>	<u>111</u>	<u>75</u>	<u>Math</u>
<u>123456</u>	<u>112</u>	<u>65</u>	<u>Math</u>
<u>123456</u>	<u>112</u>	<u>70</u>	<u>ELAR</u>
<u>123456</u>	<u>113</u>	<u>50</u>	<u>ELAR</u>

Step 4: Average the values by individual teacher

Step 5: Compare individual teacher values to the individual standard score

<u>Teacher</u>	<u>Teacher Growth Score</u>	<u>Individual Standard</u>	<u>Met Standard?</u>
<u>111</u>	<u>75</u>	<u>50</u>	<u>Yes</u>
<u>112</u>	<u>67.5</u>	<u>50</u>	<u>Yes</u>
<u>113</u>	<u>50</u>	<u>50</u>	<u>No</u>
<u>778</u>	<u>60</u>	<u>50</u>	<u>Yes</u>
<u>892</u>	<u>35</u>	<u>50</u>	<u>No</u>
<u>952</u>	<u>69</u>	<u>50</u>	<u>Yes</u>
<u>1155</u>	<u>73.5</u>	<u>50</u>	<u>Yes</u>
<u>1357</u>	<u>82</u>	<u>50</u>	<u>Yes</u>
<u>1544</u>	<u>58</u>	<u>50</u>	<u>Yes</u>
<u>1656</u>	<u>90</u>	<u>50</u>	<u>Yes</u>
<u>1959</u>	<u>88</u>	<u>50</u>	<u>Yes</u>
<u>2083</u>	<u>100</u>	<u>50</u>	<u>Yes</u>
<u>2257</u>	<u>51</u>	<u>50</u>	<u>Yes</u>
<u>2492</u>	<u>60</u>	<u>50</u>	<u>Yes</u>
<u>2926</u>	<u>84</u>	<u>50</u>	<u>Yes</u>
<u>3011</u>	<u>42.5</u>	<u>50</u>	<u>No</u>
<u>3271</u>	<u>69</u>	<u>50</u>	<u>Yes</u>
<u>3461</u>	<u>40</u>	<u>50</u>	<u>No</u>
<u>3753</u>	<u>71.5</u>	<u>50</u>	<u>Yes</u>
<u>4045</u>	<u>82</u>	<u>50</u>	<u>Yes</u>
<u>4214</u>	<u>64</u>	<u>50</u>	<u>Yes</u>
<u>4226</u>	<u>55</u>	<u>50</u>	<u>Yes</u>
<u>4267</u>	<u>91</u>	<u>50</u>	<u>Yes</u>
<u>4358</u>	<u>67</u>	<u>50</u>	<u>Yes</u>
<u>4464</u>	<u>26</u>	<u>50</u>	<u>No</u>
<u>4779</u>	<u>70</u>	<u>50</u>	<u>Yes</u>
<u>5421</u>	<u>58.5</u>	<u>50</u>	<u>Yes</u>
<u>5973</u>	<u>88.5</u>	<u>50</u>	<u>Yes</u>
<u>6404</u>	<u>64</u>	<u>50</u>	<u>Yes</u>
<u>6542</u>	<u>51</u>	<u>50</u>	<u>Yes</u>
<u>6772</u>	<u>50</u>	<u>50</u>	<u>No</u>
<u>7279</u>	<u>87.5</u>	<u>50</u>	<u>Yes</u>
<u>7849</u>	<u>41</u>	<u>50</u>	<u>No</u>
<u>7881</u>	<u>41</u>	<u>50</u>	<u>No</u>
<u>7925</u>	<u>81</u>	<u>50</u>	<u>Yes</u>
<u>8106</u>	<u>75</u>	<u>50</u>	<u>Yes</u>
<u>8341</u>	<u>90</u>	<u>50</u>	<u>Yes</u>
<u>9297</u>	<u>44</u>	<u>50</u>	<u>No</u>

Step 6: Count the total number of beginning teachers with growth scores associated with the EPP (38).

Step 7: Count the total number of beginning teachers associated with the EPP who met the standard (29).

Step 8: Divide the number in Step 7 by the number in Step 6 and multiply by 100. This is the value for the EPP.

$$\frac{\text{Number of teachers meeting individual standard}}{\text{Total number of teachers with growth scores}} \times 100 =$$

$$\frac{29}{38} \times 100 =$$

76%

Chapter 6 – Frequency, Duration, and Quality of Field Supervision

Overview

ASEP Accountability Indicator 4 is the frequency, duration, and quality of field observations. The SBEC has separated this indicator into two measures: the frequency and duration of field observations (ASEP Accountability Indicator 4a) and the quality of field observations (ASEP Accountability Indicator 4b). ASEP Accountability Indicator 4a is based on data reported by EPPs into ECOS for each individual observation. ASEP Accountability Indicator 4b is based on an exit survey of teacher candidates which is administered at the time the candidates apply for their standard certificate. This section presents the individuals included, the data included, special methodological considerations, and a worked example of computing these two aligned indicators.

Individuals Included

ASEP Accountability Indicator 4a

For ASEP Accountability Indicator 4a, all individuals who completed an internship or clinical teaching appointment during the reporting period are included. In the cases where an internship or clinical teaching appointment overlaps two reporting years, the field experience is reported in the reporting year in which it ended. Individuals serving an internship are identified for the data set if they have an intern, probationary, probationary extension, or probationary second extension certificate which expires in the reporting year. Individuals completing a clinical teaching appointment are identified as being marked as a completer by the program without having held an intern, probationary, probationary extension, or probationary second extension certificate.

Individuals who have their internship certificate deactivated prior to the expiration of the certificate are removed from the data set. These deactivations must be communicated to the TEA by the EPP. Additionally, individuals who do not complete their field experience, due to extenuating circumstances or the issuance of a standard certificate prior to the conclusion of their field experience, are removed from the data set. EPPs communicate these exceptions via official letters to the TEA during the ASEP reporting period.

~~[For the 2018–19 AY, only individuals completing clinical teaching or an internship for a teacher certificate are included in the data set.]~~

ASEP Accountability Indicator 4b

For ASEP Accountability Indicator 4b, all individuals who apply for an initial standard teaching license during the academic year are asked to submit surveys, which are completed in ECOS.

Data Included

ASEP Accountability Indicator 4a

All observations reported to the TEA through ECOS are used in the calculation for ASEP Accountability Indicator 4a. Observations must be reported in ECOS in the academic year during which they occurred. EPPs report the candidate name, candidate TEA ID, field supervisor name, field supervisor TEA ID, assignment begin date, assignment end date, observation date, observation duration, assignment type, notes, and any other field required by ECOS for each observation.

ASEP Accountability Indicator 4b

All exit surveys with complete data that are submitted in the reporting year are included in the data set.

Calculation

ASEP Accountability Indicator 4a:

Divide the number of individuals who completed an internship or clinical teaching appointment in the reporting year who had the minimum number of required observations (as specified in 19 TAC §228.35(g)) by the number of individuals who completed an internship or clinical teaching appointment in the reporting year. Multiply by 100. Round to the nearest whole number.

ASEP Accountability Indicator 4b:

Count the number of surveys for the EPP that met standard. Divide this number by the total number of completed exit surveys for the EPP. Multiply by 100. Round to the nearest whole number.

Special Methodological Considerations

For ASEP Accountability Indicator 4a, results are disaggregated by race, gender, and ethnicity categories. Per 19 TAC §229.4(c)(1), the small group aggregation procedure does not apply to indicator 4a.

For ASEP Accountability Indicator 4b, the data collection mechanism does not capture race, gender, or ethnicity data. Consequentially, this indicator is reported only at the aggregated level. The small group aggregation procedure does apply to ASEP Indicator 4b.

Worked Examples

Example Calculation: Frequency and Duration of Internship and Clinical Teaching Field Observations (ASEP Accountability Indicator 4a)

Step 1: Identify all individuals completing an internship between September 1 and August 31 of the reporting year. These individuals are those who have an intern, probationary, probationary extension, or probationary second extension certificate which expired in the reporting year.

Step 2: Identify all individuals completing clinical teaching between September 1 and August 31 of the reporting year. These individuals are those who were marked as a completer by the program without having held an intern, probationary, probationary extension, or probationary second extension certificate.

Step 3: Combine the individuals from Steps 1 and 2. Remove any accepted exceptions reported to the TEA during the annual reporting period using the supplied form.

Step 4: Retrieve all field observations reported to the TEA which occurred during the internships or clinical teaching experiences in the data set resulting from Step 3.

Step 5: Count the number of observations of at least the duration specified in 19 TAC §228.35(g), for each candidate.

Example Observation Data

Name	Certificate / Assignment Type	[Observation Date]	Visit_Hours ⁷
Carmen Adams	Intern	[10/24/18]	0:56
Carmen Adams	Intern	[11/19/19]	1:02
Carmen Adams	Intern	[12/1/18]	0:45
Carmen Adams	Intern	[1/19/19]	1:12
Carmen Adams	Intern	[3/16/19]	0:46
Christina Boyd	Intern	[9/15/2018]	0:57
Marjorie Brock	Clinical Teaching	[9/25/18]	0:50
Marjorie Brock	Clinical Teaching	[10/1/18]	1:14
Marjorie Brock	Clinical Teaching	[10/19/18]	1:02
Marjorie Brock	Clinical Teaching	[11/4/18]	1:02
Marjorie Brock	Clinical Teaching	[12/19/18]	1:09
Dora Cain	Intern	[9/19/18]	0:47
Dora Cain	Intern	[11/12/18]	0:51
Dora Cain	Intern	[3/16/19]	0:40
Dora Cain	Intern	[5/1/19]	1:00
Dianne Cannon	Clinical Teaching	[9/20/18]	1:13
Dianne Cannon	Clinical Teaching	[11/12/18]	0:38
Dianne Cannon	Clinical Teaching	[2/16/19]	0:53
Dianne Cannon	Clinical Teaching	[4/25/19]	0:47
Dianne Cannon	Clinical Teaching	[5/10/19]	1:01
Billie Daniels	Probationary	[11/19/18]	1:15
Billie Daniels	Probationary	[1/29/19]	0:58
Billie Daniels	Probationary	[4/22/19]	0:54
Madeline Doyle	Clinical Teaching	[11/10/18]	1:10
Madeline Doyle	Clinical Teaching	[1/20/19]	0:55
Madeline Doyle	Clinical Teaching	[4/10/19]	0:46
Jaime Fowler	Intern	[9/30/18]	0:59

Exclusion example:
The observation of Dora Cain ~~on 3/16/19~~ and Dianne Cannon ~~on 11/12/18~~ are not counted because these observations were less than the requirement in 19 TAC §228.35(g).

⁷ This column indicates the duration of the observation.

Name	Certificate / Assignment Type	[Observation Date]	Visit_Hours ⁷
Jaime Fowler	Intern	[11/1/18]	1:07
Jaime Fowler	Intern	[12/2/18]	1:01
Jaime Fowler	Intern	[2/7/19]	1:00
Jaime Fowler	Intern	[5/1/19]	0:49
Chad Frazier	Clinical Teaching	[9/27/18]	0:46
Chad Frazier	Clinical Teaching	[11/19/18]	0:55
Chad Frazier	Clinical Teaching	[2/1/19]	1:11
Chad Frazier	Clinical Teaching	[3/18/19]	1:25
Jean Hawkins	Probationary Ex	[10/1/18]	0:58
Jean Hawkins	Probationary Ex	[12/2/18]	0:50
Jean Hawkins	Probationary Ex	[2/10/19]	1:00
Jean Hawkins	Probationary Ex	[4/20/19]	0:59
Grace Hoffman	Clinical Teaching	[10/5/18]	0:52
Grace Hoffman	Clinical Teaching	[12/10/18]	0:59
Grace Hoffman	Clinical Teaching	[3/5/18]	0:59
Doris Hunter	Probationary	[9/25/18]	1:03
Doris Hunter	Probationary	[11/30/18]	1:19
Doris Hunter	Probationary	[3/30/19]	0:45
Melba Jensen	Clinical Teaching	[10/1/18]	0:46
Melba Jensen	Clinical Teaching	[1/10/19]	0:53
Melba Jensen	Clinical Teaching	[4/5/19]	1:01
Edmund Kennedy	Intern	[9/12/18]	1:20
Edmund Kennedy	Intern	[11/19/18]	0:58
Edmund Kennedy	Intern	[2/11/19]	0:50
Edmund Kennedy	Intern	[3/21/19]	0:59
Edmund Kennedy	Intern	[4/3/19]	0:57
Neil Newton	Clinical Teaching	[1/6/19]	0:55
Neil Newton	Clinical Teaching	[1/16/19]	1:47
Neil Newton	Clinical Teaching	[2/27/19]	0:51
Neil Newton	Clinical Teaching	[4/25/19]	1:05
Neil Newton	Clinical Teaching	[4/27/19]	1:02
Elsie Pearson	Probationary	[9/30/18]	1:15
Elsie Pearson	Probationary	[1/25/19]	1:01
Elsie Pearson	Probationary	[4/20/19]	0:55
Christopher Ray	Clinical Teaching	[9/3/18]	0:58
Christopher Ray	Clinical Teaching	[9/12/18]	0:52
Christopher Ray	Clinical Teaching	[10/5/18]	0:47
Christopher Ray	Clinical Teaching	[11/11/18]	0:59
Christopher Ray	Clinical Teaching	[12/5/18]	0:46
Charlie Schultz	Intern	[9/26/18]	0:58
Charlie Schultz	Intern	[11/19/18]	0:45

Name	Certificate / Assignment Type	[Observation Date]	Visit_Hours ⁷
Charlie Schultz	Intern	[1/19/19]	0:53
Charlie Schultz	Intern	[2/9/19]	0:52
Charlie Schultz	Intern	[4/5/19]	1:23
Duane Soto	Clinical Teaching	[1/10/19]	1:17
Duane Soto	Clinical Teaching	[1/14/19]	0:59
Duane Soto	Clinical Teaching	[1/25/19]	0:53
Duane Soto	Clinical Teaching	[2/18/19]	0:46
Duane Soto	Clinical Teaching	[3/9/19]	0:48
Duane Soto	Clinical Teaching	[5/5/19]	0:55
Penny Sutton	Clinical Teaching	[11/19/18]	0:59
Marty Wood	Clinical Teaching (28 week)	[9/2/18]	0:49
Marty Wood	Clinical Teaching (28 week)	[9/20/18]	0:45
Marty Wood	Clinical Teaching (28 week)	[11/18/18]	0:57
Marty Wood	Clinical Teaching (28 week)	[1/9/19]	1:25
Marty Wood	Clinical Teaching (28 week)	[2/18/19]	1:15
Marty Wood	Clinical Teaching (28 week)	[4/9/19]	1:25

Step 6: Identify candidates and interns who meet the minimum requirement of the number of observations required in 19 TAC §228.35(g).

Example Data Summary

Name	Pre-Certification Teaching Experience	Number of 45-Minute Field Observations	Meet Minimum Requirement?
Marjorie Brock	Clinical Teaching	5	Y
Dianne Cannon	Clinical Teaching	5	Y
Madeline Doyle	Clinical Teaching	3	N
Chad Frazier	Clinical Teaching	4	N
Grace Hoffman	Clinical Teaching	3	N
Melba Jensen	Clinical Teaching	3	N
Neil Newton	Clinical Teaching	5	Y
Christopher Ray	Clinical Teaching	5	Y
Duane Soto	Clinical Teaching	6	Y
Marty Wood	Clinical Teaching	6	Y
Penny Sutton	Clinical Teaching	1	N
Carmen Adams	Intern	5	Y
Cristina Boyd	Intern	1	N
Dora Cain	Intern	3	N
Billie Daniels	Probationary	3	Y
Jaime Fowler	Intern	5	Y
Jean Hawkins	Probationary Ex	4	Y
Doris Hunter	Probationary	3	Y
Edmund Kennedy	Intern	5	Y
Elsie Pearson	Probationary	3	Y
Charlie Schultz	Intern	5	Y

Calculation Rule: Penny only had one qualifying observation. She is identified as a candidate for whom the minimum requirement was not met.

Calculation Rule: Cristina had only one qualifying observation. She is identified as a candidate for whom the minimum requirement was not met.

Step 7: Divide the number of candidates who received at least the minimum field observations required by 19 TAC §228.35(g) (14) by the total number of candidates who completed clinical teaching (21).

$$\frac{\text{Number of candidates who met minimum requirement}}{\text{Number of candidates with field experiences}} \times 100 =$$

$$\frac{14}{21} \times 100 = 66.67\%, \text{ which rounds to } 67\%$$

Example Calculation: Quality of Field Supervision (ASEP Indicator 4b)

Step 1: Access the Exit Survey results completed by candidates between September 1 and August 31 of the academic year. These results are recorded without personally identifiable information.

Step 2: Identify which candidate scores were within acceptable values for their field supervision rating. Candidates rate their field experience on 11 survey items (items 39–45, 47–50) on the Exit Survey using a 4-point scale where 4 = *Rarely*; 3 = *Occasionally*; 2 = *Frequently*; and 1 = *Always/Almost Always*. To meet the standard of *frequently* or *always/almost always* providing the components of structural guidance and ongoing support provision of high-quality field supervision (see 19 TAC §229.4(a)(4)(B)), responses to the applicable items must sum to equal or less than 22 points ($11 \times 2 = 22$), corresponding with an average score of 2 or less across survey items.

Example Data

Name	Total Points	Within Acceptable Values
Candidate 1	21	Y
Candidate 2	20	Y
Candidate 3	23	N
Candidate 4	19	Y
Candidate 5	18	Y
Candidate 6	18	Y
Candidate 7	17	Y
Candidate 8	14	Y
Candidate 9	19	Y
Candidate 10	25	N
Candidate 11	23	N
Candidate 12	18	Y
Candidate 13	14	Y
Candidate 14	14	Y
Candidate 15	28	N
Candidate 16	19	Y
Candidate 17	26	N
Candidate 18	13	Y
Candidate 19	19	Y
Candidate 20	13	Y
Candidate 21	16	Y
Candidate 22	18	Y
Candidate 23	21	Y
Candidate 24	20	Y
Candidate 25	33	N
Candidate 26	40	N
Candidate 27	26	N
Candidate 28	17	Y

Name	Total Points	Within Acceptable Values
Candidate 29	17	Y
Candidate 30	19	Y

Step 3: Count the number of candidate scores that were within acceptable criteria (22).

Step 4: Divide the number of candidates whose scores were within the acceptable criteria (22) by the total number of candidates with scores (30). Multiply this value by 100. Round to the nearest whole number.

$$\frac{\text{Number of candidates' scores that were within acceptable values}}{\text{Total number of survey responses}} =$$

$$\frac{22}{30} \times 100 =$$

73.33%, which rounds to 73%

Chapter 7 – New Teacher Satisfaction

Overview

ASEP Accountability Indicator 5 is the percent of new teachers who indicate that they were *sufficiently-prepared or well-prepared* by their EPP, as measured on the teacher satisfaction survey. ~~[The SBEC has approved a new survey for use in the 2018–2019 AY, which was previously piloted in the 2017–2018 AY.]~~

The teacher survey is administered between the beginning of April and mid-June at the end of the relevant academic year. ~~The~~ ~~[In the 2018–2019 AY, the]~~ survey ~~is~~ ~~[was]~~ delivered using the Qualtrics survey platform. The sample of new teachers is determined using certification data and PEIMS data. This roster is loaded into Qualtrics and an email containing a link to the survey is sent to the teacher. New teachers verify that they are completing their first year of teaching while holding a standard teaching certificate.

Teachers are required to complete all questions in the four required sections of the survey. Additionally, if the teacher indicates that he or she worked with students with disabilities or students who are English language learners, those additional sections are displayed and are required to be completed by the teacher.

Following the close of the teacher survey data collection period, the data is retrieved from Qualtrics, cleaned, processed, de-identified, and posted online. The aggregated and disaggregated results are used as ASEP Accountability Indicator 5.

Individuals Included

All new teachers who finished an EPP program within the five years prior to the reporting period and are completing their first year of teaching while holding a standard certificate are included.⁸ Teachers must have taught in the Texas public school system for a minimum of five months during the reporting period as evidenced by their presence in the PEIMS employment data gathered in October of the reporting year. Only teachers with standard certificates as of the October snapshot date are included. Teachers who are teaching under an emergency permit or who were not listed as employed in the PEIMS data in the reporting period are excluded.

Assessments Included

All complete surveys with valid data for teachers who meet the conditions above are included. Surveys that lack valid data on one or more of the four required survey sections are excluded. Data from additional sections (i.e., Students with Disabilities, English Language Learners) are included when available.

Calculation

Count the number of teacher surveys for the EPP that met standard. Divide this number by the total number of completed teacher surveys for the EPP. Multiply by 100. Round to the nearest whole number.

⁸ See TAC §229.2(25) for the definition of a new teacher

Scoring Approach

The scoring approach aligns with the scoring approach for the principal survey. Each item is weighted by the inverse of the number of items in the subscale. Operationally, this means that the average for each subscale is calculated, and then the average of these subscale values is calculated for the final individual-level score. The individual must average a score of 2 or better, corresponding with *sufficiently prepared*.

The individual subscales and their constituent items are presented in the table below.

Individual Subscales and Constituent Items

Subscale	Number of Items	Items in Survey (Question #)
Planning	12	Q4 – Q15
Instruction	13	Q16 – Q28
Learning Environment	7	Q29 – Q35
Professional Practices & Responsibilities	6	Q36 – Q41
Students with Disabilities	6	Q43 – Q48
English Language Learners	4	Q50 – Q53

Special Methodological Considerations

Optional Sections and Missing Data

As noted above, Students with Disabilities section and English Language Learners section are only displayed if the teacher indicates that he or she worked with either or both of these populations. If the survey sections are not displayed on the survey, no data are recorded for these sections. The determination of whether or not the individual survey met standard is based only on the sections of the survey with complete data.

The survey tool does not allow for individuals completing the survey to leave questions blank. Consequentially, each individual survey will have either 4, 5, or 6 complete survey sections.

Small Group Aggregation

Per 19 TAC §229.4(c), the small group aggregation procedure as described in ASEP Manual Chapter 2 is conducted for ASEP Accountability Indicator 5. Only data from years in which ASEP Accountability Indicator 5 has been a consequential indicator are used in this aggregation. The small group aggregation procedure uses results calculated using the survey and scoring approach effective for the particular administration of the survey.

Worked Example

Example Calculation: New Teacher Satisfaction (ASEP Accountability Indicator 5)

Step 1: Access teacher satisfaction survey results.

Step 2: Average the item scores in each subsection.

Step 3: Average the subsection values.

Step 4: Identify which surveys have the minimum acceptable score or higher.

Example Survey Data and Calculation

Name ⁹	Points by Survey Section ¹⁰						Average by Survey Section						Overall Average	Met Standard
	PL	INS	LE	PL	INS	LE	PL	INS	LE	PL	INS	LE		
<i>Number of Questions</i>	12	13			13	7	12	13	7	12	13	7		
Kurt	27	28	16	16		12	2.25	2.15	2.29	2.67		3.00	2.47	Y
Salvador	26	28	18	15	14		2.17	2.15	2.57	2.50	2.33		2.35	Y
Regina	25	31	19	17	18	9	2.08	2.38	2.71	2.83	3.00	2.25	2.54	Y
Silvia	22	26	16	15	13	12	1.83	2.00	2.29	2.50	2.17	3.00	2.30	Y
Rachael	30	36	20	17	18	7	2.50	2.77	2.86	2.83	3.00	1.75	2.62	Y
Myra	29	32	19	16			2.42	2.46	2.71	2.67			2.56	Y
Darla	26	29	18	14	15	8	2.17	2.23	2.57	2.33	2.50	2.00	2.30	N
Guadalupe	32	33	19	14	16	11	2.67	2.54	2.71	2.33	2.67	2.75	2.61	Y
George	21	24	16	13	12	6	1.75	1.85	2.29	2.17	2.00	1.50	1.92	Y
Jessie	31	35	21	17	16	9	2.58	2.69	3.00	2.83	2.67	2.25	2.67	N
Lewis	24	25	12	7	11	8	2.00	1.92	1.71	1.17	1.83	2.00	1.77	Y
Ruby	26	25	16	15	16	5	2.17	1.92	2.29	2.50	2.67	1.25	2.13	Y
Josefina	33	35	20	16	17		2.75	2.69	2.86	2.67	2.83		2.76	Y
Susan	34	33	20	15	15	11	2.83	2.54	2.86	2.50	2.50	2.75	2.66	Y
Molly	28	29	18	14	15	5	2.33	2.23	2.57	2.33	2.50	1.25	2.20	Y
Sam	20	25	16	15	17	11	1.67	1.92	2.29	2.50	2.83	2.75	2.33	Y
Lucy	26	29	19	17	15	8	2.17	2.23	2.71	2.83	2.50	2.00	2.41	Y
Kevin	28	33	20	13	14		2.33	2.54	2.86	2.17	2.33		2.45	Y
Robin	29	35	19	11	13	5	2.42	2.69	2.71	1.83	2.17	1.25	2.18	Y
Mercedes	33	37	20	15	16	5	2.75	2.85	2.86	2.50	2.67	1.25	2.48	Y

⁹ Public data sets do not include names.

¹⁰ PL = Planning; INS = Instruction; LE = Learning Environment; PPR = Professional Practices & Responsibilities; SWD = students with disabilities; ELL = English language learners. Empty cells denote missing data.

Step 5: As necessary, perform the small group aggregation. If the aggregated group or any of the disaggregated groups contain ten or fewer individuals, perform Steps 1–5 for the prior year and add those individuals to the list. See ASEP Manual Chapter 2 for further explanation of the small group aggregation.

Step 6: Count the number of surveys that met the criteria for being designated as *sufficiently-prepared* or *well-prepared* (18).

Step 7: Divide the number of surveys which met the criteria for being designated as *sufficiently-prepared* or *well-prepared* (18) by the total number of surveys with valid scores (20). Multiply this value by 100. Round to the nearest whole number.

$$\frac{\text{Number of surveys meeting standard}}{\text{Total number of valid surveys}} \times 100 =$$

$$\frac{18}{20} \times 100 =$$

90%

Chapter 8 – Educator Preparation Program Commendations

Per 19 TAC §229.1(c), an accredited EPP not under a board order or otherwise sanctioned by the SBEC may receive commendations for success in areas identified by the SBEC. The TEA worked with the SBEC and the EPP stakeholder advisory groups in 2018 to identify and refine a framework for recognition and issues related to EPP eligibility and calculations. In 2019, the SBEC established a four-part framework for recognizing high-performing EPPs. This ASEP chapter presents that framework, related performance standards or metrics, sources of data, and descriptions of relevant calculations.

High-Performing EPP Framework

The framework consists of four parts. The framework was developed to allow for the recognition of EPPs that are high-achieving in both established and emerging measurements and priorities. Dimensions consist of multiple measures. The dimensions for recognition include:

- Rigorous and Robust Preparation
- Preparing the Educators Texas Needs
- Preparing Educators for Long-Term Success
- Innovative Educator Preparation

The measures within each dimension are presented in the table below. These measures are calculated annually to reflect EPP performance in the prior academic year. The TEA conducts these calculations in conjunction with the ASEP accountability calculations and presents both sets of the results to the SBEC for approval on similar schedules. In all cases, the small group aggregation procedure as described in ASEP Manual Chapter 2 is applied to these measurements. However, if the small group aggregation is used, only programs with more than 10 individuals over the three years necessary for the calculation are eligible to receive a commendation related to the measure.

High Performing EPP Framework

Dimension	High-Performing EPP Measures	Standard
Rigorous and Robust Preparation	First test pass rate ¹¹	95% or greater
	First Test Pass rate in teacher shortage areas	95% or greater
	Principal Survey % of candidates Met Standard	95% or greater
Preparing the Educators Texas Needs	Preparing teachers in shortage areas	Top 5 EPPs
	Preparing Educators of Color	Top 5 EPPs
	Preparing Teachers for Rural Schools	Top 5 EPPs
Preparing Educators for Long-Term Success	Teacher Retention as a Texas public school teacher for 5 years	95% or greater
	Educator Retention as a Texas public school professional for 5 years	95% or greater
	Principal Employment in Principal or Assistant Principal Role within 3 years	75% or greater

¹¹ EPPs are only eligible for this commendation if the differences between pass rates of different demographic groups are less than 10 percentage points

Dimension	High-Performing EPP Measures	Standard
Innovative Educator Preparation	Approved by the SBEC per EPP petition	

Rigorous and Robust Preparation

This dimension of high-performance uses the same data as the ASEP accountability indicators. The first measure is the overall pass rate for a candidate's first attempt on exams. All exams, including PPR and non-PPR exams, are pooled for this measure. Following ASEP Indicator Accountability 1, only tests necessary for the certificate(s) under which an individual is serving an internship and tests necessary for the category(ies) identified by the EPP on the finisher records list in ECOS are included. The standard is set at 95% or greater. Additionally, EPPs are only eligible for this recognition if the differences in the pass rates disaggregated by race and ethnicity are 10 percentage points or smaller for all groups meeting the minimum size criterion, following small group aggregation. Groups are only included in this analysis only if they contain more than 10 candidates following the small group aggregation.

The second measure in this dimension is the first test pass rate in Texas-identified, federally designated teacher shortage subject areas. These shortage areas are identified annually and reported to the United States Department of Education. For this measure, only those subject-area exams necessary for certification in the specified categories are included. The standard is set at 95% or greater.

The third indicator in this category is EPP performance on the principal survey. Following the procedure in ASEP Manual Chapter 4, results on the principal survey are computed at the EPP level. The standard is set at 95% or more individuals being rated as “met standard.”

Preparing the Educators Texas Needs

This dimension of high-performance identifies EPPs that prepare high percentages of educators identified by the SBEC and TEA as targeted for growth. For measures in this category, the top five programs, as a percentage of their completers, are recognized. As with all high-performing recognitions, only EPPs with an accreditation status of “Accredited” are eligible for recognition. This means that fewer than five EPPs may be recognized in any of these categories. Additionally, although the small group aggregation procedure is applied, only those programs which prepare more than 10 educators in any of the specified categories or groups once three years of data are aggregated are eligible for these commendations.

The first measure in this dimension is preparation of educators in teacher shortage subject areas. This indicator identifies EPPs that specialize in the preparation of educators for Texas-identified, federally-recognized teacher shortage areas. The top five EPPs in each identified certification category are eligible to be recognized.

The second measure in this dimension recognizes EPPs that prepare the highest percentage of educators who identify as African American and Hispanic. The top five EPPs with respect to each demographic group are eligible to be recognized.

The third measure is preparation of teachers for rural schools. Using first-year employment data available in the PEIMS database and the district-level geographic designations, the TEA identifies a) completers who are employed and b) completers who are employed in a rural district. The percentage of educators working in a rural district is then calculated. The EPPs with the five highest percentages are eligible to be recognized.

Preparing Educators for Long-term Success

This dimension of high-performance identifies EPPs that prepare educators who continue working in Texas public schools for at least five years. The first measure identifies the percentage of teachers who are recommended for certification by an EPP who are working as classroom teachers five years after their standard certification becomes effective. To calculate this measure, the TEA first identifies that subset of educators from an EPP who are working as classroom teachers in the year following their completion with the EPP and determines which of those teachers are employed as classroom teachers five years later. Using these numbers, the TEA computes a percentage. The standard for recognition on this measure is set at 95% or higher.

The second measure in the dimension is continued employment in any role in the Texas public education system. The calculation for this measure is similar to the prior measure; however, this measure reports the percentage of classroom teachers still employed in any role after five years. The eligible population is educators from all certification classes prepared by the EPP. The standard for recognition on this measure is 95% or higher.

The third measure in this dimension is the employment of newly prepared principals. The calculation for this standard is the percentage of newly prepared principals working in a public school in Texas in an educational leadership role (principal, assistant principal, instructional leader, etc.) within three years of obtaining principal certification. The standard for recognition on this measure is 75%.

Innovative Educator Preparation

The final dimension of recognition gives the SBEC the opportunity to designate EPPs that have implemented innovative approaches to educator preparation. Specific calls for innovation are updated annually using input from the SBEC, the TEA, and advisory committees. EPPs shall respond to these calls by July 1 of the reporting year with a complete set of materials to be eligible for recognition. The TEA reviews applications for topic alignment and completeness. Appropriate applications are reviewed by an SBEC subcommittee and approved by the full SBEC. Recognition is awarded at the discretion of the committee and the SBEC.

For 2019–2020, the SBEC seeks to recognize EPPs with innovative practices related to authentic, practice-based educator preparation. Strong partnerships between EPPs, local education agencies (LEAs), and campuses can foster teacher preparation that benefits teachers, schools, and students in ways that traditional internships or clinical teaching appointments may not. Practice-based preparation may include, for example, residency models or multi-semester clinical teaching appointments. Programmatic requirements must be well above the SBEC-mandated minimums to be considered.

Applications for recognition will include an executive summary, a description of the program's innovative practices in authentic, practice-based educator preparation, a demonstration of success including measurable outcomes, an explanation of related programmatic values and goals, a description of the implementation of current practices as part of a continuous improvement effort, supporting information from candidates and EPP partners, and peer-reviewed research identifying the EPP practices as best practices in the field.

Chapter 9 – Determination of ASEP Index Score

Overview

Per 19 TAC §229.4(b), starting in the 2020–2021 academic year, the ASEP Index Score may be used for accreditation status determination. This scoring system uses data from the seven ASEP Indicators along with differential weights to determine the total number of points possible for an EPP based on the data present, and the total number of points achieved. This section presents a description of the calculation, the weighting approach, special longitudinal considerations, and a worked example.

Calculation

The ASEP indicators consist of seven separate performance measures. Per TEC, §21.045(a), disaggregated categories with respect to gender, race, and ethnicity are used in the determination of continuing accountability. For these categories, TEA uses the race, ethnicity, and gender designations defined in 19 TAC §229.2(13). The table below presents a matrix representation of this model.

ASEP Measure	All	Female	Male	African American	Hispanic / Latino	Other	White
<u>1a: Certification examination results for PPR exams</u>							
<u>1b: Certification examination results for non-PPR exams</u>							
<u>2: Principal appraisal of the preparation of first-year teachers</u>							
<u>3: Improvement in student achievement of students taught by beginning teachers</u>							
<u>4a: Frequency and duration of field observations</u>							
<u>4b: Quality of field supervision</u>							
<u>5: Satisfaction of new teachers</u>							

As described in the following section, weights are assigned to the individual measure. Additionally, a weight is assigned to the “All” category, separate from the individual demographic categories.

The total number of points achieved is calculated based on the EPP performance in each measure for each group. Values are assigned for each cell in the matrix based on the current and prior year performance.

Performance	Value
<u>Met Standard</u>	<u>1</u>

<u>Performance</u>	<u>Value</u>
<u>Did Not Meet Standard and Met Standard in Prior Year</u>	<u>0</u>
<u>No Data/Small Group Exception</u>	<u><blank></u>
<u>Did Not Meet Standard and Did Not Meet Standard in Prior Year</u>	<u>-1</u>

The total number of points achieved is then calculated by multiplying the individual cell by the measure weight and the demographic weight, and then summing all the cells. Blank cells are omitted from the sum.

The total number of points possible is calculated based on the data available. Cells are assigned a value of 1 if there is data available for the current academic year. Each cell is then multiplied by the measure weight and the demographic weight, and the cells are summed.

The percentage of points achieved is found by dividing the total number of points achieved by the total number of points possible and multiplying by 100. This value is then rounded to the nearest whole number.

Weighting

The table below presents the measure weights.

<u>ASEP Measure</u>	<u>Weight</u>
<u>1a: Certification examination results for PPR exams</u>	<u>4</u>
<u>1b: Certification examination results for non-PPR exams</u>	<u>2</u>
<u>2: Principal appraisal of the preparation of first-year teachers</u>	<u>1</u>
<u>3: Improvement in student achievement of students taught by beginning teachers</u>	<u>3</u>
<u>4a: Frequency and duration of field observations</u>	<u>3</u>
<u>4b: Quality of field supervision</u>	<u>3</u>
<u>5: Satisfaction of new teachers</u>	<u>2</u>

The table below presents the demographic group weights.

<u>Group</u>	<u>Weight</u>
<u>All</u>	<u>6</u>
<u>Female</u>	<u>1</u>
<u>Male</u>	<u>1</u>
<u>African American</u>	<u>1</u>
<u>Hispanic / Latino</u>	<u>1</u>
<u>Other</u>	<u>1</u>
<u>White</u>	<u>1</u>

Worked Example

Example Calculation: ASEP Index

Step 1: Identify the EPP results for all ASEP Indicators for all groups.

Step 2: Populate the results table.

ASEP Measure	All	Female	Male	African American	Hispanic / Latino	Other	White
<u>1a: Certification examination results for PPR exams</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>
<u>1b: Certification examination results for non-PPR exams</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Did not meet (0)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>
<u>2: Principal appraisal of the preparation of first-year teachers</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Did not meet (0)</u>	<u>Met (1)</u>	<u>Did not meet (0)</u>	<u>Met (1)</u>	<u>Met (1)</u>
<u>3: Improvement in student achievement of students taught by beginning teachers¹²</u>	<u>Report Only</u>	<u>Report Only</u>	<u>Report Only</u>	<u>Report Only</u>	<u>Report Only</u>	<u>Report Only</u>	<u>Report Only</u>
<u>4a: Frequency and duration of field observations</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>
<u>4b: Quality of field supervision</u>	<u>Met (1)</u>	<u>No Data</u>	<u>No Data</u>	<u>No Data</u>	<u>No Data</u>	<u>No Data</u>	<u>No Data</u>
<u>5: Satisfaction of new teachers</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Met (1)</u>	<u>Small Group</u>	<u>Did not meet (0)</u>	<u>Small Group</u>	<u>Met (1)</u>

Step 3: Multiply each cell by the corresponding measure weight and demographic weight.

ASEP Measure	All	Female	Male	African American	Hispanic / Latino	Other	White
<u>1a: Certification examination results for PPR exams</u>	<u>24</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>1b: Certification examination results for non-PPR exams</u>	<u>12</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>2: Principal appraisal of the preparation of first-year teachers</u>	<u>6</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>1</u>
<u>3: Improvement in student achievement of students taught by beginning teachers</u>							

¹² For the 2020-2021 reporting year, Indicator 3 is not consequential for ASEP ratings.

<u>ASEP Measure</u>	<u>All</u>	<u>Female</u>	<u>Male</u>	<u>African American</u>	<u>Hispanic / Latino</u>	<u>Other</u>	<u>White</u>
<u>4a: Frequency and duration of field observations</u>	<u>18</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>4b: Quality of field supervision</u>	<u>18</u>						
<u>5: Satisfaction of new teachers</u>	<u>12</u>	<u>2</u>	<u>2</u>		<u>0</u>		<u>2</u>

Step 4: Sum all the cells to find the total points achieved (152).

Step 5: Populate the data available table.

<u>ASEP Measure</u>	<u>All</u>	<u>Female</u>	<u>Male</u>	<u>African American</u>	<u>Hispanic / Latino</u>	<u>Other</u>	<u>White</u>
<u>1a: Certification examination results for PPR exams</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>
<u>1b: Certification examination results for non-PPR exams</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>
<u>2: Principal appraisal of the preparation of first-year teachers</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>
<u>3: Improvement in student achievement of students taught by beginning teachers</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>
<u>4a: Frequency and duration of field observations</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>
<u>4b: Quality of field supervision</u>	<u>Yes (1)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>	<u>No (0)</u>
<u>5: Satisfaction of new teachers</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>Yes (1)</u>	<u>No (0)</u>	<u>Yes (1)</u>	<u>No (0)</u>	<u>Yes (1)</u>

Step 6: Multiply each cell by the corresponding measure weight and demographic weight.

<u>ASEP Measure</u>	<u>All</u>	<u>Female</u>	<u>Male</u>	<u>African American</u>	<u>Hispanic / Latino</u>	<u>Other</u>	<u>White</u>
<u>1a: Certification examination results for PPR exams</u>	<u>24</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>1b: Certification examination results for non-PPR exams</u>	<u>12</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>2: Principal appraisal of the preparation of first-year teachers</u>	<u>6</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>3: Improvement in student achievement of students taught by beginning teachers</u>							

<u>ASEP Measure</u>	<u>All</u>	<u>Female</u>	<u>Male</u>	<u>African American</u>	<u>Hispanic / Latino</u>	<u>Other</u>	<u>White</u>
<u>4a: Frequency and duration of field observations</u>	<u>18</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>4b: Quality of field supervision</u>	<u>18</u>						
<u>5: Satisfaction of new teachers</u>	<u>12</u>	<u>2</u>	<u>2</u>		<u>2</u>		<u>2</u>

Step 7: Sum all the cells to find the total points possible (158).

Step 8: Divide the points achieved by the points possible. Multiply by 100. Round to the nearest whole number.

$$\frac{\text{Number of ASEP Points Earned}}{\text{Number of ASEP Points Possible}} =$$

$$\frac{152}{158} \times 100 =$$

96.20%, which rounds to 96%

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(Amended September 13, 2019)

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

- (a) Selection.
 - (1) The vice chair and secretary of the board shall be elected in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
 - (2) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect a board member to fill the vacancy for the unexpired term of that officer at the next board meeting. Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (b) Duties.
 - (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
 - (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
 - (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

- 1. Public testimony
- 2. Establishment of essential knowledge and skills (TEKS)
- 3. Adopt instructional materials

Committee on Instruction

- 1. Establishment of curriculum and graduation requirements
- 2. Curriculum implementation (including procedures concerning dyslexia and related disorders)
- 3. Instructional materials proclamations
- 4. Student assessment program implementation

5. General education
6. Education of individuals with disabilities
7. Gifted and talented education
8. Adult education
9. Library standards
10. Texas School for the Blind and Visually Handicapped/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Review commissioner's annual FSP budget
6. Community education funding
7. Oversight of the Bond Guarantee Program
8. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions

Committee on School Initiatives

1. Long-range plans required by statute
 2. Educational technology and telecommunications
 3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
 4. State Board for Educator Certification rules review
 5. School board member training policy
 6. Hearing examiners
 7. Military reservation and special school districts
 8. Extracurricular activities
 9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The

officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.

- (f) Ad hoc committees. Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) From time to time committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to the Division of State Board of Education Support and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request the Attorney General to issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule, listing item titles with short summaries of each item. Other than as is provided in subsection (b) and (c), all agenda items are subject to the approval of the chair of the board. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair, other than the Committee of the Full Board, place an item on the agenda of that chair's committee, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination of whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via videoconference call. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote videoconference locations in the interest of decorum and teleconference capacity.
- (c) No posters, props, or other visual displays are allowed by board members within the meeting rooms without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.

- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the Division of State Board of Education Support not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following at date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
 - (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(c).
 - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
 - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.

- (B) Instructional materials should promote citizenship, patriotism, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
 - (i) Instructional materials should not encourage life-styles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.

- (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
- (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

(a) General Provisions.

- (1) The board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. on the Friday preceding the board meeting and 5 p.m. (Central Time) on the Monday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE>, or by facsimile at (512) 936-4319, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.

- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
 - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
 - (4) Those registering online will receive an email confirming the registration during the next business day.
 - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
 - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
 - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
 - (8) All speakers shall provide thirty-five (35) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide thirty-five (35) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
 - (2) Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee after staff has presented the item.
 - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.

- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, thirty-five (35) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).

- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally three minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing shall bring thirty-five (35) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide thirty-five (35) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) parking fees (including personal vehicles);
 - (3) notary fees for official documents; and
 - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A Division of State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.
- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
 - (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
 - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
 - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
 - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.

- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
 - (1) A charter may not be evaluated using funds under this section unless the commissioner has:
 - (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
 - (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.

- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
- (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

§4.4. Instructional Materials Submitted to the Texas Resource Review.

- (a) An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) First Reading and Filing Authorization. The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) Second Reading and Final Adoption. If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) Withdrawal. The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) Refiling. The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.
- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.

**Texas Permanent School Fund
Asset Allocation Mix - SBOE
September 30, 2020**

<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	\$ 1,782,805,126	6.31%	\$ 2,173,436,298	6.18%
	Domestic Large Cap	2,222,534,585	7.86%	5,138,316,266	14.60%
	Total Domestic Equity	4,005,339,711	14.17%	7,311,752,564	20.78%
	International Equity - Blackrock	4,081,235,478	14.44%	5,190,930,755	14.75%
	Emerging Market Equity - Navarro	820,737,541	2.90%	1,067,468,121	3.03%
	Total Public Market Equity	8,907,312,730	31.51%	13,570,151,440	38.56%
Fixed Income	Domestic Fixed Income	4,136,087,798	14.63%	4,295,327,600	12.20%
	Treasuries	1,077,084,145	3.81%	1,056,480,087	3.00%
	Investec Emerging Market Debt	1,187,629,079	4.20%	1,212,906,328	3.45%
	Ashmore Emerging Market Debt	1,204,934,116	4.26%	1,179,325,066	3.35%
	Total Emerging Market Debt	2,392,563,195	8.46%	2,392,231,394	6.80%
	Total Fixed Income	7,605,735,138	26.90%	7,744,039,081	22.00%
Absolute Return	Raven 1	713,486,414	2.52%	1,050,247,113	2.98%
	Raven 4	540,592,648	1.91%	947,508,065	2.69%
	Raven 6	333,311,832	1.18%	466,773,556	1.33%
	Raven 7	393,992,962	1.39%	559,421,317	1.59%
	Raven 8	435,986,838	1.54%	512,983,506	1.46%
	Total Absolute Return	2,417,370,694	8.54%	3,536,933,557	10.05%
Private Equity	Columbia NB Crossroads Fund L.P.	235,354,407	0.83%	264,861,542	0.75%
	Columbia NB Crossroads Fund II L.P.	316,941,375	1.12%	384,004,117	1.09%
	Columbia NB Crossroads Fund II Tranche C	767,050,638	2.71%	982,905,354	2.79%
	Columbia NB Crossroads Fund II Tranche D	351,091,569	1.24%	375,963,669	1.07%
	TPSF NB PE Program	859,041,960	3.04%	1,196,433,495	3.40%
	Private Equity Direct	1,090,282,140	3.86%	1,289,624,604	3.66%
	Columbia CS Fund, L.P.	214,146,280	0.76%	278,108,312	0.79%
	Total Private Equity	3,833,908,370	13.56%	4,771,901,093	13.55%
Real Estate	Direct Real Estate Investments	2,677,410,396	9.47%	3,102,036,128	8.81%
	Total Real Estate	2,677,410,396	9.47%	3,102,036,128	8.81%
Risk Parity	AQR Capital Management	22,082,436	0.08%	22,082,436	0.06%
	Bridgewater	0	0.00%	0	0.00%
	Total Risk Parity Strategies	22,082,436	0.08%	22,082,436	0.06%
Real Return	Real Return - TIPS	996,771,442	3.53%	1,083,894,927	3.08%
	Real Return Commodities - Terlingua 1	587,500,000	2.08%	369,206,338	1.05%
	Real Return Commodities - Terlingua 2	575,000,000	2.03%	343,362,769	0.98%
	Real Return Commodities - Terlingua 3	274,009,703	0.97%	279,945,697	0.80%
	Total Real Return	2,433,281,145	8.61%	2,076,409,731	5.91%
Total Unallocated Cash		371,834,612	1.33%	371,834,612	1.06%
Fund Total		28,268,935,521	100.00%	35,195,388,078	100.00%

Notes: The asset classes include cash that has been allocated to the investment portfolios.
Exposure includes fair value of funded investments plus unfunded commitments.

Exposure: Total Private Equity Exposure and Percentage of Fund Total Fair Value 7,071,167,607 20.09%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 5,133,638,031 14.59%

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 Equity	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%

2017-2021 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

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

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill (SB) 178, 76th Texas Legislature, 1999, amended the Texas Government Code by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in Texas Government Code, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2017-2021 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2013-2017 SBOE rule review with the addition of new rules that took effect subsequent to the adoption of that plan. The 2017-2021 plan is the sixth rule review cycle of SBOE rules.

In accordance with Texas Education Code, §28.002(m), the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2017-2021 rule review plan. The TEKS were also exempt from previous rule review plans. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE designed to align the adoption of instructional materials with amendments to the TEKS.

Revisions to Rule Review Plan. The 2017-2021 SBOE rule review plan was approved at the November 2016 SBOE meeting and will appear on an ongoing basis in the information pages of each SBOE agenda until completion.

Any necessary modifications to the plan will appear in the information pages of the SBOE agenda along with the ongoing report.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in the Texas Government Code, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples. These examples

present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking

Amanda Gunter, Program Specialist, Rulemaking

Attachment I: 2017-2021 Rule Review Plan for State Board of Education Rules

Attachment II: Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2017-2021 Rule Review Plan for State Board of Education Rules

(Approved November 2016, Revised January 2019)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE. This review is designed to align the adoption of instructional materials with the amendments to the TEKS.

Review Period: September 2017 - August 2018			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2017
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 105. Foundation School Program	<i>Subchapter A. Definitions</i>	Finance	November 2017
	<i>Subchapter B. Use of State Funds</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2018
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2018

Review Period: September 2018 – August 2019			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	<u>January 2019</u> [September 2018]
	<i>Subchapter D. Independent Hearing Examiners</i>		
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2019
	<i>Subchapter B. Student Attendance Accounting</i>		

Review Period: September 2019 – August 2020			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2019
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2019
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2020
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2020 – August 2021			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2020
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2021
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
Chapter 109. Budgeting, Accounting, and Auditing	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2021
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

Notice of Proposed Review (Intention to review)

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 129, Student Attendance, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 129 are organized under the following subchapters: Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494. Comments may also be submitted electronically to rules@tea.texas.gov.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

Notice of Adopted Review (with changes to rule) (Readoption with changes)

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 129, Student Attendance, Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 129, Subchapters A and B, in the February 12, 2016 issue of the Texas Register (41 TexReg 1131).

The SBOE finds that the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review. As part of the review, the SBOE is proposing an amendment to 19 TAC §129.21, which may be found in the Proposed Rules section of this *Texas Register* issue.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 5

Sec. 5. 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 C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

NRC, §32.012. MEMBERS OF THE BOARD.

- (a) The board is composed of:
- (1) the commissioner; and
 - (2) four citizens ~~[a citizen]~~ of the state appointed by the governor with the advice and consent of the senate~~[- and~~
 - ~~[(3) a citizen of the state appointed by the attorney general with the advice and consent of the senate].~~
- (b) Two citizens appointed by the governor must be selected from lists of nominees submitted by the State Board of Education. The State Board of Education shall submit to the governor a list of six nominees for a vacant position described by this subsection. The governor may request that the State Board of Education submit a second list of six nominees if the governor does not choose to appoint a nominee from the first list.
- (c) At least one of the citizens appointed under Subsection (a) must be a resident of a county with a population of less than 200,000. The governor and the State Board of Education shall collaborate to ensure that the membership of the board complies with this subsection.
- (d) ~~[The authority of the attorney general to appoint one of the members of the board, including the authority to make appointments during the recess of the senate, is the same as the authority of the governor to fill vacancies in state offices under the Texas Constitution.~~
- (e) Each appointment made by the governor ~~[and the attorney general]~~ shall be made in accordance with and subject to the provisions of the Texas Constitution authorizing the filling of vacancies in state offices by appointment of the governor.

NRC, §32.013. TERMS OF APPOINTED MEMBERS.

The appointed members of ~~[appointed to]~~ the board ~~[by the governor and the attorney general]~~ serve for terms of two years.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER C. POWERS AND DUTIES

NRC, §32.068. QUARTERLY REPORTS.

Each quarter, the board shall provide to the State Board of Education a financial report on the portion of the permanent school fund assets and funds for which the board is responsible. The report must include:

- (1) target and actual asset allocations, by asset type, based on fair market value or net asset value;
- (2) investment performance by asset type; and
- (3) benchmarks and benchmark performances.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 2, eff. September 1, 2019.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE C. ADMINISTRATION
CHAPTER 32. SCHOOL LAND BOARD
SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

NRC, §32.0161. ANNUAL JOINT MEETING.

- (a) The board and the State Board of Education shall hold an annual joint public meeting to discuss the allocation of the assets of the permanent school fund and the investment of the money in the fund.
- (b) Each member of the board must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the board.
- (c) Each member of the State Board of Education must attend the annual joint public meeting, unless the member's absence is excused by majority vote of the State Board of Education. If the State Board of Education delegates powers and duties relating to the investment of the permanent school fund to a committee of the State Board of Education, only a majority of the committee members must attend the meeting.

Added by Acts 2019, 86th Leg., R.S., Ch. 524 (S.B. 608), Sec. 4, eff. September 1, 2019.

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE D. DISPOSITION OF THE PUBLIC DOMAIN
CHAPTER 51. LAND, TIMBER, AND SURFACE RESOURCES
SUBCHAPTER I. ACQUISITION OF PUBLIC SCHOOL LAND

NRC, §51.414. PERMANENT SCHOOL FUND LIQUID ACCOUNT.

- (a) The permanent school fund liquid account is established as an account in the permanent school fund in the State Treasury to be used by the board and the State Board of Education as provided by this section.
- (b) Each quarter, the board shall hold a meeting and adopt a resolution to release from the real estate special fund account funds designated under Section [51.401](#) that are not being used for a purpose listed in Section [51.402](#)(a) and are not required for the board's anticipated cash needs for the 90-day period following the date of the meeting, to be deposited to the credit of the permanent school fund liquid account in the State Treasury.
- (c) The State Board of Education may invest funds in the permanent school fund liquid account. The investments may be made only in liquid assets, in the same manner that the permanent school fund is managed by the State Board of Education.
- (d) Investment income and realized capital gains derived from funds in the permanent school fund liquid account shall be deposited in the State Treasury to the credit of the State Board of Education for investment in the permanent school fund. This subsection does not require a deposit if the market value of the assets held in the permanent school fund liquid account is below cost.
- (e) The State Board of Education may use funds in the permanent school fund liquid account to pay for administrative costs associated with implementing this section, including costs associated with contracts for professional investment management, investment advisory services, or custodial services.
- (f) The board shall provide to the State Board of Education in each quarterly report required by Section [32.068](#) the board's anticipated cash needs for the six-month period following the date of the report, to allow the State Board of Education to ensure that the board's cash needs may be met as provided by Subsection (g).
- (g) Not later than the fifth business day after the date of a request of the board, the State Board of Education shall release from the permanent school fund liquid account funds to be deposited to the credit of the real estate special fund account in the State Treasury in an amount requested by the board.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 4, eff. September 1, 2019.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER 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 F, 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 18 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 equalized wealth level under Chapter 41.
- (35) The commissioner shall perform duties in connection with the Foundation School Program as prescribed by Chapter 42.

- (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 19 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.

TEXAS EDUCATION CODE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
- (c)
 - (1) The board shall develop and update a long-range plan for public education.
 - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
 - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
 - (4) The board shall establish curriculum and graduation requirements.
 - ~~(5) The board shall establish a standard of performance considered satisfactory on student assessment instruments.~~
 - (6) The board may create special-purpose school districts under Chapter [11](#).
 - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
 - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter B, Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
 - ~~(9) The board may grant an open enrollment charter or approve a charter revision as provided by Subchapter D, Chapter [12](#).~~
 - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
 - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
 - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
 - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
 - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter C, Chapter [28](#), and may approve payments as provided by that subchapter.
 - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter D, Chapter [29](#).
 - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
 - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
 - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
 - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
 - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
 - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).

- (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter D, Chapter [30](#).
- (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
- (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
- (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
- (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
- (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
- (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#).
- (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
- (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#) [42].
- (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
- (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter A, Chapter [44](#).
- (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter C, Chapter [45](#).
- (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
- (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
- (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law; or
 - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
 - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.111. HIGH SCHOOL EQUIVALENCY EXAMINATIONS.

- (a) The board shall provide for the administration of high school equivalency examinations.
- (a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:
 - (1) over 17 years of age;
 - (2) 16 years of age or older and:
 - (A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;
 - (B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or
 - (C) is enrolled in the Texas Military Department's Seaborne Challenge Corps; or
 - (3) required to take the examination under a court order issued under Section 65.103(a)(3), Family Code.
- (b) The board by rule shall establish and require payment of a fee as a condition to the issuance of a high school equivalency certificate and a copy of the scores of the examinations. The fee must be reasonable and designed to cover the administrative costs of issuing the certificate and a copy of the scores. The board may not require a waiting period between the date a person withdraws from school and the date the person takes the examination unless the period relates to the time between administrations of the examination.
- (c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must provide a procedure for verifying the identity of the person taking the examination.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC, §11.159. MEMBER TRAINING AND ORIENTATION.

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
 - (1) three hours of training [~~every two years~~] on evaluating student academic performance; and
 - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section 11.1515.
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.
- (e) For purposes of this section, "other maltreatment" has the meaning assigned by Section 42.002, Human Resources Code.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL DISTRICT.

- (a) On the recommendation of the commissioner and after consulting with the school districts involved and obtaining the approval of a majority of those districts in each affected county in which a proposed school district is located, the State Board of Education may establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board may impose duties or limitations on the school district as necessary for the special purpose of the district. The board shall exercise the powers as provided by this section relating to the districts established under this section.
- (b) The State Board of Education shall grant to the districts the right to share in the available school fund apportionment and other privileges as are granted to independent and common school districts.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.

- (a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section 11.061 and who live or are employed on the military reservation. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education may adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER 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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TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.031. PURPOSE.

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

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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, §21.043. ACCESS TO PEIMS DATA.

- (a) The agency shall provide the board with access to data obtained under the Public Education Information Management System (PEIMS).
- (b) The agency shall provide educator preparation programs with data based on information reported through the Public Education Information Management System (PEIMS) that enables an educator preparation program to:
 - (1) assess the impact of the program; and
 - (2) revise the program as needed to improve the design and effectiveness of the program.
- (c) The agency in coordination with the board shall solicit input from educator preparation programs to determine the data to be provided to educator preparation programs.

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CHAPTER 21. EDUCATORS
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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 students taught by beginning teachers for the first three years following certification, to the extent practicable;
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:
 - (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);
 - (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
 - (3) the following information, disaggregated by race, sex, and ethnicity:
 - (A) the number of candidates who apply;
 - (B) the number of candidates admitted;
 - (C) the number of candidates retained;
 - (D) the number of candidates completing the program;

- (E) the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of completing the program;
 - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
 - (G) the number of candidates retained in the profession; and
 - (H) any other information required by federal law;
- (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a).
 - (d) To assist an educator preparation program in improving the design and effectiveness of the program in preparing educators for the classroom, the agency shall provide to each program data that is compiled and analyzed by the agency based on information reported through the Public Education Information Management System (PEIMS) relating to the program.

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TEC, §21.064. LEGACY MASTER TEACHER CERTIFICATIONS.

- (a) The board shall recognize a master teacher certificate issued under former Section 21.0481, 21.0482, 21.0483, or 21.0484 until the certificate expires. The board shall note a designation of "legacy" on the certificate.
- (b) A master teacher certificate described by Subsection (a) is not eligible for funding under the teacher incentive allotment under Section [48.112](#).

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TEC, §21.0441. ADMISSION REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS .

- (a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:
 - (1) except as provided by Subsection (b), satisfies the following minimum grade point average requirements:
 - (A) an overall grade point average of at least 2.50 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or
 - (B) a grade point average of at least 2.50 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and
 - (2) if the person is seeking initial certification:
 - (A) has successfully completed at least:
 - (i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or
 - (ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or
 - (B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.
- (b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:

- (1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B);
 - (2) each person admitted as described by this subsection performs, before admission, at a satisfactory level on an appropriate subject matter examination for each subject in which the person seeks certification; and
 - (3) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.
- (c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:
- (1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or
 - (2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.
- (d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

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SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL.

- (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:
 - (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.
- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

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TEC, §21.0451. SANCTIONS UNDER ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS.

- (a) The board shall propose rules necessary for the sanction of educator preparation programs that do not meet accountability standards or comply with state law or rules and shall at least annually review the accreditation status of each educator preparation program. The rules:
 - (1) shall provide for the assignment of the following accreditation statuses:
 - (A) not rated;
 - (B) accredited;
 - (C) accredited-warned;
 - (D) accredited-probation; and
 - (E) not accredited-revoked;
 - (2) may provide for the agency to take any necessary action, including one or more of the following actions:
 - (A) requiring the program to obtain technical assistance approved by the agency or board;
 - (B) requiring the program to obtain professional services under contract with another person;
 - (C) appointing a monitor to participate in and report to the board on the activities of the program; and
 - (D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the board or agency has provided the opportunity for a contested case hearing;
 - (3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency has provided the opportunity for a contested case hearing; and
 - (4) shall provide the board procedure for changing the accreditation status of a program that:

- (A) does not meet the accreditation standards established under Section [21.045\(a\)](#); or
 - (B) violates a board or agency regulation.
- (b) Any action authorized or required to be taken against an educator preparation program under Subsection (a) may also be taken with regard to a particular field of certification authorized to be offered by an educator preparation program.
- (c) A revocation must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.
- (d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the educator preparation program.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.0452. CONSUMER INFORMATION REGARDING EDUCATOR PREPARATION PROGRAMS.

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (b) The board shall make available at least the following information regarding each educator preparation program:
 - (1) the information specified in Sections [21.045](#)(a) and (b);
 - (2) In addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;
 - (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) students of limited English proficiency, as defined by Section [29.052](#);
 - (5) the activities offered by the program that are designed to prepare teachers to:
 - (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
 - (6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;
 - (7) the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing the

- number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs;
- (8) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;
 - (9) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and
 - (10) the results of teacher satisfaction surveys developed under Section [21.045](#) and given to program participants at the end of the first year of teaching.
- (c) For purposes of Subsection (b)(9), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
 - (d) For purposes of Subsections (b)(9) and (10), the board shall develop surveys for distribution to program participants and school principals.
 - (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.
 - (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
 - (g) The board may require any person to provide information to the board for purposes of this section.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
 - (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on: ~~the importance of proper nutrition and exercise;~~
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter B, Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
 - (1) is relevant to student education; and
 - (2) aligns with current or emerging professions.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
 - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
 - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;
 - (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003](#)(b) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.

- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
 - (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
 - (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
 - (3) includes a meeting of the board of trustees of the district at which:
 - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
 - (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;
 - (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of instructional materials. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.

- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).
- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
 - (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3)
 - (1) This subsection may be cited as "Lauren's Law."
 - (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
 - (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.
- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
 - (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
 - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
 - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
 - (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, [causes,] consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in [and] alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse [alcohol] awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse [alcohol] awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse [or delay alcohol use] among students, as determined by evaluations that are evidence-based [use valid and reliable measures and that are published in peer-reviewed journals].
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that

prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

(w) Repealed section 28.002 (w)

~~(w) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the dangers, causes, consequences, signs, symptoms, and treatment of nonmedical use of prescription drugs. The agency shall compile a list of evidence-based prescription drug misuse awareness programs from which a school district may choose a program to use in the district's middle school, junior high school, and high school health curriculums. In this subsection, an "evidence-based prescription drug misuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent nonmedical use of prescription drugs among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.~~

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002](#) (a)(1) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
 - (1) four credits in English language arts under Section [28.002](#)(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002](#)(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002](#)(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002](#)(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002](#)(a)(2)(A);
 - (6) five elective credits;
 - (7) one credit in fine arts under Section [28.002](#)(a)(2)(D); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- ~~(b-6) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.~~
- ~~(b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.~~
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts

program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002\(c\)](#). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002\(g-1\)](#), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
 - (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee;
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
 - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
 - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
 - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:

- (1) if the student receives special education services under Subchapter A, Chapter [29](#), the student's admission, review, and dismissal committee; or
 - (2) if the student does not receive special education services under Subchapter A, Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
- (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
 - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
 - (3) the remaining curriculum requirements under Subsection (b-1); and
 - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language ~~[at an elementary school]~~.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections 28.0256 and ~~[Section]~~ [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).

- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:
 - (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
 - (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
 - (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under

Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#). This subsection expires September 1, ~~2019~~ 2023.
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter A, Chapter 29, may earn an endorsement on the student's transcript by:
 - (1) successfully completing, with or without modification of the curriculum:
 - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and
 - (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
 - (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
 - (A) without modification of the curriculum; or

(B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.

- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
- (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter A, Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).
- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.

- (h) The commissioner by rule shall adopt a transition plan to implement and administer the amendments made by H.B. No. 5, 83rd Legislature, Regular Session, 2013, replacing the minimum, recommended, and advanced high school programs with the foundation high school program beginning with the 2014-2015 school year. Under the transition plan, a student who entered the ninth grade before the 2014-2015 school year must be permitted to complete the curriculum requirements required for high school graduation under:
- (1) the foundation high school program, if the student chooses during the 2014-2015 school year to take courses under this program;
 - (2) the minimum high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year;
 - (3) the recommended high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year; or
 - (4) the advanced high school program, as that program existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, if the student was participating in that program before the 2014-2015 school year.
- (h-1) This subsection and Subsection (h) expire September 1, 2018.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. ~~[In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a].~~

TEXAS EDUCATION CODE
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).
- (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 be:
 - (1) approved by the agency; and
 - (2) 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 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.
- (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 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.

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.

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TITLE 2. PUBLIC EDUCATION
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CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.003. RULES.

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.022. INSTRUCTIONAL MATERIALS REVIEW AND ADOPTION.

- (a) The State Board of Education shall adopt a review and adoption cycle for instructional materials for elementary grade levels, including prekindergarten, and secondary grade levels, for each subject in the required curriculum under Section 28.002. In adopting the cycle, the board:
 - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
 - (2) shall give priority to instructional materials in the following subjects:
 - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under Subchapter B, Chapter 39, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n);
 - (C) foundation curriculum subjects not described by Paragraph (A) or (B), including career and technology courses that satisfy foundation curriculum requirements as provided by Section 28.002(n); and
 - (D) enrichment curriculum subjects.
- (b) The board shall organize the cycle for subjects in the foundation curriculum so that not more than one-fourth of the instructional materials for subjects in the foundation curriculum are reviewed each biennium. The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the foundation curriculum every eight years. The adoption of instructional materials for a subject in the foundation curriculum may be extended beyond the eight-year period only if the content of instructional materials for a subject is sufficiently current.
- (c) The board shall adopt rules to provide for a full and complete investigation of instructional materials for each subject in the enrichment curriculum on a cycle the board considers appropriate.
- (d) At least 12 months before the beginning of the school year for which instructional materials for a particular subject and grade level will be adopted under the review and adoption cycle, the board shall publish notice of the review and adoption cycle for those instructional materials. A request for production must allow submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (d-1) A notice published under Subsection (d) must state that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic sample of the instructional materials as required by Sections 31.027(a) and (b) and may not submit a print sample copy.
- (e) The board shall designate a request for production of instructional materials in a subject area and grade level by the school year in which the instructional materials are intended to be made available in classrooms and not by the school year in which the board makes the request for production.
- (f) The board shall amend any request for production issued for the purchase of instructional materials to conform to the instructional materials funding levels provided by the General Appropriations Act for the year of implementation.
- (g) In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.
- (h) The board shall include information regarding open education resource instructional materials during the adoption cycle, including any cost savings associated with the adoption of open education resource instructional materials.

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TITLE 2. PUBLIC EDUCATION
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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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SUBCHAPTER B. STATE FUNDING, ADOPTION, AND PURCHASE

TEC, §31.024. ADOPTION BY STATE BOARD OF EDUCATION.

- (a) By majority vote, the State Board of Education shall:
 - (1) place each submitted instructional material on the list adopted under Section [31.023](#);
or
 - (2) reject instructional material submitted for placement on that list.
- (b) Not later than December 1 of the year preceding the school year for which the instructional materials for a particular subject and grade level will be purchased under the cycle adopted by the board under Section [31.022](#), the board shall provide the list of adopted instructional materials to each school district.

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TITEL 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS.

- (a) Notwithstanding any other provision of this subchapter, the State Board of Education may adopt supplemental instructional materials that are not on the list adopted under Section [31.023](#). The State Board of Education may adopt supplemental instructional material under this section only if the instructional material:
 - (1) contains material covering one or more primary focal points or primary topics of a subject in the required curriculum under Section [28.002](#), as determined by the State Board of Education;
 - (2) is not designed to serve as the sole instructional material for a full course;
 - (3) meets applicable physical specifications adopted by the State Board of Education;
 - (4) is free from factual errors;
 - (5) is suitable for the subject and grade level; and
 - (6) is reviewed by academic experts in the subject and grade level.
- (b) The State Board of Education shall identify the essential knowledge and skills identified under Section [28.002](#) that are covered by supplemental instructional material adopted by the board under this section.
- (c) Supplemental instructional material is subject to the review and adoption cycle provisions, including the midcycle review and adoption cycle provisions, of this subchapter.
- (d) A school district or open-enrollment charter school may requisition supplemental instructional material adopted under this section only if the district or school requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Section [31.023](#) that in combination cover each element of the essential knowledge and skills for the course for which the district or school is requisitioning the supplemental instructional materials.
- (e) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.
- (f) A school district or open-enrollment charter school that requisitions supplemental instructional materials shall certify to the agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the district or school, cover the essential knowledge and skills identified under Section [28.002](#) by the State Board of Education for the subject and grade level for which the district or school is requisitioning the supplemental instructional materials.
- (g) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 6, Sec. 67(5), eff. July 19, 2011.

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TITLE 2. PUBLIC EDUCATION
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CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER D. ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

TEC, §31.151. DUTIES OF PUBLISHERS AND MANUFACTURERS

- (a) A publisher or manufacturer of instructional materials:
- (1) shall furnish any instructional material the publisher or manufacturer offers in this state at a price that does not exceed the lowest price at which the publisher offers that instructional material for adoption or sale to any state, public school, or school district in the United States;
 - (2) shall automatically reduce the price of instructional material sold for use in a school district or open-enrollment charter school to the extent that the price is reduced elsewhere in the United States;
 - (3) shall provide any instructional material or ancillary item free of charge in this state to the same extent that the publisher or manufacturer provides the instructional material or ancillary item free of charge to any state, public school, or school district in the United States;
 - (4) shall guarantee that each copy of instructional material sold in this state is at least equal in quality to copies of that instructional material sold elsewhere in the United States and is free from factual error;
 - (5) may not become associated or connected with, directly or indirectly, any combination in restraint of trade in instructional materials or enter into any understanding or combination to control prices or restrict competition in the sale of instructional materials for use in this state;
 - (6) shall deliver instructional materials to a school district or open-enrollment charter school;
 - (7) shall, at the time an order for instructional materials is acknowledged, provide to school districts or open-enrollment charter schools an accurate shipping date for instructional materials that are back-ordered;
 - (8) shall guarantee delivery of instructional materials at least 10 business days before the opening day of school of the year for which the instructional materials are ordered if the instructional materials are ordered by a date specified in the sales contract; and
 - (9) shall submit to the State Board of Education an affidavit certifying any instructional material the publisher or manufacturer offers in this state to be free of factual errors at the time the publisher executes the contract required by Section [31.026](#).
- (b) The State Board of Education may impose a reasonable administrative penalty against a publisher or manufacturer who knowingly violates Subsection (a). The board shall provide for

a hearing to be held to determine whether a penalty is to be imposed and, if so, the amount of the penalty. The board shall base the amount of the penalty on:

- (1) the seriousness of the violation;
 - (2) any history of a previous violation;
 - (3) the amount necessary to deter a future violation;
 - (4) any effort to correct the violation; and
 - (5) any other matter justice requires.
- (c) A hearing under Subsection (b) shall be held according to rules adopted by the State Board of Education.
- (d) A penalty collected under this section shall be deposited to the credit of the state instructional materials and technology fund.
- (e) An eligible institution, as defined by Section [31.0241](#)(a), that offers open education resource instructional materials under Section [31.0241](#) is not a publisher or manufacturer for purposes of this section.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE H. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
SUBCHAPTER B. ASSESSMENT OF ACADEMIC SKILLS

TEC, §39.033. VOLUNTARY ASSESSMENT OF PRIVATE SCHOOL STUDENTS.

- (a) Under an agreement with the agency, a private school may administer an assessment instrument adopted under this subchapter to students at the school.
- (b) An agreement under this section must require the private school to:
 - (1) as determined appropriate by the commissioner, provide to the commissioner the information described by Sections [39.053\(c\)](#) and [39.301\(c\)](#); and
 - (2) maintain confidentiality in compliance with Section [39.030](#).
- (c) A private school must reimburse the agency for the cost of administering an assessment instrument under this section. The State Board of Education shall determine the cost under this section. The per-student cost may not exceed the cost of administering the same assessment to a student enrolled in a public school district.
- (d) In this section, "private school" means a school that:
 - (1) offers a general education to elementary or secondary students; and
 - (2) is not operated by a governmental entity.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE H. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
SUBCHAPTER B. ASSESSMENT OF ACADEMIC SKILLS

TEC, §39.02341. TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS

- (a) The agency, in consultation with the State Board of Education, shall develop a transition plan to administer all assessment instruments required under Section [39.023](#) electronically beginning not later than the 2022-2023 school year. The plan must:
 - (1) evaluate the availability of Internet access for each school district in this state;
 - (2) identify changes to state law or policy necessary to improve the availability of Internet access described by Subdivision (1);
 - (3) evaluate the state's experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service, and actions taken by the state to mitigate the occurrence and effect of those disruptions; and
 - (4) identify and evaluate actions taken by the state to improve the administration of online assessment instruments.
- (b) The agency shall implement the transition plan beginning on September 1, 2021. In order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.
- (c) Not later than December 1, 2020, the agency shall submit to the governor, the lieutenant governor, and the members of the legislature a report on the plan developed under Subsection (a). The report must include:
 - (1) information from school districts assessing the needs of those districts in transitioning to electronic administration;
 - (2) any recommended changes to state law to assist in the transition; and
 - (3) a recommended timeline for statewide implementation of electronic administration.
- (d) This section expires September 1, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
- (1) all land appropriated for the public schools by the constitution and laws of this state;
 - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section [88.111](#); and property described by Section [12.128](#);
 - (3) all proceeds from the authorized sale of permanent school fund land;
 - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
 - (5) all investments authorized by Section [43.003](#) of properties belonging to the permanent school fund; and
 - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
- (1) the distributions to the fund from the permanent school fund as provided by Sections ~~Section~~ [5\(a\) and \(g\)](#), Article VII, Texas Constitution;
 - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
 - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
 - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections ~~Section~~ [5\(a\) and \(g\)](#), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state technology and instructional materials fund established under Section [31.021](#).

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

**TEC, §43.0051. TRANSFERS TO REAL ESTATE SPECIAL FUND ACCOUNT OF THE
PERMANENT SCHOOL FUND.**

The State Board of Education may transfer funds from the portion of the permanent school fund managed by the State Board of Education to the real estate special fund account of the permanent school fund if the State Board of Education determines, using the standard of care set forth in Subsection (f), Section [5](#), Article VII, Texas Constitution, that such transfer is in the best interest of the permanent school fund.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND

TEC, §43.0052. QUARTERLY REPORTS.

Each quarter, the State Board of Education shall provide to the School Land Board a financial report on the portion of the permanent school fund assets and funds for which the State Board of Education is responsible. The report must include:

- (1) target and actual asset allocations, by asset type, based on fair market value or net asset value;
- (2) investment performance by asset type;
- (3) benchmarks and benchmark performances; and
- (4) costs of implementing and administering the permanent school fund liquid account under Section [51.414](#), Natural Resources Code, including costs associated with contracts for:
 - (A) professional investment management;
 - (B) investment advisory services; and
 - (C) custodial services for the account.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.001. FISCAL GUIDELINES.

- (a) The commissioner shall establish advisory guidelines relating to the fiscal management of a school district.
- (b) The commissioner shall report annually to the State Board of Education the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.007. ACCOUNTING SYSTEM; REPORT.

- (a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform with generally accepted accounting principles.
- (b) The accounting system must meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor.
- (c) A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with the agency on or before the date set by the State Board of Education.
- (d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a format prescribed by the board and in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.
- (e) Expired.
- (f) Expired.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 44. FISCAL MANAGEMENT
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

TEC, §44.008. ANNUAL AUDIT; REPORT.

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.
- (b) The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).
- (c) Each treasurer receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer 's hands. The treasurer 's records of the district 's itemized accounts and records shall be made available to audit.
- (d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not 11 later than the 150th day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor 's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports.

TEXAS 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.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER B. RULEMAKING

TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE D. STATE PURCHASING AND GENERAL SERVICES
CHAPTER 2155. PURCHASING: GENERAL RULES AND PROCEDURES
SUBCHAPTER B. GENERAL PURCHASING REQUIREMENTS, PROCEDURES, AND
PROGRAMS

TGC, §2155.076 PROTEST PROCEDURES.

- (a) The comptroller and each state agency by rule shall develop and adopt protest procedures for resolving vendor protests relating to purchasing issues. An agency's rules must be consistent with the comptroller's rules. The rules must include standards for maintaining documentation about the purchasing process to be used in the event of a protest.
- (b) A state agency that is not subject to Chapter [2001](#) shall provide public notice of its proposed and adopted protest rules and provide a procedure for public comment on the proposed rules.

Added by Acts 1997, 75th Leg., ch. 1206, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1071 (H.B. [1524](#)), Sec. 15, eff. September 1, 2019.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE D. STATE PURCHASING AND GENERAL SERVICES
CHAPTER 2161. HISTORICALLY UNDERUTILIZED BUSINESSES
SUBCHAPTER A. GENERAL PROVISIONS

TGC, §2161.003 AGENCY RULES.

A state agency, including an institution of higher education, shall adopt the comptroller's rules under Section [2161.002](#) as the agency's or institution's own rules. Those rules apply to the agency's construction projects and purchases of goods and services paid for with appropriated money without regard to whether a project or purchase is otherwise subject to this subtitle.

Added by Acts 1999, 76th Leg., ch. 1499, Sec. 1.23, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1071 (H.B. [1524](#)), Sec. 81, eff. September 1, 2019.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT
CHAPTER 2260. RESOLUTION OF CERTAIN CONTRACT CLAIMS AGAINST THE STATE
SUBCHAPTER B. NEGOTIATION OF CLAIM

TGC, §2260.052 NEGOTIATION.

- (a) The chief administrative officer or, if designated in the contract, another officer of the unit of state government shall examine the claim and any counterclaim and negotiate with the contractor in an effort to resolve them. The negotiation must begin not later than the 120th day after the date the claim is received.
- (b) Repealed by Acts 2005, 79th Leg., Ch. 988, Sec. 8, eff. September 1, 2005.
- (c) Each unit of state government with rulemaking authority shall develop rules to govern the negotiation and mediation of a claim under this section. If a unit of state government does not have rulemaking authority, that unit shall follow the rules adopted by the attorney general. A model rule for negotiation and mediation under this chapter shall be provided for voluntary adoption by units of state government through the coordinated efforts of the State Office of Administrative Hearings and the office of the attorney general.

MINUTES

STATE BOARD OF EDUCATION

SEPTEMBER 2020

Minutes

State Board of Education

September 2, 2020

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

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

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

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

DONNA BAHORICH, Houston
District 6

TOM MAYNARD, Florence
District 10

BARBARA CARGILL, Conroe
District 8

SUE MELTON-MALONE, Robinson
District 14

RUBEN CORTEZ, JR., Brownsville
District 2

KEN MERCER, San Antonio
District 5

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

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

SCHOOL FINANCE/PERMANENT SCHOOL FUND

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

SCHOOL INITIATIVES

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

Minutes
State Board of Education
September 2, 2020

The State Board of Education conducted a virtual meeting at 9:04 a.m. on Wednesday, September 2, 2020. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Invocation

Pledge of Allegiance

Roll Call

1. 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) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May and June 2020.

(Board agenda III-4)

The State Board of Education ratified the purchases and sales for the months of May and June 2020 in the amounts of \$895,238,762 and \$1,065,447,343 respectively.
(ATTACHMENT 1, page 7).

(2) Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

(Board agenda page III-6)

The State Board of Education adopted a distribution to the Available School Fund of approximately \$1.102 billion for fiscal year 2021.

(3) Proposed Amendments to the Investment Procedures Manual

(Board agenda page III-54)

The State Board of Education adopted the amendments to the Investment Procedures Manual as presented by staff.

(4) Review of the Permanent School Fund Real Estate Policy and Tactical Plan
(Board agenda page III-55)

The State Board of Education adopted the proposed Real Estate Annual Tactical Plan as presented.

(5) Authorization to Issue a Request for Proposals for Emerging Manager Investment Management in the Private Equity and Real Estate Asset Classes for the Permanent School Fund
(Board agenda page III-56)

The State Board of Education approved the issuance of the Request for Proposals for Investment Management Services for a Private Equity Emerging Manager program and a Private Real Estate Emerging Manager program for the Texas Permanent School Fund and the State Board of Education.

(6) Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees
(Board agenda page IV-1)

The State Board of Education approved the appointment of Ms. Glenda M. Solomon to serve a term of office, from September 2, 2020 to September 2, 2022, on the Randolph Field Independent School District Board of Trustees.

(ATTACHMENT 2, page 9)

(7) Recommendation for Appointment to the Boys Ranch School Independent School District Board of Trustees
(Board agenda page IV-17)

The State Board of Education approved the reappointment of Mr. Robert Marshall to serve a term of office, from November 16, 2020 to November 16, 2022, on the Boys Ranch Independent School District Board of Trustees.

(ATTACHMENT 3, page 15)

COMMITTEE OF THE FULL BOARD

2. **Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts (Second Reading and Final Adoption)**
(Board agenda page I-1)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education approve for second reading and final adoption new 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts; and make an affirmative finding that immediate adoption of 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

(ATTACHMENT 4, page 21)

3. **Approval of *Proclamation 2022 Questions and Answers***
(Board agenda page I-9)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried unanimously that the State Board of Education adopt Proclamation 2022 Questions and Answers.*

COMMITTEE ON INSTRUCTION

1. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum (Second Reading and Final Adoption)**
(Board agenda page II-I)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum; and make an affirmative finding that immediate adoption of 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.*

(ATTACHMENT 5, page 25)

2. **Proposed New 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits**
(Second Reading and Final Adoption)
(Board agenda page II-9)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption new 19 TAC, Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits, as recommended by the Committee on Instruction; and make an affirmative finding that immediate adoption of 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits, is necessary and shall have an effective date of August 1, 2021.*

(ATTACHMENT 6, page 29)

3. **Report from the Commissioner of Education Regarding Updated TEKS Alignment for Adopted Instructional Materials**
(Board agenda page II-18)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education require that all publishers make corrections listed in the TEKS Update Report of Required Corrections and the Report of Editorial Changes; approve changes and corrections submitted in response to written comments and public testimony; and update the official TEKS percentage for instructional materials reviewed for TEKS Updates on the Instructional Materials Current Adoption Bulletin.*

4. **Approval of Update to Instructional Materials for Learning A-Z**

(Board agenda page II-21)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve the request from Learning A–Z to update content in three of its adopted products Raz Plus ELL Texas Edition, Kindergarten; Raz Plus ELL Texas Edition, grade 1; and Raz Plus ELL Texas Edition, grade 2.*

5. **Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty**
(First Reading and Filing Authorization)
(Board agenda page II-22)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty.*

COMMITTEE ON SCHOOL INITIATIVES

6. **Ad Hoc Committee Recommendations Related to Trustee Team Building Training**
(Board agenda page IV-25)

MOTION: *It was moved by Mrs. Cargill and seconded by Mr. Rowley that the State Board of Education adopt the Recommended Revisions to School Board Member Training – Framework for School Board Development, as amended and recommended by the Committee on School Initiatives.*

MOTION: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to insert, “specific, quantifiable, research-based, and time-bound” into bullet point 4 under I. Vision and Goals to allow the public an opportunity to review the language.*

MOTION AND VOTE: *It was moved by Dr. Robinson and seconded by Mr. Cortez to strike “research-based.” The motion failed.*

MOTION AND VOTE: *It was moved by Dr. Ellis to substitute the following language:*

“Adopts a reasonable number of specific research-based goals that align to the vision to improve student outcomes including the quantifiable goals in TEC §11.185 and §11.186”

The motion failed.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and seconded by Dr. Robinson to amend the amendment to read:*

“Adopts a reasonable number of specific ~~quantifiable, research-based, and time-bound~~ and measurable goals that align with early childhood literacy, mathematics, and CCMR requirements.”

The motion failed.

VOTE: *A vote was taken on the original motion by Mrs. Bahorich to insert, “specific, quantifiable, research-based, and time-bound” into bullet point 4 under I. Vision and Goals to allow the public an opportunity to review the language.*

The motion carried.

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to restore bullet point 5 under III. Progress and Accountability to read:*

“Differentiates among inputs, outputs, and outcomes, especially when focusing on student outcomes.”

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Dr. Ellis, and carried without objection to amend bullet point 5 under II. Systems and Processes to read:*

“Focuses its action on district-wide policy-making, planning, goal setting, progress monitoring, and evaluation and ~~restricts~~ refrains from its involvement in daily operations and management.

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Dr. Ellis, and carried to amend bullet point 5 under II. Systems and Processes to read:*

“Focuses its actions on providing oversight of management, district-wide policy-making, planning, goal setting, progress monitoring, and evaluation and refrains from involvement in daily operations and management.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and seconded by Ms. Davis to amend I. Vision and Goals to read:*

“Vision and Goals—The board ensures creation of a shared vision and measurable goals that improve student outcomes and offers opportunities, and experiences.”

The motion failed.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Ms. Pérez, and carried to amend bullet point 6 under IV. Advocacy and Engagement to read:*

“Promotes school board service by educating the community about the role of a school board and building leadership capacity within the community ~~for potential future school board members.~~

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Perez-Diaz, and carried to amend bullet point 6 under IV. Advocacy and Engagement to read:*

“Promotes school board service by educating the community about the role of a school board and ~~encouraging leadership opportunities~~ building leadership capacity within the community.

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Ms. Perez-Diaz, and carried to postpone adoption of the Recommended Revisions to School Board Member Training – Framework for School Board Development until the November 2020 SBOE meeting.*

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

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

Committee on School Finance/Permanent School Fund

Mr. Maynard did not report on the Committee on Finance/Permanent School Fund.

Committee on School Initiatives

Mrs. Cargill did not report on the Committee on School Initiatives.

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

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

The meeting adjourned at 12:30 p.m.

Georgina C. Pérez, Secretary

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For May 1, 2020 through June 30, 2020**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 336,201,370
Public Market Equities	319,055,015
Alternative Investments	<u>239,982,377</u>
TOTAL	<u>\$ 895,238,762</u>

Sales/Distributions:

Long Term Fixed Income	\$ 82,953,444
Public Market Equities	476,890,991
Alternative Investments	<u>505,602,908</u>
TOTAL	<u>\$ 1,065,447,343</u>

General Land Office Contributions:

FY 2019 Cumulative June 2019	FY 2020 Cumulative June 2020
\$191,250,000	\$7,500,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$191,250,000 through June 2019 for fiscal year 2019 versus \$7,500,000 through June 2020 for fiscal year 2020, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of May 2020 and June 2020 Permanent School Fund portfolio purchases of \$895,238,762 and sales of \$1,065,447,343.

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**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



24 July 2020

MEMORANDUM FOR Mr. Mike Morath
Commissioner, Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

FROM: 502 SFG/CC
1 Washington Circle, Suite #2
JBASA-Randolph, TX 78150-4560

SUBJECT: Appointment of Ms. Glenda M. Solomon to the Randolph Field Independent School District (RFISD) Board of Trustees.

1. I would like to respectfully request the appointment of Ms. Glenda M. Solomon to the Randolph Field Independent School District (RFISD) Board of Trustees. Enclosed are the resumes of my nominees, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The remaining nominees, in order of preference are, Mr. John R. Ludington III and Ms. Elizabeth Dahlquist.
3. All nominees are qualified under the general school laws of Texas and either live or work on JBASA-Randolph. Each nominee is well qualified and the appointment of any one of them would be in full compliance with the provisions of the Texas Education Code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
4. I recognize the power of the Board of Trustees to govern and manage the operations of the RFISD and recognize that my role as the executive agent of JBASA-Randolph is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
5. Thank you and your staff for your support of our school district. If you have any questions, please contact my POC, Ms. Angela Green at (210) 652-3081.

JAMES H. MASONER, Colonel, USAF
Commander, 502d Security Forces Group

3 Attachments:

1. Ms. Glenda M. Solomon's Resume
2. Mr. John R. Ludington III's Resume
3. Ms. Elizabeth Dahlquist's Resume



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Glenda M. Solomon

Residential Address: 1851 1st Street E., Suite 3

JBSA Randolph TX 78154

Physical Address of Employer:

1851 1st Street E., Suite 3

JBSA Randolph TX 78154

Board of Trustees Location Applying For: Randolph FISD

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.

SOLOMON.GLENDA.M Digitally signed by
.1040046492 SOLOMON.GLENDA.M.1040046492
Date: 2020.06.26 10:20:35 -05'00'

Signature of Applicant

Date

Glenda M. Solomon

Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly.
Form must be completed prior to setting up your interview with the selection board.***

RFISD SCHOOL BOARD TRUSTEE APPLICATION

1. Personal Data

- a. Name/rank: Glenda M. Solomon /GS -12)
- b. Address: __724 Broadleaf Schertz, TX 78154
- c. Phone :_(210) 658-7225 home /(210) 652-4881
- d. If military, date assigned to Randolph AFB: N/A; TAFMSD: N/A
- e. Qualification: Military (if retired, grade: CMSgt, USAF Retired /date:1 Apr 2006), civilian, or ~~dependent~~ (circle one)
- f. Children in RFISD: No; Graduates: Sydney Solomon - 2010 & Leah Solomon - 2007

2. Status: Investigator & Complaints Resolution Specialist, HQ Air Education and Training Command, Office of the Inspector General, JBSA Randolph

- a. Education: BS Corporate Education & Training and BS in Business Management
- b. Professional or personal experience that would be an asset to you as a school board trustee:
 - 1) Four years previous experience as RFISD School Board Trustee (2010-2014). I am very familiar with various Randolph School activities and organizations. I have participated in various Randolph Field ISD activities during my daughters' attendance as students. I was an active member of PTO, President of the Athletic Booster Club for four years, a member of the Band Booster Club and the Randolph Elementary School Campus Improvement Committee from 2001-2003.
 - 2) I spent over 27 years on active duty in the Air Force and can appreciate the dynamics of balancing military and family life. Outside the normal mundane details of everyday military life, I've had to adjust to new environments, leadership and organizations all while supporting and keeping focus on the mission, goals and objectives.
 - 3) I currently work in the office of the AETC Inspector General (May 2006 – Present) and a significant portion of my job is to ensure problems/issues are resolved by the most appropriate agencies within our Air Force bases nation-wide. I deal with matters that are sent through congressional channels as well as the concerns of the everyday laborer who walks in off the street. I have over 16 years of experience with the Inspector General (includes both Complaint Resolution Process and Air Force Inspection Processes).
 - 4) Director of Education - Robins (AF) NCO Leadership Academy (8 years - 1992-2000): duties included – curriculum development, resource advisor - 5.4 M annual budget, 12 member faculty/staff; platform instructor, supervisor – hiring authority

3. Supervisor/reference:

- a. Name/rank: Mr. Ronald L. Hatfield (Lt Col - USAF Retired/ GS -13)
- b. Address: HQ AETC/ IG, 1851 1st Street East, Suite 3, JBSA Randolph TX 78150
- c. Phone: 210 652-2175

4. Why do you want to serve as a school board member?

I am applying for a position with the Randolph Field ISD School because I want to serve. My previous years (2010-2014) serving on the school board were very rewarding and productive. The knowledge and experience I have gained during my tenure have enabled me to not only understand the massive role the school board but has equipped me to better serve and support the districts efforts in providing the best educational experience for Randolph students. I understand

the comprehensive undertaking of managing funds and resources that will enable to district continue to function, as well as challenges faces the district in the years to come. As an advocate for education, our goal has been to create the best possible opportunities for our children to reach their full potential and succeed. The success of a strong and successful educational system is vested in its citizens- school board, parents, teachers, administrators and community.

My children attended and received a sound education at Randolph Field and have since graduated, completed college and moved on to great careers. I still have a vested interest and want to contribute towards education and success of Randolph Field ISD and I am willing to offer my time and experience to continue to work with a team that has helped our students learn and grow to be successful in life. One thing that I keep in mind, and have reminded others is a school board member not only serves the students, parents and administration (to include the staff), but every entity that makes the school district function. I'd like to think, during my tenure as a school board member, we were able to make things a little better and I'd like to offer my leadership as the district breaks ground on even bigger challenges. My time and service on the board was and always will be an investment in Randolph FISD's future! Support for our school system is not limited to only current parents but our community as a whole.

STATEMENT TO ACCOMPANY RFISD SCHOOL BOARD TRUSTEE APPLICATION

I verify that I work/live on JBSA Randolph TX, a military reservation. I am qualified under the general school laws of Texas to be a RFISD School Board Trustee. I certify that the biographical information on me contained in or attached to my school board application is true and correct. I am willing to accept the appointment as RFISD 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.

Glenda M. Solomon

26 June 2020

SIGNATURE

DATE

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July 10, 2020

Mr. Mike Morath
Commissioner
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Mr. Morath:

In my current capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its September 2020 meeting, reappoint **Mr. Robert Marshall** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Marshall is qualified under Texas law and meets all requirements.

Mr. Marshall's resume is enclosed, along with a signed statement expressing his 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. Current background check information is also enclosed.

I understand the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power is limited to duty as defined by statutes relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via e-mail at danadams@calfarley.org.

I appreciate your consideration and look forward to confirmation of this appointment.

Sincerely,



Dan Adams
President and Chief Executive Officer

Enclosures

DA:sjs

ROBERT W. MARSHALL

P. O. BOX 12
Boys Ranch, TX 79010
robertmarshall@calfarley.org
(806)533-1205 (O) or (806)549-3530 (C)

EDUCATION

Hardin-Simmons University, Abilene, TX; M.Ed., GPA 3.5. Major in Counseling and Human Development. 1994

McMurry University, Abilene, TX; B.A., GPA 3.1. Major in Applied Sociology, Minor in Psychology. 1992

LICENSES AND CERTIFICATIONS

<i>Licensed Professional Counselor-supervisor</i>	<i>2001 to Present</i>
<i>Licensed Childcare Administrator</i>	<i>2000 to Present</i>
<i>Equine Assisted Growth and Learning Therapist</i>	<i>2018 to Present</i>
<i>Life Space Crisis Intervention Senior Trainer</i>	
<i>Response Ability Pathways Senior Trainer</i>	

EMPLOYMENT

Vice President, Operations, Cal Farley's Boys Ranch, 2018 – present.

- Responsible for providing oversight, consultation, and support for all operational areas of the Cal Farley program and ensuring that all operational departments function in support of the highest quality residential childcare program. Directly oversees the Medical Clinic, Maintenance Program, Equine Program, and the Purchasing and Facilities Departments.
- Assures that accurate and contemporary campus procedures related to operational activities are maintained and published. Ensures adherence to the Cal Farley Model of Leadership and Service.
- Represents the organization with major clients, donors, local communities, and the general public.
- Supervises staff in, and personally exhibits, appropriate interaction with residents.
- Participates in various professional associations and community activities to enhance organizational visibility and further personal development.
- Exercises the usual authority of a Vice President concerning staffing, performance appraisals, employee development and advancement, and assumes additional tasks/special projects as assigned by the Executive Vice President/COO.

Administrator, Residential Communities, Cal Farley's Boys Ranch, 2014 – 2018.

- Oversee campus life program for up to 300 residents and the staff that supervise the homes.
- Supervise or oversee supervision of approx. 110 staff members including supervisors, house-parents, and auxiliary home-life staff.
- Develop and manage program and staff budget for 26 homes, approx. \$8 million per year.
- Liaison with public school officials to ensure quality educational programming for residents
- Work closely with Texas Department of Family and Protective Services staff at both the local and state level.

Administrator, Girls and Pre-Adolescents. Cal Farley's Boys Ranch, May 2010 – Present.

- Oversee home-life and casework program for approx. 164 residents and their families.
- Supervise or oversee supervision of approx. 85 staff members including supervisors, caseworkers, house-parents, and auxiliary home-life staff.
- Develop and manage program and staff budget for 14 homes, approx. \$4 million per year.
- Liaison with public school officials to ensure quality educational programming for residents
- Work closely with Texas Department of Family and Protective Services staff at both the local and state level.

Campus Administrator, Cal Farley's Girlstown, U.S.A., May 2001 to May 2010.

- Oversaw entire residential program for 60 residents and 50 employees at satellite campus in Whiteface, TX
- Managed the medical program consisting of a R.N. and a contract Psychiatrist, Dentist, and Orthodontist.
- Developed and managed annual budget of approx. \$5.5 million per year.
- Planned on oversaw the construction of two major building projects: a chapel and a resident home with a budget of around \$2 million for each project.
- Worked with the surrounding communities to promote Girlstown and Cal Farley's.
- Spoke at public events and meetings to tell the Cal Farley story and promote the programs.
- Liaison with public school officials to ensure quality educational offerings for residents
- Worked closely with Texas Department of Family and Protective Services staff at the local and state level.

Assistant Administrator, Cal Farley's Girlstown, U.S.A., May 1999 to May 2001.

- Assisted in the management of the entire residential program at Cal Farley's Girlstown, U.S.A.
- Directly supervised home-life, chapel, and operations staff.
- Assisted with the management of the medical and clinical program.
- Assisted with development and management of campus budget.
- Assisted with the management of the construction of one residential home.
- Liaison with public school officials to ensure quality educational offerings for our residents.

Manager, Intensive Support Services, MHMR Services or the Concho Valley, San Angelo, TX Sept 1998 to May 1999.

- Managed the Mental Health Intensive Support Services programs including budget planning; staff supervision, recruitment, and retention; program supervision of shelter, MH Supportive Employment, MH support services/casework, MH Supportive Living/Apartment program, and Assertive Community Treatment Team.
- Worked closely with TDMHMR staff.
- Monitored productivity and quality of services.
- Liaison with MH clinical and counseling staff.
- Managed compliance with local and state policies and standards.

Executive Director, Adult Day Care of San Angelo, San Angelo, TX. May 1998 to Sept 1998.

- Oversaw daily center operations.
- Developed and managed annual budget.
- Public Relations.
- Managed personnel issues.

Assertive Community Treatment Team Leader. MHMR Services for the Concho Valley, San Angelo, TX. Oct. 1996 to May 1998.

- Directed A.C.T. program.
- Supervised professional staff.
- Chaired treatment team.
- Liaison with families, local facilities, state facilities, hospital staff, and law enforcement

M.H. Caseworker III, Crisis Intervention Services. MHMR Services for the Concho Valley, San Angelo, TX. Oct. 1995 to Oct. 1996.

- Performed intake assessments and presented to MH treatment team.
- Screened walk-in clients.
- Co-Supervised Crisis Center staff.
- Liaison with center and community services, including hospitals and law enforcement.

Case Manager/Dorm Director. Wackenhut Corrections Corporation, Coke County Juvenile Justice Center, Bronte, TX. Oct. 1994 to Oct. 1995.

- Performed individual and group therapy to incarcerated adolescent girls.
- Managed programs for up to 3 dorms.
- Supervised staff including dorm security staff and caseworker.
- Coordinated with the Texas Youth Commission probation officers and statewide staff.

M.R. Case Manager. Abilene Regional MHMR, Abilene, TX. May 1994 to Sept. 1994.

- Coordinated services for caseload of intellectually challenged individuals.
- Facilitated staffings on quarterly basis.
- Provide casework services for the consumers.
- Develop and monitor case plans for the consumers.

Adjunct Instructor of Sociology, McMurry University, Abilene, TX. May 1994 to Dec. 1994.

Courses: Introduction to Sociology and Contemporary Social Problems

LEADERSHIP/SERVICE

Texas Network of Youth Services, Statewide

Board Chair/President	2010 to 2016
1 st Vice President	2008 to 2010
2 nd Vice President	2006 to 2008
Western Representative	2004 to 2006

Texas Coalition of Homes for Children, Statewide

Cal Farley Representative	2003 to Present
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South Plains Community Action Association, South Plains of Texas

Board of Directors	2008 to 2010
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Special Olympics, Lubbock and Amarillo

Volunteer	2000 to Present
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Concho Valley Critical Incident Stress Management Team

President	1997-1998
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Human Rights Committee, Bethphage Mission, San Angelo

Member	1996 - 1999
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SPECIAL TRAININGS

Satori Alternatives for Managing Aggression (SAMA) 1999 to Present

Response Abilities Pathways, Senior Trainer

Life Space Crisis Intervention, Senior Trainer

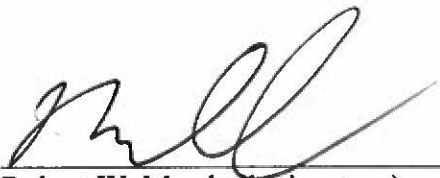
Neurosequential Model of Therapeutics, Dr. Bruce Perry 2008 to Present

Reduction of Seclusion and Restraint Training, Hogg Foundation Program

Critical Incident Stress Management Training, Concho Valley Chapter

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
ROBERT W. MARSHALL

I, **Robert W. Marshall**, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.


Robert W. Marshall (signature)


Date

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ATTACHMENT
Text of Proposed New 19 TAC

Chapter 61. School Districts

Subchapter B. Special Purpose School Districts

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

- (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.

ATTACHMENT
Text of Proposed Amendments to 19 TAC
Chapter 74. Curriculum Requirements
Subchapter A. Required Curriculum

§74.1. Essential Knowledge and Skills.

- (a) A school district that offers kindergarten through Grade 12 must offer the following as a required curriculum:
- (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States and world history, government, geography, and economics, with emphasis on the free enterprise system and its benefits; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on : ~~[the importance of proper nutrition and exercise;]~~
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technical education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) A school district must provide instruction in the essential knowledge and skills of the appropriate grade levels in the foundation and enrichment curriculum as specified in paragraphs ~~(1)-(12)~~ ~~[(1)-(13)]~~ of this subsection. A school district may add elements at its discretion but must not delete or omit instruction in the foundation and enrichment curriculum specified in subsection (a) of this section.
- (1) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading) : ~~[(1)]~~
 - (2) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) : ~~[(2)]~~
 - (3) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) : ~~[(3)]~~
 - (4) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) : ~~[(4)]~~

- (5) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English) . [i]
- (6) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education) . [i]
- (7) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education) . [i]
- (8) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts) . [i]
- ~~[(9) Chapter 118 of this title (relating to Texas Essential Knowledge and Skills for Economics with Emphasis on the Free Enterprise System and Its Benefits);]~~
- (9) ~~[(10)]~~ Chapter 126 of this title (relating to Texas Essential Knowledge and Skills for Technology Applications) . [i]
- (10) ~~[(11)]~~ Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development) . [i]
- (11) ~~[(12)]~~ Chapter 128 of this title (relating to Texas Essential Knowledge and Skills for Spanish Language Arts and English as a Second Language) . ~~[-and]~~
- (12) ~~[(13)]~~ Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education).

§74.3. Description of a Required Secondary Curriculum.

- (a) (No change.)
- (b) Secondary Grades 9-12.
 - (1) A school district that offers Grades 9-12 must provide instruction in the required curriculum as specified in §74.1 of this title. The district must ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards.
 - (2) The school district must offer the courses listed in this paragraph and maintain evidence that students have the opportunity to take these courses:
 - (A) English language arts--English I, II, III, and IV and at least one additional advanced English course;
 - (B) mathematics--Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications;
 - (C) science--Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and [Principles of] Engineering 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;

- (E) physical education--at least two courses selected from Foundations of Personal Fitness, Adventure/Outdoor Education, Aerobic Activities, or Team or Individual Sports;
- (F) fine arts--courses selected from at least two of the four fine arts areas (art, music, theatre, and dance)--Art I, II, III, IV; Music I, II, III, IV; Theatre I, II, III, IV; or Dance I, II, III, IV;
- (G) career and technical education-- 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 ~~[coherent sequences of courses selected from at least three of the following sixteen career clusters]~~ :
- (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 .
- ~~[(i) — Agriculture, Food, and Natural Resources;]~~
 - ~~[(ii) — Architecture and Construction;]~~
 - ~~[(iii) — Arts, Audio/Video Technology, and Communications;]~~
 - ~~[(iv) — Business Management and Administration;]~~
 - ~~[(v) — Education and Training;]~~
 - ~~[(vi) — Finance;]~~
 - ~~[(vii) — Government and Public Administration;]~~
 - ~~[(viii) — Health Science;]~~
 - ~~[(ix) — Hospitality and Tourism;]~~
 - ~~[(x) — Human Services;]~~
 - ~~[(xi) — Information Technology;]~~
 - ~~[(xii) — Law, Public Safety, Corrections, and Security;]~~
 - ~~[(xiii) — Manufacturing;]~~
 - ~~[(xiv) — Marketing;]~~
 - ~~[(xv) — Science, Technology, Engineering, and Mathematics; and]~~
 - ~~[(xvi) — Transportation, Distribution, and Logistics;]~~
- (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

~~[(I) technology applications—Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two courses selected from Computer Science III, Digital Art and Animation, Digital Communications in the 21st Century, Digital Design and Media Production, Digital Forensics, Digital Video and Audio Design, Discrete Mathematics for Computer Science, Fundamentals of Computer Science, Game Programming and Design, Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Mobile Application Development, Robotics Programming and Design, 3-D Modeling and Animation, Web Communications, Web Design, and Web Game Development; and]~~

(J) speech--Communication Applications.

- (3) Districts may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements as referenced in this chapter.
- (4) The school district must provide each student the opportunity to participate in all courses listed in subsection (b)(2) of this section. The district must provide students the opportunity each year to select courses in which they intend to participate from a list that includes all courses required to be offered in subsection (b)(2) of this section. If the school district will not offer the required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. A school district must teach a course that is specifically required for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the district must either teach the course every year or employ options described in Subchapter C of this chapter (relating to Other Provisions) to enable students to earn credit for the course and must maintain evidence that it is employing those options.
- (5) For students entering Grade 9 beginning with the 2007-2008 school year, districts must ensure that one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

(c) (No change.)

ATTACHMENT
Text of Proposed New 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, Kindergarten-Grade 2, Adopted 2020.

- (a) Introduction.
 - (1) Character education introduces students to character traits that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits 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 are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits.
 - (A) Trustworthiness: loyalty, integrity, reliability, and punctuality.
 - (B) Responsibility: accountability, perseverance, diligence, and self-control.
 - (C) Caring: kindness, empathy, charity, generosity, patience, consideration, and compassion.
 - (D) Citizenship: respect, courtesy, concern for the common good and the community, fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and law, and gratitude.
 - (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
 - (4) The knowledge and skills for positive character traits 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.
- (b) Knowledge and skills.
 - (1) Trustworthiness. The student understands how personal 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 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 identify instances in which self-control is important.
- (3) Caring. The student understands how personal actions demonstrate characteristics of caring. The student is expected to:
 - (A) define patience and identify actions that demonstrate patience; and
 - (B) explain and identify examples of how actions can demonstrate kindness to others.
- (4) Citizenship. The student understands how personal actions can demonstrate good citizenship. The student is expected to:
 - (A) define fairness and identify examples of fairness in a variety of situations;
 - (B) define and identify examples of 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) define good citizenship.

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

- (a) Introduction.
 - (1) Character education introduces students to character traits that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits 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 are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits.
 - (A) Trustworthiness: loyalty, integrity, reliability, and punctuality.
 - (B) Responsibility: accountability, perseverance, diligence, and self-control.
 - (C) Caring: kindness, empathy, charity, generosity, patience, consideration, and compassion.
 - (D) Citizenship: respect, courtesy, concern for the common good and the community, fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and law, and gratitude.
 - (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
 - (4) The knowledge and skills for positive character traits 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.
- (b) Knowledge and skills.

- (1) Trustworthiness. The student understands how personal 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 ways to practice self-control; and
 - (D) describe the relationship between being responsible and being accountable.
- (3) Caring. The student understands how personal actions demonstrate characteristics of caring. The student is expected to:
 - (A) describe how feelings impact decision making and behaviors;
 - (B) explain how one can show patience, consideration, and compassion; and
 - (C) define empathy and discuss the connection between empathy and charity.
- (4) Citizenship. The student understands that personal responsibility is associated with citizenship. The student is expected to:
 - (A) describe the differences and similarities among gratitude, respect, and courtesy;
 - (B) compare fairness and justice; and
 - (C) discuss the importance of obeying laws and rules.

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

- (a) Introduction.
 - (1) Character education introduces students to character traits that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits 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 are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits.
 - (A) Trustworthiness: loyalty, integrity, reliability, and punctuality.
 - (B) Responsibility: accountability, perseverance, diligence, and self-control.
 - (C) Caring: kindness, empathy, charity, generosity, patience, consideration, and compassion.
 - (D) Citizenship: respect, courtesy, concern for the common good and the community, fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and law, and gratitude.
 - (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
 - (4) The knowledge and skills for positive character traits 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.
- (b) Knowledge and skills.
- (1) Trustworthiness. The student understands how personal 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 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 influence our 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-control; and
 - (D) compare the benefits of responsible behavior with the consequences of irresponsible behavior.
- (3) Caring. The student understands how 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 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) Citizenship. The student understands how the character trait of citizenship impacts personal relationships. The student is expected to:
- (A) discuss the roles and responsibilities of citizens;
 - (B) explain how one's personal actions can impact the perception of others;
 - (C) describe how justice, fairness, and freedom are related; and
 - (D) identify and practice a variety of conflict-resolution skills and strategies.

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

- (a) Introduction.
- (1) Character education introduces students to character traits that empower them to be good citizens who are trustworthy, responsible, and caring. The character traits 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 are comprised of four strands: trustworthiness, responsibility, caring, and citizenship. Each strand consists of the following character traits.
- (A) Trustworthiness: loyalty, integrity, reliability, and punctuality.
 - (B) Responsibility: accountability, perseverance, diligence, and self-control.

- (C) Caring: kindness, empathy, charity, generosity, patience, consideration, and compassion.
- (D) Citizenship: respect, courtesy, concern for the common good and the community, fairness, freedom from prejudice, justice, patriotism, school pride, respect for authority and law, and gratitude.
- (3) Students are expected to develop an awareness of self-identity as well as recognize multiple perspectives, difference and diversity, biases, and the social and cultural context in which they live.
- (4) The knowledge and skills for positive character traits 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.
- (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, politics, and the local and global community demonstrate 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-control in a variety of situations; and
 - (D) define perseverance and identify strategies for demonstrating perseverance.
 - (3) Caring. The student understands how 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 impact relationships within society; and
 - (C) identify strategies for how a person can show empathy through one's actions.
 - (4) Citizenship. The student understands how character traits of citizenship influence our personal view of society and the local and global community. The student is expected to:
 - (A) explain the impact of personal actions on the family, school, and local and global community;
 - (B) practice the roles and responsibilities of citizenship in a variety of settings;
 - (C) apply conflict resolutions skills; and
 - (D) participate in constructive dialogues with those of differing viewpoints.

Minutes

State Board of Education

September 11, 2020

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

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

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

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

PAM LITTLE, Fairview
District 12

DONNA BAHORICH, Houston
District 6

TOM MAYNARD, Florence
District 10

BARBARA CARGILL, Conroe
District 8

SUE MELTON-MALONE, Robinson
District 14

RUBEN CORTEZ, JR., Brownsville
District 2

KEN MERCER, San Antonio
District 5

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

PATRICIA HARDY, Fort Worth
District 11

MATT ROBINSON, Friendswood
District 7

Committees of the State Board of Education

INSTRUCTION

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

SCHOOL FINANCE/PERMANENT SCHOOL FUND

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

SCHOOL INITIATIVES

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

Minutes
State Board of Education
September 11, 2020

The State Board of Education met at 9:25 a.m. on Friday, September 11, 2020. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley, vice chair

Student Performance

The student performance was provided by Los Fresnos Elementary, Los Fresnos Elementary Conjunto, and Los Fresnos High School Jazz Band in the Los Fresnos Independent School District (ISD).

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, July 2, 2020

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the July 2, 2020, meeting of the State Board of Education, as printed.*

Public Testimony

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

1. Resolutions and Presentations

Student Journalist of the Year

The State Board of Education, by unanimous consent, adopted a resolution honoring Kaleb Velez, of Jersey Village High School, in the Cypress-Fairbanks Independent School District, who was one of the four Student Journalists of the Year selected by the Student Reporting Lab.

(ATTACHMENT 1, page 15)

2020 Student Heroes Awards

The State Board of Education, by unanimous consent, adopted a resolution honoring Ethan J. Hernandez; Abbeny Solis; Mateo Alcorta; Miriam Yampuler; Sneha Shenoy; Payton Flannery; Dylan Taylor; Paisleigh Miller; Briana Liles; Nicole Padron; Stephen Phillips; Noah Spitzer; and Daniel Curryas the 2020 Student Heroes award recipients.

(ATTACHMENT 2, page 17)

2020 Heroes for Children Awards

The State Board of Education, by unanimous consent, adopted a resolution honoring Ofelia Murillo; Isabel Ortiz; Karla Vallejan; Irma Cuatanquiz; Michael Burke; Robert Westheimer; James “Jim” Martin; Charles Anderson; Jessica Rich; Chad Richter; Van Houser; Kelley Thomas; Mari Mueller; Suzanne Danhof; and Christine Foreman as the 2020 Heroes for Children award recipients.

(ATTACHMENT 3, page 19)

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 item on the consent agenda.

(1) Decision on the Percentage Distribution of the Permanent School Fund for Fiscal Years 2022 and 2023 and Related Fund Transfers (Board agenda I-9)

The State Board of Education (SBOE) approved the transfer of \$300 million from the portion of the Permanent School Fund (PSF) managed by the SBOE to the Real Estate Special Fund Account of the PSF in accordance with Texas Education Code, §43.0051, to be distributed to the Available School Fund (ASF) for Fiscal Year 2021 and determined that such transfer is in the best interest of the PSF due to the historic nature of the current public health and economic circumstances resulting from the COVID-19 pandemic and its impact on the school children of Texas.

The SBOE approved a percentage distribution of 4.00% from the PSF to the ASF for the 2022-2023 state fiscal biennium.

COMMITTEE OF THE FULL BOARD

3. Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45 **(First Reading and Filing Authorization)** (Board agenda page I-11)

MOTION: *It was moved by Mr. Rowley that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, as amended and recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried to amend §112.42(c)(13)(D) to read:*

“explain how environmental change, including change due to human activity, affects biodiversity and analyze how changes in biodiversity impact ecosystem stability.”

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, as amended and recommended by the Committee of the Full Board, as amended. The motion carried unanimously.*

4. **Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64**
(First Reading and Filing Authorization)
(Board agenda page I-32)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64, as amended and recommended by the Committee of the Full Board.*

5. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39**
(First Reading and Filing Authorization)
(Board agenda page I-83)

MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education postpone further consideration of new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39 to the last item on the agenda.*

COMMITTEE ON SCHOOL INITIATIVES

6. **Review of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs**
(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

7. **Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs**
(Board agenda page IV-20)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, as recommended by the Committee on School Initiatives.*

8. **Review of Proposed Amendment to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.1, General Provisions**
(Board agenda page IV-50)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.1, General Provisions, as recommended by the Committee on School Initiatives.*

9. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment**
(Board agenda page IV-55)

MOTION AND VOTE: *It was moved by Mrs. Cargill 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 C, Assessment of Educators, §230.21, Educator Assessment, as recommended by the Committee on School Initiatives.*

10. **Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates**
(Board agenda page IV-76)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, as recommended by the Committee on School Initiatives.*

11. **Review of Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards**
(Board agenda page IV-84)

MOTION AND VOTE: *It was moved by Mrs. Cargill and carried unanimously that the State Board of Education take no action on proposed revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards.*

COMMITTEE OF THE FULL BOARD

12. Consideration of the Commissioner of Education's Generation 25 Open-Enrollment Charter School Proposals (Board agenda page I-95)

MOTION: *It was moved by Mr. Rowley that the State Board of Education review and take no action on the following proposed Generation 25 Subchapter D. Open-Enrollment Charter Schools scheduled to open in the 2021-2022 school year:*

Brillante Academy (McAllen)
CLEAR Public Charter School (San Marcos)
Doral Academy of Texas (Buda)
Learn4Life-Austin (Austin)
Prelude Preparatory Charter School (San Antonio)
Royal Public Schools (San Antonio)

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried to divide the question.*

VOTE: *A vote was taken on the motion to review and take no action on Brillante Academy (McAllen). The motion carried with 9 members voting Aye and 5 members voting No as follows:*

<u>Aye:</u>	<i>Mr. Allen</i>	<i>Mr. Maynard</i>
	<i>Mrs. Bahorich</i>	<i>Mrs. Melton-Malone</i>
	<i>Mrs. Cargill</i>	<i>Mr. Mercer</i>
	<i>Ms. Hardy</i>	<i>Mr. Rowley</i>
	<i>Mrs. Little</i>	
 <u>No:</u>	 <i>Mr. Cortez</i>	 <i>Ms. Perez-Diaz</i>
	<i>Ms. Davis</i>	<i>Dr. Robinson</i>
	<i>Ms. Pérez</i>	

VOTE: *A vote was taken on the motion to review and take no action on CLEAR Public Charter School (San Marcos). The motion failed with 7 members voting Aye and 8 members voting No as follows:*

<u>Aye:</u>	<i>Mr. Allen</i>	<i>Mr. Maynard</i>
	<i>Mrs. Bahorich</i>	<i>Mr. Mercer</i>
	<i>Mrs. Cargill</i>	<i>Mr. Rowley</i>
	<i>Ms. Hardy</i>	
 <u>No:</u>	 <i>Mr. Cortez</i>	 <i>Mrs. Melton-Malone</i>
	<i>Ms. Davis</i>	<i>Ms. Pérez</i>
	<i>Dr. Ellis</i>	<i>Ms. Perez-Diaz</i>
	<i>Mrs. Little</i>	<i>Dr. Robinson</i>

VOTE: *A vote was taken on the motion to review and take no action on Doral Academy of Texas (Buda). The motion carried with 8 members voting Aye and 7 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Ms. Hardy
	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mr. Mercer
	Dr. Ellis	Mr. Rowley
<u>No:</u>	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mrs. Melton-Malone	

VOTE: *A vote was taken on the motion to review and take no action on Learn4Life-Austin (Austin). The motion carried with 9 members voting Aye and 5 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Bahorich	Mrs. Melton-Malone
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	
<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

VOTE: *A vote was taken on the motion to review and take no action on Prelude Preparatory Charter School (San Antonio). The motion carried with 9 members voting Aye and 5 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Bahorich	Mrs. Melton-Malone
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	
<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

VOTE: A vote was taken on the motion to review and take no action on Royal Public Schools (San Antonio). The motion carried with 9 members voting Aye and 5 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Bahorich	Mrs. Melton-Malone
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	
<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

MOTION: It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez that the State Board of Education take affirmative action to veto CLEAR Public Charter School (San Marcos), Heritage Classical Academy (Houston) and Rocketship Public Schools (Fort Worth).

MOTION AND VOTE: It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to divide the question.

VOTE: A vote was taken on the motion to veto CLEAR Public Charter School (San Marcos). The motion carried with 9 members voting Aye and 6 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mrs. Melton-Malone
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Dr. Ellis	Dr. Robinson
	Mrs. Little	
<u>No:</u>	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley

VOTE: A vote was taken on the motion to veto Heritage Classical Academy (Houston). The motion carried with 11 members voting Aye and 3 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mr. Mercer
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mr. Maynard	Mr. Rowley
	Mrs. Melton-Malone	
<u>No:</u>	Mrs. Bahorich	Ms. Hardy
	Mrs. Cargill	

VOTE: *A vote was taken on the motion to veto Rocketship Public Schools (Fort Worth). The motion carried with 12 members voting Aye and 2 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Mrs. Melton-Malone
	Mrs. Bahorich	Mr. Mercer
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mr. Maynard	Mr. Rowley

<u>No:</u>	Mrs. Cargill	Ms. Hardy
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MOTION AND VOTE: *It was moved by Mr. Rowley and carried that the State Board of Education suspend the rules and permit the State Board of Education to continue consideration of the Health TEKS with those amendments adopted by the Committee of the Full Board included.*

MOTION: *It was moved by Mr. Rowley and seconded by Mrs. Cargill that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39, as previously amended.*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried that the State Board of Education instruct staff to divide Health I student expectations into two half-credit courses based on amendments made by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education strike §115.38(c)(1).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(3)(B) to read:*

“apply communication skills that demonstrate consideration and respect for individual differences and perspectives”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(4)(B) to read:*

“explain and demonstrate decision-making skills based on mental health information”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(5)(B) to read:*

“~~explain~~ analyze how adverse childhood experiences such as abuse, neglect, and trauma can influence ~~impact~~ brain development and how to recognize, process, and overcome negative events for overall mental health and wellness; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education strike §115.38(c)(7)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried that the State Board of Education amend §115.38(c)(7)(B) to read:*

“evaluate food labels and menus for nutritional content and value, including considering recommended daily calories”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(7)(E) to read:*

“design a realistic, long-term personal dietary plan that promotes individual and family, ~~and community~~ health”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried that the State Board of Education amend §115.38(c)(8)(B) to read:*

“analyze the relationships between nutrition, physical activity, and quality of life ~~and diseases~~ as they relate to mental, physical, and social health benefits;”

MOTION: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(8)(C) to read:*

“analyze the relationships between body composition, diet, and physical activity, including how to balance caloric intake and physical activity expenditures; and”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez and carried to strike “expenditures” from §115.38(c)(8)(C).*

VOTE: *A vote was taken on the original motion that the State Board of Education amend §115.38(c)(8)(C) as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(10)(D) to read:*

“evaluate the differences in preparing and serving fresh food versus serving ready-prepared or processed foods ~~safety concerns related to physical activity, food and beverages~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(12)(A) to read:*

“formulate strategies for avoiding violence, gangs, weapons, ~~drugs~~, and human trafficking;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried that the State Board of Education amend §115.38(c)(14)(B) to read:*

“research and analyze how exposure to family violence ~~influences~~ can influence cyclical behavioral patterns”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried that the State Board of Education amend §115.38(c)(14)(C) to read:*

“create a personal action plan, including identifying areas of support, for use when encountering bullying, cyberbullying, or harassment”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(15)(A) to read:*

“develop strategies for preventing the misuse of prescription and over-the-counter drugs, including recognizing the negative effects of combining drugs”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education strike §115.38(c)(15)(B).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(15)(E) to read:*

“analyze the importance of alternative activities ~~alternatives~~ to drug and substance misuse and abuse”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(16)(A) to read:*

“discuss how substance misuse, including prescription drug misuse, and substance use disorders impact families and communities ~~analyze the importance of alternatives to drug and substance misuse and abuse on mental and social health~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(19)(B) to read:*

“analyze the role that relationship between alcohol, tobacco, and other drugs play in unsafe situations, including sexual abuse and assault, ~~and other substances used by adolescents and the role these substances play in unsafe situations~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education strike §115.38(c)(19)(C).*

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Cortez, and carried that the State Board of Education amend §115.38(c)(20)(E) to read:*

“analyze behaviors in romantic relationships that enhance dignity, and respect, ~~and showing responsibility;~~ and”

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded Ms. Perez-Diaz that the State Board of Education add new §115.38(c)(20)(G) to read:*

“differentiate among sex assigned at birth, sexual orientation, gender identity and gender expression”

The motion failed with 6 members voting Aye and 9 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Ms. Pérez
	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
 <u>No:</u>	 Mrs. Bahorich	 Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Ms. Hardy	Mr. Mercer
	Dr. Ellis	Mr. Rowley
	Mrs. Little	

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded Ms. Perez-Diaz that the State Board of Education add new §115.38(c)(20)(G) to read:*

“explain to promote safety, respect, awareness, and acceptance for all people regardless of their sexual orientation, gender identity, or gender expression”

The motion failed with 6 members voting Aye and 9 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Ms. Pérez
	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson

<u>No:</u>	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mrs. Melton-Malone
	Ms. Hardy	Mr. Mercer
	Dr. Ellis	Mr. Rowley
	Mrs. Little	

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(21)(F) to read:*

“analyze how a healthy sense of self and making and respecting decisions on ~~can lead to~~ safe boundaries and limits ~~and~~ promote healthy dating/romantic relationships”

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(21)(I) to read:*

“analyze factors, including alcohol and other substances, that ~~can~~ affect decision-making, setting and respecting boundaries, and increasing sexual risk ~~the ability to give or perceive the provision of consent to sexual activity;~~ and”

MOTION: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(21)(I) to read:*

“analyze factors, including alcohol and other substances, that increase sexual risk and that affect decision-making; setting, perceiving and respecting boundaries; ~~and increasing sexual risk;~~ and”

MOTION AND VOTE: *It was moved by Ms. Pérez to amend the amendment to read:*

“analyze factors, including alcohol and other substances, that ~~can~~ affect decision-making, increased risk behavior and reduce the ability to give, withhold, or perceive the provision of consent to-sexual activity; and”

The motion failed.

VOTE: *A vote was taken on the motion that the State Board of Education amend §115.38(c)(21)(I) to read:*

“analyze factors, including alcohol and other substances, that increase sexual risk and that affect decision-making; setting, perceiving and respecting boundaries; ~~and increasing sexual risk;~~ and”

The motion carried.

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded by Ms. Davis to suspend the rules to allow an amendment to replace the last amendment. The motion failed.*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz that the State Board of Education add new §115.38(c)(21)(K) to read:*

“define consent as a concept that encompasses clear, voluntary refusal or agreement to participate in each physical act between individuals”

The motion failed for lack of a second.

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(21)(J) to read:*

“examine and discuss ~~explain~~ peer influences and pressures to become sexually active and why it is wrong to violate another person’s ~~on other individuals’~~ decisions regarding personal boundaries and manipulate or consent and why it is wrong to trick, threaten someone into sexual activity or coerce another person into sexual activities”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education strike §115.38(c)(22)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education amend §115.38(c)(22)(D) to add “STD” in front of “STI.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(22)(G) to read:*

“analyze the importance of telling a parent or trusted adult, obtaining early pregnancy tests testing, and seeking prenatal care if signs of pregnancy occur; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education strike §115.38(c)(22)(H).*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried that the State Board of Education add a new §115.38(c)(22)(H).*

“describe the emotional changes that may occur during and after pregnancy, including postpartum depression, and identify resources for support and treatment”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education amend §115.38(c)(23)(A) to read:*

“research and analyze the educational, financial, and social impacts of pregnancy on teen parents, the child, families, and society including considering the effects on one’s personal life goals;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(23)(C), (E), and (F) to add “STDs” in front of “STIs.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(23)(G) to read:*

“identify community resources, and minors’ right to consent under certain circumstances, and the importance of parent or trusted adult support for STD and STI testing and treatment;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried that the State Board of Education amend §115.38(c)(23)(H) to read:*

“analyze emotional risks that can be associated with sexual activity for unmarried persons of school age, including ~~potential~~ stress, anxiety, and depression;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education amend §115.38(c)(23)(I) to read:*

“identify support from parents and trusted adults and create strategies, including building peer support to be abstinent or for return to abstinence, if sexually active. ~~create strategies that promote the advantages of abstinence from sexual activity and the reduction of risks by returning to abstinence;~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education amend §115.38(c)(23)(J) to read:*

“analyze the importance and benefits of abstinence from sexual activity as it relates to emotional health and the prevention of pregnancy and STDs and STIs;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried that the State Board of Education amend §115.38(c)(23)(K) to read:*

“analyze the effectiveness and the risks and failure rates (human-use reality rates) of barrier protection and other contraceptive methods, including how they work and may reduce the risk of STDs, STIs and pregnancy;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried that the State Board of Education add new §115.38(c)(14)(F) to read:*

“promote strategies for prevention and intervention of all forms of bullying and cyberbullying, such emotional, physical, social, and sexual.”

and to add new §115.27(c)(14)(I) to read:

“analyze strategies for prevention and intervention of all forms of bullying and cyberbullying, such emotional, physical, social, and sexual.”

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Hardy, and carried that the State Board of Education amend §115.38(c)(23)(O) to read:*

“describe the legal implications, including the legal age of consent, offenses regarding sexual activity as it relates to minor persons, including, statutory rape, aggravated sexual assault, sexual assault, and indecency with a child;”

and to ask staff to make the language in 7th and 8th grade consistent.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez that the State Board of Education amend §115.38(c)(21)(K) to read:*

“identify what qualifies as clear and legal consent to physical activity”

The motion failed.

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(22)(B) to read:*

“describe the process purpose, characteristics, and variations of the menstrual cycle;”

VOTE: *A vote was taken on the original motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39, as previously amended and recommended by the Committee of the Full board, as amended.*

The motion carried.

(Mr. Allen, Mr. Maynard, and Dr. Robinson were absent for the vote.)

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

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

Committee on School Finance/Permanent School Fund

Mr. Maynard did not report on the Committee on Finance/Permanent School Fund.

Committee on School Initiatives

Mrs. Cargill did not report on the Committee on School Initiatives.

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

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

The meeting adjourned at 2:18 p.m.

Georgina C. Pérez, Secretary

RESOLUTION

WHEREAS the PBS NewsHour Student Reporting Lab connects students with an innovative video journalism curriculum and a network of public broadcasting mentors to develop digital media, critical thinking and communications skills while producing original news reports from a youth perspective; and

WHEREAS the Student Reporting Lab recently selected four Student Journalists of the Year, with each representing a different region of the country; and

WHEREAS Kaleb Velez, a senior at Jersey Village High School in the Cypress-Fairbanks Independent School District, was selected to receive this honor for his work with Jersey Village Television and the Student Reporting Labs; and

WHEREAS Kaleb Velez is known for his strong story-telling abilities and knack for finding alternative angles to stories; and

WHEREAS he has a proven track record of producing quality content; now, therefore, be it

RESOLVED, That the State Board of Education does hereby congratulate Kaleb Velez on his selection as a Student Journalist of the Year.

WITNESS our signatures, this eleventh day of September, two thousand and twenty, in Austin, Texas.

Keven Ellis, Chair

Georgina C. Pérez, Secretary

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RESOLUTION

ATTACHMENT 2

WHEREAS the State Board of Education's Student Heroes Award, created in 2015, recognizes Texas public school students who engage in unselfish acts of kindness and service that benefit their fellow students or community; and

WHEREAS SBOE members selected outstanding students across the state as recipients of the 2020 Student Heroes Award; and

WHEREAS Ethan Hernandez, a fourth-grade student at Sanchez-Ochoa Elementary School in Laredo Independent School District (ISD), displayed compassion and empathy by doing a small act of collecting plastic bottle caps for a worthy cause; and

WHEREAS Abbeny Solis, a senior at Harlingen South High School in Harlingen Consolidated ISD, recently founded the teen program, *Insync*, which offers free summer virtual classes including language and dance, and plans to start the Cards4kindness program this fall; and

WHEREAS Mateo Alcorta, a fourth-grade student at J. Elrod Elementary in Northside ISD, San Antonio, has sewn and donated over 1,000 masks across the globe and was recognized as a Champion for Change for his caring efforts during the height of the pandemic; and

WHEREAS Miriam Yampuler, a senior at Carnegie Vanguard High School in Houston ISD, used her artistic talents and leadership skills to bring together a week-long charitable dance class for at-risk youth in 2018 and 2019; and

WHEREAS Sneha Shenoy, a senior at Klein High School in Klein ISD, is a servant leader who led the creation of the *Pledge to Distance* campaign during the pandemic by asking her fellow students to pledge to follow social distancing and by doing so, rewarding them with an artwork of their faces covered with their names like a mask; and

WHEREAS Payton Flannery, a senior at Woodville High School in Woodville ISD, is an outstanding leader who heads various service organizations and founded the Woodville High Chapter of Eagles for Christ, a group that offers fellow students mentoring activities, among others; and

WHEREAS Dylan Taylor, a senior at Magnolia West High School in Magnolia ISD, actively volunteers in service organizations such as Martha's Kitchen that serves meals to the homeless, spearheads a mentoring program at an elementary school each week, and participates in many other support activities; and

WHEREAS Paisleigh Miller, a third-grade student at Elkhart Elementary School in Elkhart ISD, shows her compassion by donating her weekly allowance to her school's Giving Tree Project which donates to the Van Fund that raised enough money to buy a new van to transport disabled veterans to their medical appointments; and

WHEREAS Briana Liles, a sixth-grade student at Trimmier Elementary School in Killeen ISD, is an incredible student whose diagnosis with alopecia did not stop her from raising more than \$2500 from various activities including operating her own lemonade stand, and donating everything she collected to the Children's Alopecia Project that hosts camps for children with alopecia; and

WHEREAS Nicole Padron, a senior at Western Hills High School in Fort Worth ISD, is a natural team leader who serves in various events such as STEM days and faithfully volunteers for the Academy 4 mentoring program; and

WHEREAS Stephen Phillips, a junior at Prosper High School in Prosper ISD, used his engineering talent to produce essential medical equipment during the height of the pandemic using his 3D-printer; crafting reusable, solid plastic shields, including face masks with adjustable clips, and delivering them to healthcare professionals and medical facilities; and

WHEREAS Noah Spitzer, a fourth-grade student at Williams/Ledger Elementary School in Copperas Cove ISD, displayed his passion for books by collecting last year's unsold holiday books from a local HEB to donate to Copperas Cove Boys and Girls Club where 150 children were thankful to receive a holiday book to read; and

WHEREAS Daniel Curry, a senior at Lubbock High School in Lubbock ISD, was a life saver when he acted heroically during an explosion in his neighborhood; he was first on the scene rendering aid, waited and directed the EMS to the injured causing no traffic delays amidst the chaos; and

WHEREAS these amazing students have modeled caring and compassion in their communities; now, therefore be it

RESOLVED, that the State Board of Education extends its heartfelt thanks to each of these kindhearted students and commends them for their unselfish volunteerism, good character and integrity; and be it further

RESOLVED, that this resolution be presented to each of them and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this eleventh day of September, two thousand and twenty, in Austin, Texas.

Keven Ellis, Chair

Georgina Pérez, Secretary

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RESOLUTION

WHEREAS volunteers provide invaluable support to our Texas public schools through selfless giving of their time, talent, and financial resources; and

WHEREAS the State Board of Education has honored outstanding school volunteers with the Heroes for Children award since 1994; and

WHEREAS Ofelia Murillo is the District Elementary Volunteer of the Year for Socorro Independent School District (ISD) where over the past seven years, she clocked in more than 7000 hours of support mostly at Hueco Elementary School; and

WHEREAS Isabel Ortiz is a model volunteer and an inspiration to the La Joya ISD community serving on parent advisory committees and recognized by the district school board for her hard work and dedication; and

WHEREAS Karla Vallejan serves as the president of the La Joya ISD School Health Advisory Council and a parent leader who goes above and beyond to help others with the Neighbors in Action volunteer group; and

WHEREAS Irma Cuatianquiz is an honorary life member of the North Shore Elementary PTA in Galena Park ISD where she has continued to volunteer long after her children had moved on to high school; and

WHEREAS Michael Burke is a visionary leader who believes giving back to the community means action and who co-founded the PK-12 Education Forum and helped launch Early Matters San Antonio; and

WHEREAS Robert Westheimer sees the need to mentor students in Spring Branch ISD and encourage them to divert a broken path to one that reflects their God-given talents and who founded Newspring; and

WHEREAS James “Jim” Martin is the epitome of a true servant leader in Brazosport ISD where he serves as president and founder of the ALL-N-4BISD which promoted two successful bond campaigns; and

WHEREAS Charles Anderson had a vision to build bridges of literacy, health, mentoring, and friendship with the children of Clear Lake City Elementary when he created the Clear Lake Buddies initiative; and

WHEREAS Jessica Rich is an embodiment of passion and creativity in the Pleasant Grove ISD community as an all-around volunteer and board member of the PG Connection which gives directly back to schools; and

WHEREAS Chad Richter uses his paramedic background to attend to emergencies in Thrall ISD, but will often be found mentoring, landscaping, moving furniture, and building playground equipment; and

WHEREAS Van Houser has a long history of impacting Weatherford ISD schools, where he served twice as president of the Education Foundation with the motto, “Help teachers take kids from good to great,” and

WHEREAS Kelley Thomas is a dedicated and exemplary leader as president of the Council of PTA in Plano ISD who supports parent engagement as the key to a strong school system and community; and

WHEREAS Marti Mueller is a faithful mentor and volunteer for the Academy 4 Program which helps develop foundational leadership skills among fourth graders in Fort Worth ISD; and

WHEREAS Suzanne Danhof has set her goals higher and wider, and as Council of PTA president; the increase of membership has meant more services and support for Denton ISD students and families; and

WHEREAS Christine Foreman has dedicated herself to over 15 years of service in Midland ISD, serving as president of the Education Foundation that helped grant more than \$1,000,000 back to teachers and students and tirelessly co-chairing a rigorous bond campaign; now, therefore, be it

RESOLVED, that the State Board of Education recognizes these outstanding individuals as Heroes for Children and thanks them for their combined 190 years of volunteer activity in their local public schools.

WITNESS our signatures this eleventh day of September, two thousand twenty in Austin, Texas.

Keven Ellis, Chair

Georgina Pérez, Secretary

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Minutes

State Board of Education Committees

September 1, 2020

**Report of the State Board of Education
Committee of the Full Board
September 1, 2020**

The State Board of Education Committee of the Full Board conducted a virtual meeting at 9:03 a.m. on Tuesday, September 1, 2020. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Baborich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

Public Testimony

The Committee of the Full Board received no presentations of public testimony.

ACTION ITEMS

1. Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, § 61.101, Applicability of State Law for Special Purpose School Districts (Second Reading and Final Adoption)

(Board agenda page I-1)

[Official agenda item #2]

Monica Martinez, associate commissioner for standards and support services explained that no comments had been received on this item and that no changes are recommended since approved for first reading.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §2.13 to allow consideration for second reading and final adoption;*

Approve for second reading and final adoption proposed new 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School District; and

Make an affirmative finding that immediate adoption of 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.101, Applicability of State Law for Special Purpose School Districts, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

(Ms. Davis was absent for the vote.)

2. Approval of *Proclamation 2022 Questions and Answers*

(Board agenda page I-9)

[Official agenda item #3]

Amie Williams, director of review and adoption, provided explanations for new questions and proposed answers related to *Proclamation 2022*.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mrs. Melton-Malone, and carried unanimously to recommend that the State Board of Education approve Proclamation 2022 Questions and Answers.*

3. Discussion of Transition to Electronic Administration of Assessment Instruments

(Board agenda page I-10)

Iris Tian, division director, student assessment, explained the legislative requirement that the Texas Education Agency in consultation with the SBOE conduct a feasibility study and submit to the Legislature a transition plan for electronic administration of state assessments beginning in the 2022-2023 school year. Ms. Tian explained that final decisions about transition to electronic assessments will be made by the Legislature during the 2021 session.

4. Discussion of Pending Litigation

(Board agenda page I-11)

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

Dr. Ellis adjourned the meeting at 10:06 a.m.

**Report of the State Board of Education
Committee on Instruction
September 1, 2020**

The State Board of Education Committee on Instruction conducted a virtual meeting at 11:00 a.m. on Tuesday, September 1, 2020. Attendance was noted as follows:

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

Public Testimony

The Committee on Instruction received no presentations of public testimony.

The Committee on Instruction considered items in the following order: Item number 5, 1, 2, 3, 4, 6

ACTION ITEMS

1. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum (Second Reading and Final Adoption)**
(Board agenda page II-I)
[Official agenda item #4]

Shelly Ramos, senior director, curriculum standards and student support, explained proposed changes to align with statutory changes and to align with the recently adopted Perkins State Plan. Ms. Ramos explained an additional proposed change to clarify the requirements for career and technical education to more completely align with the Perkins State Plan.

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §2.13 to allow consideration for second reading and final adoption;*

Approve for second reading and final adoption the proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum; and

Make an affirmative finding that immediate adoption of 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.1, Essential Knowledge and Skills, and §74.3, Description of a Required Secondary Curriculum, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

2. Proposed New 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits

(Second Reading and Final Adoption)

(Board agenda page II-9)

[Official agenda item #5]

Ms. Ramos explained that this item would add new essential knowledge and skills for positive character traits to align with the requirements in House Bill 1026. She explained that the proposal includes an implementation date of the 2021-2022 school year to give districts time to plan.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried to recommend that the State Board of Education suspend the board operating procedures in accordance with §2.13 to allow consideration for second reading and final adoption;*

Approve for second reading and final adoption proposed new 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits; and

Make an affirmative finding that immediate adoption of 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter A, Character Traits, is necessary and shall have an effective date of August 1, 2021.

3. Report from the Commissioner of Education Regarding Updated TEKS Alignment for Adopted Instructional Materials

(Board agenda page II-18)

[Official agenda item #6]

Amie Williams, director of review and adoption, explained that all publishers provide content digitally, so districts would have access to changes immediately.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried unanimously to recommend that the State Board of Education Require that all publishers make corrections listed in the TEKS Update Report of Required Corrections and the Report of Editorial Changes;*

Approve changes and corrections submitted in response to written comments and public testimony; and

Update the official TEKS percentage for instructional materials reviewed for TEKS Updates on the Instructional Materials Current Adoption Bulletin.

4. Approval of Update to Instructional Materials for Learning A-Z

(Board agenda page II-21)

[Official agenda item #7]

Ms. Williams explained that Learning A-Z was requesting approval to update content for three adopted products. She further explained that curriculum staff had reviewed the requested changes.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve the request from Learning A-Z to update content in three of its adopted products Raz Plus ELL Texas Edition, Kindergarten; Raz Plus ELL Texas Edition, grade 1; and Raz Plus ELL Texas Edition, grade 2.*

5. Proposed Amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty (First Reading and Filing Authorization)

(Board agenda page II-22)

[Official agenda item #8]

Melissa Lautenschlager, director of instructional materials and implementation explained that this item provided a proposed amendment related to administrative penalties as requested by the committee.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mrs. Little, and carried to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, §66.15, Administrative Penalty.*

DISCUSSION ITEM

6. Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and The University of Texas at Austin

(Board agenda II-28)

Ms. Ramos explained that Texas Tech University audited their examinations for K-12 science and high school social studies. The University of Texas at Austin audited their examinations for K-8 social studies, Japanese, Vietnamese, Korean, and Art I.

The meeting of the Committee on Instruction adjourned at 12:03 p.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
September 1, 2020**

The State Board of Education Committee on School Finance/School Finance Fund conducted a virtual meeting at 11:03 a.m. on Tuesday, September 1, 2020. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Donna Bahorich; Pat Hardy; Ken Mercer

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

DISCUSSION ITEM

1. Per Capita Apportionment Rate for the 2020-2021 School Year
(Board agenda page III-I)

Amy Copeland, director, state funding, provided an update on the proposed preliminary per capita apportionment rate of \$411.574 for the 2020-2021 school year. She explained what the per capita apportionment rate is, how it is funded, and what it does.

2. Review of the Study of the Permanent School Fund Distributions as defined in House Bill 4388, 86th Legislature, 2019
(Board agenda page III-2)

Jim Voytko, president, senior consultant, director of research, principal and Ryan Sullivan, senior consultant, principal of RVK, Inc., presented an overview on the review of the study of the Permanent School Fund Distributions as required by House Bill 4388, 86th Texas Legislature, 2019.

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

Catherine Civiletto, deputy executive administrator, provided a summary on the status of the Permanent School Fund (PSF) portfolio. Reports presented to the committee were for the reporting period of May and June 2020 unless otherwise noted. Ms. Civiletto's report included the current fair market value of the Fund; the asset allocation mix as of June 30, 2020; PSF transactions occurring in the reporting period; revenues and expenditures for the fiscal year period of September 1, 2019, to June 30, 2020; the activity in the securities lending program for the fiscal period beginning September 1, 2019, through August 31, 2020; the status of transfers from the General Land Office as of June 30, 2020, per approved resolutions; the 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, 2020, through June 30, 2020; fixed income rating changes for the fiscal period September 1, 2019, through June 30, 2020; and short-term cash investment.

CONSENT ITEM

4. Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of May and June 2020

(Board agenda page III-4)

[Consent agenda item #(1)]

MOTION AND VOTE: *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent that the State Board of Education ratify the purchases and sales for the months of May and June 2020 in the amounts of \$895,238,762 and \$1,065,447,343 respectively (Attachment A).*

DISCUSSION ITEM

5. Second Quarter 2020 Permanent School Fund Performance Report

(Board agenda Page III-5)

Mr. Mike Maher, vice president of BNY Mellon Global and Risk Solutions, presented the second quarter 2020 Permanent School Fund performance report. Mr. Maher began with an overview of the U.S and foreign capital markets and then reviewed the performance of the Fund for the second quarter of 2020. He stated that the PSF returned 7.89% net of fees for the second quarter underperforming the target benchmark by 53 basis points. Mr. Maher attributed most of the underperformance to Private Equity and Risk Parity.

Mr. Maher reviewed the second quarter 2020 performance of the Permanent School Fund by asset class, stating that the total domestic large cap equity composite returned 20.55%, outperforming its benchmark for the quarter by one basis point. Mr. Maher added that Small/Midcap Equity portfolio returned 23.44% in the quarter, underperforming its benchmark by three basis points. He added that international equities returned 16.60% for the quarter, outperforming its benchmark by 12 basis points for the period.

The fixed income portfolio returned 4.45% for the quarter, outperforming its benchmark by 155 basis points. Mr. Maher stated that the Absolute Return composite returned 6.18% for the quarter, underperforming its benchmark, the HFRI Fund of Funds Composite Index, by 194 basis points. Mr. Maher added that the Real Estate composite returned -0.62% for the quarter, outperforming its benchmark by 151 basis points. Mr. Maher added that Total Risk Parity Strategies returned 6.68% in the second quarter of 2020, underperforming its benchmark by 664 basis points. He further stated that the Real Return Asset class returned 5.39% for the quarter, outperforming its benchmark by 68 basis points. He added that Emerging Market Debt returned 10.74% for the quarter, outperforming its benchmark by 92 basis points. Mr. Maher stated that private equity returned -6.92% for the quarter, underperforming its benchmark by 41 basis points. Finally, he stated that the total emerging market equity composite returned 18.37% for the second quarter 2020, beating its benchmark by 28 basis points.

ACTION ITEM

6. Determination as to Whether Transfers May be Made from the Permanent School Fund to the Available School Fund

(Board agenda page III-6)

[Consent agenda item #(2)]

Carlos Veintemillas, deputy chief investment officer and director of fixed income, gave a presentation describing the two constitutional limits on distributions from the Permanent School Fund. The two limits require that an annual distribution cannot be greater than six percent of the value of the Fund assets and the total amount of distributions from the current and previous nine state fiscal years cannot exceed the total return on the Fund assets over the same time period. Mr. Veintemillas stated that both tests were satisfied, allowing for a distribution from the PSF to the Available School Fund for fiscal year 2021.

Keith Stronkowski, senior consultant, NEPC, LLC stated that NEPC, LLC agreed with PSF staff recommendations.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve a distribution to the Available School Fund of approximately \$1.102 billion for fiscal year 2021.*

DISCUSSION ITEM

7. Discussion of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules

(Board agenda page III-7)

Mr. Veintemillas stated that the agenda item was for discussion only and provided an opportunity to notify the committee of the amendments to be proposed, which will include adjustments to reflect the changes to the asset allocation adopted in July 2020, items related to the PSF Liquid Account, and the management of internal public market portfolios.

Holland Timmins, executive administrator and chief investment officer, said he anticipated that the item would be brought back at the next meeting for first reading and filing authorization.

ACTION ITEMS

8. Proposed Amendments to the Investment Procedures Manual

(Board agenda page III-54)

[Consent agenda item #(3)]

Mr. Veintemillas provided an overview of the amendments to the Investment Procedures Manual. He noted some of the amendments were made due to the Permanent School Fund Liquid Account as well as changes to the strategic asset allocation plan.

Chuck Campbell, partner, Jackson Walker, LLP, and fiduciary counsel provided a summary of the amendments he provided counsel on and explained why the amendments were appropriate.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the amendments to the Investment Procedures Manual as presented by staff.*

9. Review of the Permanent School Fund Real Estate Policy and Tactical Plan

(Board agenda page III-55)

[Consent agenda item #(4)]

The PSF real estate consultant, StepStone Real Estate Group, was represented by Andrew Mitro, managing director, and Tom Hester, managing director, and, joined by John Grubenman, director of private markets, and Nick Tramontana, managing director, real estate for PSF.

Mr. Grubenman introduced the topic. Mr. Mitro and Mr. Hester provided the annual update on the PSF Real Estate Program. Finally, Mr. Tramontana presented the Real Estate Annual Tactical Plan, Appendix B of the Real Estate Investment Policy Statement.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the proposed Real Estate Annual Tactical Plan as presented.*

10. Authorization to Issue a Request for Proposals for Emerging Manager Investment Management in the Private Equity and Real Estate Asset Classes for the Permanent School Fund

(Board agenda page III-56)

[Consent agenda item #(5)]

Mr. Timmins presented the key points relevant to the issuance of the Request for Proposals (RFP) for Investment Management Services for a Private Equity Emerging Manager program and a Private Real Estate Emerging Manager program for the Texas Permanent School Fund and the State Board of Education. Ms. Civileto provided an overview of the RFP posting and procurement process. Mr. Stronkowski discussed NEPC's role in the development of the RFP.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the issuance of the Request for Proposals for Investment Management Services for a Private Equity Emerging Manager program and a Private Real Estate Emerging Manager program for the Texas Permanent School Fund and the State Board of Education.*

DISCUSSION ITEM

11. Report of the Permanent School Fund Executive Administrator and Chief Executive Investment Officer

(Board agenda page III-57)

Mr. Timmins provided the committee an update on the status of the risk parity asset class.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 2:21 p.m.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For May 1, 2020 through June 30, 2020**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 336,201,370
Public Market Equities	319,055,015
Alternative Investments	<u>239,982,377</u>
TOTAL	<u>\$ 895,238,762</u>

Sales/Distributions:

Long Term Fixed Income	\$ 82,953,444
Public Market Equities	476,890,991
Alternative Investments	<u>505,602,908</u>
TOTAL	<u>\$ 1,065,447,343</u>

General Land Office Contributions:

FY 2019 Cumulative June 2019	FY 2020 Cumulative June 2020
\$191,250,000	\$7,500,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$191,250,000 through June 2019 for fiscal year 2019 versus \$7,500,000 through June 2020 for fiscal year 2020, and the recommendation of the Executive Administrator and Chief Investment Officer and the Commissioner of Education; it is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the months of May 2020 and June 2020 Permanent School Fund portfolio purchases of \$895,238,762 and sales of \$1,065,447,343.

**Report of the State Board of Education
Committee on School Initiatives
September 1, 2020**

The State Board of Education Committee on School Initiatives conducted a virtual meeting at 11:00 a.m. on Tuesday, September 1, 2020. Attendance was noted as follows:

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

Public Testimony

The Committee on School Initiatives heard public testimony on agenda items #3 and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

CONSENT ITEMS

1. Recommendation for Appointment to the Randolph Field Independent School District Board of Trustees

(Board agenda page IV-1)

[Consent agenda item #(6)]

Christopher Lucas, director, policy, planning, and operations, explained that there is an existing vacancy on the board of trustees for Randolph Field Independent School District. The commanding officer, Colonel James H. Masoner, has requested that Ms. Glenda M. Solomon be appointed to fill the vacancy.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education approve the appointment of Ms. Glenda M. Solomon to serve a two-year term of office, from September 2, 2020, to September 2, 2022, on the Randolph Field Independent School District Board of Trustees.*

2. Recommendation for Appointment to the Boys Ranch School Independent School District Board of Trustees

(Board agenda page IV-17)

[Consent agenda item #(7)]

Mr. Lucas explained that there will be a vacancy on the board of trustees for Boys Ranch Independent School District in November 2020. Boys Ranch president and CEO, Mr. Dan Adams, has requested that Mr. Robert Marshall be re-appointed to fill the upcoming vacancy.

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education approve the re-appointment of Mr. Robert Marshall to serve a two-year term of office, from November 16, 2020, to November 16, 2022, on the Boys Ranch Independent School District Board of Trustees*

DISCUSSION ITEM

3. Open-Enrollment Charter School Generation 26 Application Updates (Board agenda page IV-24)

Public testimony was provided by the following individuals:

NAME: Patti Quinzi
AFFILIATION: American Federation of Teachers

NAME: Carrie Griffith
AFFILIATION: Texas State Teachers Association

NAME: Ellen Williams
AFFILIATION: Texas Association of School Administrators/Texas Association of School Boards

Heather Mauzé, director, division of charter school administration, discussed updates regarding the Generation Twenty-Six Open-Enrollment Charter Application cycle.

ACTION ITEM

4. Ad Hoc Committee Recommendations Related to Trustee Team Building Training (Board agenda page IV-25) [Official agenda item #(9)]

Public testimony was provided by the following individuals:

NAME: Rolinda Schmidt
AFFILIATION: Texas Association of School Boards

NAME: Kristi Hassett
AFFILIATION: Self

NAME: Phil Gore
AFFILIATION: Texas Association of School Boards

NAME: Trish Bode
AFFILIATION: Self

NAME: Karen Freeman
AFFILIATION: Self

NAME: Tracy Fisher
AFFILIATION: Self

Jeff Cottrill, deputy commissioner, governance and accountability, introduced the item.

The committee approved, without objection, recommended edits from staff to the Recommended Revisions to School Board Member Training – Framework for School Board Development based on feedback provided by the Texas Association of School Boards, as reflected in Attachment A.

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education amend the first sentence of the second paragraph of the preamble to read as follows:*

“The board of trustees ~~of an independent school district~~ is the governing body for Texas public schools ~~school districts~~.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education amend the third sentence of the second paragraph of the preamble to read as follows:*

“Each team will focus on the improvement of locally developed student outcomes through vision and goals, systems and processes, progress and accountability, advocacy and engagement, and team synergy.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried to recommend that the State Board of Education amend I. Vision and Goals to read as follows:*

“I. Vision and Goals – The board ensures creation of a shared vision and measurable goals that improve student outcomes, opportunities, and experiences. The board:”

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Cortez, and carried unanimously to recommend that the State Board of Education strike “specific, measurable, attainable, research-based, and time-bound” from I. Vision and Goals, bullet three.*

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education add a new first bullet under I. Vision and Goals to read as follows:*

“Keeps the district focus on the well-being of all children.”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education strike “implements a system” from II. Systems and Processes, bullet three.*

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education strike “lens” from II. Systems and Processes, bullet four.*

MOTION AND VOTE: *It was moved by Dr. Robinson and carried unanimously to recommend that the State Board of Education strike II. Systems and Processes, bullets five and six, and add a new bullet five that reads as follows:*

“Focuses its actions on district-wide policy-making, planning, goal setting, progress monitoring, and evaluation and restricts its involvement in daily operations and management.”

MOTION AND VOTE: *It was moved by Dr. Robinson and seconded by Ms. Perez-Diaz to recommend that the State Board of Education strike the second-to-last bullet from II. Systems and Processes and add a new bullet to read as follows:*

“Ensures the district has a system that monitors for sound business and fiscal practices, including adopting a tax rate and an end-of-year financial report distribute to the community.”

The motion failed.

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education amend III. Progress and Accountability, bullet two, to read as follows:*

Ensures progress toward achievement of district goals ~~Uses variety of data~~ through a systematic, timely, and comprehensive review of reports and data ~~to identify progress measures~~ that are predictive of locally developed student outcomes.”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education strike III. Progress and Accountability, bullet three, “Monitors and evaluates progress toward the adopted measures.”*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education strike III. Progress and Accountability, bullet five, “Differentiates among inputs, outputs, and outcomes, especially when focusing on student outcomes.”*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education amend IV. Advocacy and Engagement to read as follows:*

“IV. Advocacy and Engagement—The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of all Texas public schoolchildren. The board:”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education strike bullet six and amend bullet five of V. Team Synergy to read as follows:*

“Develops teamwork, problem-solving, and decision-making skills as a team with its superintendent.”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried unanimously to recommend that the State Board of Education strike “and respects” from the last bullet of V. Team Synergy.*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education postpone consideration of the Recommended Revisions to School Board Member Training – Framework for School Board Development until November 2020.*

(Dr. Robinson was absent for the vote.)

The meeting of the Committee on School Initiatives adjourned at 2:14 p.m.

ATTACHMENT A
Recommended Revisions to
School Board Member Training—Framework for School Board Development

Preamble

The mission of the public education system of this state is to ensure that all Texas children have access to 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 (Texas Education Code, §4.001).

The board of trustees of an independent school district ~~or governing board of a charter school~~ is the governing body for Texas public school districts. To effectively meet the challenges of public education, school boards and superintendents must function together as a governance leadership team. Each team will focus on the improvement of student outcomes through vision and goals, systems and processes, progress and accountability, advocacy and engagement, and team synergy. Teams ensure that their districts provide equitable and effective educational programs and services for all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

Framework

- I. Vision and Goals—The board ensures creation of a shared vision and measurable goals that improve student outcomes. The board:
 - Adopts a shared vision that incorporates input from the community to reflect local aspirations and needs for all children.
 - Ensures that the vision aligns with the state's mission, objectives, and goals for education established by law or rule.
 - Adopts a reasonable number of specific, measurable, attainable, research-based, and time-bound goals that align to the vision to improve student outcomes.
 - Embraces, supports, and fulfills the vision that all students receive what they need to learn, thrive, and grow, including resources, opportunities, and experiences.
 - Uses the vision and goals to drive all deliberations, decisions, and actions.
- II. Systems and Processes—The board ensures systems and processes are in place to accomplish the vision and goals. The board:
 - Regularly develops, reviews and adopts board policies for effective support of the district's vision and goals.
 - Approves a budget that aligns with and maximizes resources to fulfill the district's vision and goals.
 - Implements a system to monitor student progress throughout the year.
 - ~~Uses~~ Incorporates an equity lens when making ~~in decisions~~ making and evaluating systems and processes.
 - Provides oversight of management and restricts its actions to district-wide policy-making, planning, goal-setting, progress monitoring, and evaluation.
 - Refrains from involvement in daily operations and management.
 - Approves goals, policies, and programs that ensure a safe and secure learning environment.

- Ensures the equitable distribution of resources, opportunities, and experiences based on the diverse needs of students and schools.
- Ensures that the district's planning and decision-making process enables all segments of the community, families, and staff to meaningfully contribute to achieving the district's vision.
- Welcomes and values all people and cultures as important stakeholders in the process for student success.
- Ensures the district has a system that monitors for sound business and fiscal practices.
- Fulfills the statutory duties of the local board of trustees and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.

III. Progress and Accountability—The board sets clear goals, provides resources and support, evaluates goal attainment, and engages in ongoing objective feedback on progress and commitments. The board:

- Holds itself accountable to its adopted vision, goals, commitments, and operating procedures.
- Uses a variety of data through a systemic, timely, and comprehensive review of reports to identify progress measures that are predictive of student outcomes.
- Monitors and evaluates progress toward the adopted measures.
- Ensures equity throughout the system by regularly identifying inequities, updating policies, and appropriately distributing resources.
- Differentiates among inputs, outputs, and outcomes, especially when focusing on student outcomes.
- Monitors and evaluates the allocation of resources in support of the district's vision and goals and sustainability.
- Reviews the efficiency and effectiveness of district operations and use of resources in supporting the district's vision and goals.
- Employs and annually evaluates the superintendent on the achievement of district goals, primarily on progress toward or achievement of board-adopted student outcome goals.

IV. Advocacy and Engagement—The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of ~~public~~ all Texas schoolchildren. The board:

- Demonstrates its commitment to, and advocates on behalf of, the shared vision and goals by clearly communicating them to the superintendent, staff, and community.
- Regularly reports district progress to families and the community.
- Ensures multiple forms of two-way communication will be used to engage, empower, and connect students, families, staff, media, and community with the district.
- Builds collaborative relationships and partnerships with families and community, business, non-profit, higher-education, and governmental leaders to influence and expand educational opportunities and experiences to meet the needs of students.
- Recognizes the respective roles of and provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency to ensure maximum effectiveness and benefit to Texas schoolchildren.
- Promotes school board service by educating the community about the role of a school board and building leadership capacity within the community for potential future school board members.

- V. Team Synergy—The board works effectively as a collaborative unit and as a team with the superintendent to lead the district in fulfilling the vision and goals. The board:
- Remains focused on its goals and priorities, as opposed to individual agendas separate and apart from the shared vision.
 - Annually evaluates its performance as a team, with attention given to the district's vision and goals; fulfilling the board's duties, responsibilities, and commitments; and the board's working relationship with the superintendent.
 - Makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or district and campus administrative matters.
 - Respects the right of individual members to express their viewpoints and vote their convictions and honors the decisions of the majority.
 - Develops teamwork, problem-solving, and decision-making skills.
 - Learns together as a team with its superintendent.
 - Understands and adheres to laws and local policies and respects the superintendent's responsibility to manage the school district and to direct employees in district and campus matters.
 - Adopts and adheres to established policies and procedures for welcoming and addressing ideas and concerns from students, families, staff, and the community.
 - Establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the board.
 - Understands and respects the leadership role of the board president and adheres to local policies and procedures about the duties and responsibilities of the board officers.

Recommended Revisions to School Board Member Training—Framework for School Board Development

Preamble

The mission of the public education system of this state is to ensure that all Texas children have access to 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 (Texas Education Code, §4.001).

The board of trustees ~~of an independent school district or governing board of a charter school~~ is the governing body for Texas public ~~schools~~ ~~school districts~~. To effectively meet the challenges of public education, school boards and superintendents must function together as a governance leadership team. Each team will focus on the improvement of locally-developed student outcomes through vision and goals, systems and processes, progress and accountability, advocacy and engagement, and team synergy. Teams ensure that their districts provide equitable and effective educational programs and services for all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

Framework

- I. Vision and Goals—The board ensures creation of a shared vision and measurable goals that improve student outcomes, opportunities, and experiences. The board:
 - Keeps the district focus on the well-being of all children.
 - Adopts a shared vision that incorporates input from the community to reflect local aspirations and needs for all children.
 - Ensures that the vision aligns with the state's mission, objectives, and goals for education established by law or rule.
 - Adopts a reasonable number of ~~specific, measurable, attainable, research-based, and time-bound~~ goals that align to the vision to improve student outcomes.
 - Embraces, supports, and fulfills the vision that all students receive what they need to learn, thrive, and grow, including resources, opportunities, and experiences.
 - Uses the vision and goals to drive all deliberations, decisions, and actions.
- II. Systems and Processes—The board ensures systems and processes are in place to accomplish the vision and goals. The board:
 - Regularly develops reviews and adopts board policies for effective support of the district's vision and goals.
 - Approves a budget that aligns with and maximizes resources to fulfill the district's vision and goals.
 - ~~Implements a system to~~ Monitor student progress throughout the year.
 - ~~Uses~~ Incorporates an equity ~~lens~~ when making ~~in~~ decisions ~~making~~ and evaluating systems and processes.
 - Focuses its actions on district-wide policy-making, planning, goal setting, progress monitoring, and evaluation and restricts its involvement in daily operations and management.
 - ~~Provides oversight of management and restricts its actions to district-wide policy-making, planning, goal setting, progress monitoring, and evaluation.~~
 - ~~Refrains from involvement in daily operations and management.~~

- Approves goals, policies, and programs that ensure a safe and secure learning environment.
- Ensures the equitable distribution of resources, opportunities, and experiences based on the diverse needs of students and schools.
- Ensures that the district's planning and decision-making process enables all segments of the community, families, and staff to meaningfully contribute to achieving the district's vision.
- Welcomes and values all people and cultures as important stakeholders in the process for student success.
- Ensures the district has a system that monitors for sound business and fiscal practices.
- Fulfills the statutory duties of the local board of trustees and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.

III. Progress and Accountability—The board sets clear goals, provides resources and support, evaluates goal attainment, and engages in ongoing objective feedback on progress and commitments. The board:

- Holds itself accountable to its adopted vision, goals, commitments, and operating procedures.
- Ensures progress toward achievement of district goals ~~Uses a variety of data~~ through a systemic, timely, and comprehensive review of reports and data ~~to identify progress measures~~ that are predictive of locally-developed student outcomes.
- ~~Monitors and evaluates progress toward the adopted measures.~~
- Ensures equity throughout the system by regularly identifying inequities, updating policies, and appropriately distributing resources.
- ~~Differentiates among inputs, outputs, and outcomes, especially when focusing on student outcomes.~~
- Monitors and evaluates the allocation of resources in support of the district's vision and goals and sustainability.
- Reviews the efficiency and effectiveness of district operations and use of resources in supporting the district's vision and goals.
- Employs and annually evaluates the superintendent on the achievement of district goals, primarily on progress toward or achievement of board-adopted student outcome goals.

IV. Advocacy and Engagement—The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of ~~public~~ all Texas public schoolchildren. The board:

- Demonstrates its commitment to, and advocates on behalf of, the shared vision and goals by clearly communicating them to the superintendent, staff, and community.
- Regularly reports district progress to families and the community.
- Ensures multiple forms of two-way communication will be used to engage, empower, and connect students, families, staff, media, and community with the district.
- Builds collaborative relationships and partnerships with families and community, business, non-profit, higher-education, and governmental leaders to influence and expand educational opportunities and experiences to meet the needs of students.
- Recognizes the respective roles of and provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency to ensure maximum effectiveness and benefit to Texas schoolchildren.
- Promotes school board service by educating the community about the role of a school board and building leadership capacity within the community for potential future school board members.

- V. Team Synergy—The board works effectively as a collaborative unit and as a team with the superintendent to lead the district in fulfilling the vision and goals. The board:
- Remains focused on its goals and priorities, as opposed to individual agendas separate and apart from the shared vision.
 - Annually evaluates its performance as a team, with attention given to the district's vision and goals; fulfilling the board's duties, responsibilities, and commitments; and the board's working relationship with the superintendent.
 - Makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or district and campus administrative matters.
 - Respects the right of individual members to express their viewpoints and vote their convictions and honors the decisions of the majority.
 - Develops teamwork, problem-solving, and decision-making skills as a team with its superintendent.
 - ~~Learns together as a team with its superintendent.~~
 - Understands and adheres to laws and local policies and respects the superintendent's responsibility to manage the school district and to direct employees in district and campus matters.
 - Adopts and adheres to established policies and procedures for welcoming and addressing ideas and concerns from students, families, staff, and the community.
 - Establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the board.
 - Understands ~~and respects~~ the leadership role of the board president and adheres to local policies and procedures about the duties and responsibilities of the board officers.

Minutes

State Board of Education Committees

September 8-10, 2020

**Report of the State Board of Education
Committee of the Full Board
September 8, 2020**

The State Board of Education Committee of the Full Board met at 8:10 a.m. on Wednesday, September 8, 2020, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

Absent: Aicha Davis

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1, #2, #3 and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEMS

- 1. Public Hearing Regarding Instructional Materials Submitted for Adoption by the State Board of Education Under *Proclamation 2021***
(Board agenda page I-1)

Public testimony was provided by the following individual:

NAME: Gary Moore
AFFILIATION: Self

- 2. Public Hearing on Proposed Revisions to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science**
(Board agenda page I-2)

Invited testimony was provided by the following individuals:

NAME: Raymond Bohlin, Ph.D.
AFFILIATION: Content Advisor

NAME: Dale Woerner, Ph.D.
AFFILIATION: Content Advisor

NAME: Ron Weatherington, Ph.D.
AFFILIATION: Content Advisor

NAME: Catherine Howard Ph.D., Ed.D.
AFFILIATION: Content Advisor

NAME: Arden Zimmerman
AFFILIATION: Content Advisor

NAME: Cynthia Ontiveros, Ed.D.
AFFILIATION: Content Advisor

NAME: Amy Senato
AFFILIATION: Content Advisor

NAME: Gloria Chatelain
AFFILIATION: Content Advisor

NAME: Denise Haynes
AFFILIATION: Work Group Member

NAME: Lisa Brady
AFFILIATION: Work Group Member

NAME: Michael Clayton
AFFILIATION: Work Group Member

NAME: Matt Canafax
AFFILIATION: Work Group Member

Public testimony was provided by the following individuals:

NAME: Geoffrey Carlisle
AFFILIATION: Self

NAME: Eliza Epstein
AFFILIATION: Self

NAME: Carisa Lopez
AFFILIATION: Texas Freedom Network

NAME: Courtney Crosby
AFFILIATION: Self

NAME: Kate Jaceldo
AFFILIATION: Self

NAME: Paul Compton
AFFILIATION: Self

NAME: Jennifer Meyer
AFFILIATION: Science Teachers Association of Texas

NAME: Giselle Fuller
AFFILIATION: Self

NAME:	Natalie Tull
AFFILIATION:	Self
NAME:	Susan Gillette
AFFILIATION:	Citizens' Climate Lobby, Lubbock Chapter
NAME:	Bill Robinson
AFFILIATION:	Self
NAME:	Stephanie Thoreson
AFFILIATION:	Self
NAME:	Ashley Dobravolsky
AFFILIATION:	Self
NAME:	Suzi Nelson
AFFILIATION:	Self
NAME:	Robin Herskowitz
AFFILIATION:	Self
NAME:	Kara Swindell
AFFILIATION:	Science Teachers Association of Texas
NAME:	Mary Elizabeth Castle
AFFILIATION:	Texas Values Action
NAME:	Sarah Chestnut
AFFILIATION:	Self
NAME:	Marian Knowlton
AFFILIATION:	Self
NAME:	Calvin Jorden
AFFILIATION:	Self
NAME:	Robert Bohmfalk
AFFILIATION:	Self
NAME:	Sara Fields
AFFILIATION:	Self
NAME:	Sharon Burley
AFFILIATION:	HealthStart Foundation
NAME:	Sierra Barletta
AFFILIATION:	Self
NAME:	Jonathan Covey
AFFILIATION:	Texas Values Action

NAME:	John Elford
AFFILIATION:	Self
NAME:	Daniel Williams
AFFILIATION:	Self
NAME:	Karen Matsler
AFFILIATION:	Texas Section of American Association of Physics Teachers
NAME:	Margaret Preston
AFFILIATION:	Self
NAME:	Ann Mulvihill
AFFILIATION:	Texas Science Educator Leadership Association
NAME:	Jessica Brown
AFFILIATION:	Self
NAME:	Glenn Winters
AFFILIATION:	Self
NAME:	Linzy Foster
AFFILIATION:	Self
NAME:	Adrienne Abrahamson
AFFILIATION:	Self
NAME:	Sandra West
AFFILIATION:	Self
NAME:	Jason Baughman
AFFILIATION:	Texas Science Education Leadership Organization
NAME:	Toni Sauncy
AFFILIATION:	The American Association of Physics Teachers and the Texas Section of the American Association of Physics Teachers
NAME:	Liz Case Pickens
AFFILIATION:	Self
NAME:	Robert Unger
AFFILIATION:	Self
NAME:	Curt Wyman
AFFILIATION:	Self
NAME:	Marilyn Kortum
AFFILIATION:	Self

NAME: Susan Casey
AFFILIATION: Self

NAME: Tom Winkler
AFFILIATION: Self

NAME: Jennifer Ivey
AFFILIATION: Self

NAME: Deyadira Arellano
AFFILIATION: Self

3. Public Hearing on Proposed Revisions to 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education
(Board agenda page I-4)

Invited testimony was provided by the following individuals:

NAME: David Cantu
AFFILIATION: Content Advisor

NAME: Rose Haggerty
AFFILIATION: Content Advisor

NAME: Mary Morris, Ed.D.
AFFILIATION: Content Advisor

NAME: Cinnamon Sheffield, Ed.D.
AFFILIATION: Content Advisor

NAME: Kelley Sullivan
AFFILIATION: Content Advisor

NAME: Pam Tevis
AFFILIATION: Content Advisor

NAME: Helen Wagner
AFFILIATION: Content Advisor

Public testimony was provided by the following individuals:

NAME: Samuel Saenz
AFFILIATION: Self

NAME: Amber Sladeczek
AFFILIATION: Self

4. Public Hearing on Proposed Revisions to 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education

(Board agenda page I-6)

Invited testimony was provided by the following individuals:

NAME:	Flip Flippen
AFFILIATION:	Content Advisor
NAME:	Jack Lesch, M.D.
AFFILIATION:	Content Advisor
NAME:	Mike Love, M.D.
AFFILIATION:	Content Advisor
NAME:	Feyi Obamehinti, Ed.D.
AFFILIATION:	Content Advisor
NAME:	Dawn Riley
AFFILIATION:	Content Advisor
NAME:	Linda Flower, M.D.
AFFILIATION:	Work Group Member

Public testimony was provided by the following individuals:

NAME:	Ann Phan
AFFILIATION:	Self
NAME:	Christopher Hamilton
AFFILIATION:	Texas Health Action
NAME:	Cynthia Soliz
AFFILIATION:	Self
NAME:	Geoffrey Carlisle
AFFILIATION:	Self
NAME:	Joaquin Evans
AFFILIATION:	Bethel Church Austin
NAME:	Jules Mandel
AFFILIATION:	Texas Freedom Network
NAME:	Eliza Epstein
AFFILIATION:	Self
NAME:	Jeana Nam
AFFILIATION:	Self

NAME:	Tammy Phan
AFFILIATION:	Self
NAME:	Katie Hays
AFFILIATION:	Self
NAME:	Maya Cantu
AFFILIATION:	Self
NAME:	Frederick Heather
AFFILIATION:	Texas GSA Network
NAME:	Diana Richards
AFFILIATION:	Self
NAME:	Courtney Crosby
AFFILIATION:	Self
NAME:	Eleanor Grano
AFFILIATION:	Jane's Due Process
NAME:	Pratyusha Pilla
AFFILIATION:	Self
NAME:	Anthony Betori
AFFILIATION:	Self
NAME:	Angela Williams
AFFILIATION:	Just Texas
NAME:	Deborah Simmons
AFFILIATION:	Self
NAME:	Susan Douglas
AFFILIATION:	Self
NAME:	Eva Rangel
AFFILIATION:	Self
NAME:	Leslie Lopez
AFFILIATION:	Self
NAME:	Giselle Fuller
AFFILIATION:	Self
NAME:	Jessica Chester
AFFILIATION:	Self
NAME:	Evelyn Delgado
AFFILIATION:	Healthy Futures of Texas

NAME:	Christy Baca
AFFILIATION:	Self
NAME:	Kate Jaceldo
AFFILIATION:	Self
NAME:	Elizabeth Tang
AFFILIATION:	Self
NAME:	Monica Rivera
AFFILIATION:	Healthy Futures of Texas
NAME:	Carmen Lizarraga
AFFILIATION:	Self
NAME:	Maria Monge
AFFILIATION:	Texas Medical Association and Texas Pediatric Society
NAME:	Georgia Sasso
AFFILIATION:	Self
NAME:	Natalie Tull
AFFILIATION:	Self
NAME:	Stephanie Thoreson
AFFILIATION:	Self
NAME:	Jorge Ordonez
AFFILIATION:	Self
NAME:	Shah Sultan Velani
AFFILIATION:	Self
NAME:	Allison Winnike
AFFILIATION:	The Immunization Partnership
NAME:	Anne Newman
AFFILIATION:	Self
NAME:	Lorie Meynig
AFFILIATION:	Self
NAME:	Lee Spiller
AFFILIATION:	Citizens Commission on Human Rights-Texas
NAME:	William McDonald
AFFILIATION:	Self
NAME:	Karole Fedrick
AFFILIATION:	Self

NAME:	Roy Bishop
AFFILIATION:	Self
NAME:	Brett Cooper
AFFILIATION:	Texas Pediatric Society, Texas Medical Association
NAME:	Ashley Dobravolsky
AFFILIATION:	Self
NAME:	Francisco Aviles
AFFILIATION:	Self
NAME:	Elishia Featherston
AFFILIATION:	True Connections Pediatrics
NAME:	Susanne Kerns
AFFILIATION:	Self
NAME:	Rosann Mariappuram
AFFILIATION:	Jane's Due Process
NAME:	Remington Johnson
AFFILIATION:	Self
NAME:	Jessica Soukup
AFFILIATION:	Self
NAME:	Nora Gelperin
AFFILIATION:	Advocates for Youth
NAME:	Gloria Li
AFFILIATION:	Self
NAME:	Anita Moreno
AFFILIATION:	Self
NAME:	Hannah Nguyen
AFFILIATION:	Self
NAME:	Caroline Landon
AFFILIATION:	Self
NAME:	Briana Ekwem
AFFILIATION:	Self
NAME:	Reuben Martin Bagadion
AFFILIATION:	Fort Bend S.U.R.F.
NAME:	Lisa Williams
AFFILIATION:	Self

NAME: Kaylee Nguyen
AFFILIATION: Self

NAME: Wanda Zamorano
AFFILIATION: Self

NAME: Cristin Padgett
AFFILIATION: Self

NAME: Eman Attar
AFFILIATION: Self

NAME: Sarah Yates
AFFILIATION: Texas Freedom Network

NAME: Ricardo Martinez
AFFILIATION: Equality Texas

NAME: Randy Rives
AFFILIATION: Self

NAME: Ophra Leyser-Whalen
AFFILIATION: Self

NAME: Avery Eckert
AFFILIATION: Self

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried unanimously, to extend the public hearing on proposed revisions to 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, to 9:00 p.m.*

Public testimony was provided by the following individuals:

NAME: Nneka Iheanacho
AFFILIATION: Self

NAME: Nino Testa
AFFILIATION: Self

NAME: Alice Gray
AFFILIATION: Self

NAME: Calvin Jorden
AFFILIATION: Self

NAME: Anna Nguyen
AFFILIATION: Self

NAME: Alyssa Fields
AFFILIATION: Self

NAME:	Alonzo Blankenship
AFFILIATION:	Self
NAME:	Nokita Moore
AFFILIATION:	Self
NAME:	Molly Clayton
AFFILIATION:	Texas Campaign to Prevent Teen Pregnancy
NAME:	Rachel Kitch
AFFILIATION:	Self
NAME:	Jennifer Walker
AFFILIATION:	Self
NAME:	Vanessa MacDougal
AFFILIATION:	Self
NAME:	Monica Cline
AFFILIATION:	It Takes a Family
NAME:	Saffyre Falkenberg
AFFILIATION:	Self
NAME:	Jennifer Kratky
AFFILIATION:	Self
NAME:	Paula Hilliard
AFFILIATION:	Self
NAME:	Alice Linahan
AFFILIATION:	Self
NAME:	Cimarron Gilson
AFFILIATION:	Self
NAME:	Moniqa Pullet
AFFILIATION:	Self
NAME:	Jessica Brown
AFFILIATION:	Self
NAME:	Alexandra Sheldon
AFFILIATION:	Self
NAME:	Sophie Schochet
AFFILIATION:	Self
NAME:	Andrea Elizondo
AFFILIATION:	Self

NAME:	Melissa Beckett
AFFILIATION:	Self
NAME:	Cecelia Sanchez
AFFILIATION:	Self
NAME:	Nandita Kumar
AFFILIATION:	Self
NAME:	Michelle Platt
AFFILIATION:	Self
NAME:	Lori Kuykendall
AFFILIATION:	Self
NAME:	Kim Macpherson
AFFILIATION:	Self
NAME:	Becky Baker
AFFILIATION:	Self
NAME:	Jeffrey Morgan
AFFILIATION:	Self
NAME:	Rebeca Hardy
AFFILIATION:	Self
NAME:	Melissa Lamm
AFFILIATION:	Self
NAME:	Irene Ericksen
AFFILIATION:	The Institute for Research and Evaluation
NAME:	Robyn Luscombe
AFFILIATION:	Self
NAME:	Jen O’Neal
AFFILIATION:	Feeding Texas
NAME:	Sofia Valenzuela
AFFILIATION:	Self
NAME:	Litza Gonzales
AFFILIATION:	Self
NAME:	Doug Harrington
AFFILIATION:	Self
NAME:	Lauren Gonzalez
AFFILIATION:	Self

NAME: Megan Haynsworth
AFFILIATION: Self

NAME: Nan Kirkpatrick
AFFILIATION: Self

NAME: Stephanie Hebert
AFFILIATION: Self

NAME: Debra Convery
AFFILIATION: Self

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez to extend the public hearing on proposed revisions to 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, to hear the remainder of the registered testimony. The motion failed.*

Dr. Ellis adjourned the meeting at 9:16 p.m.

**Report of the State Board of Education
Committee of the Full Board
September 9, 2020**

The State Board of Education Committee of the Full Board met at 8:15 a.m. on Wednesday, September 9, 2020, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

Public Testimony

The Committee of the Full Board received no presentations of public testimony.

The Committee of the Full Board considered items in the following order: Item number 1, 2, 3, 4, 6, 7, 5

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-8)

Commissioner of Education Mike Morath presented an update on the implementation of the House Bill 3 Texas Reading Academies. He also provided background information regarding charter schools including the number of charter school closures over time, charter school funding, and the charter application review and approval process for Generation 25. Commissioner Morath also provided a high-level overview of each Generation 25 charter applicant.

CONSENT ITEM

2. Decision on the Percentage Distribution of the Permanent School Fund for Fiscal Years 2022 and 2023 and Related Fund Transfers
(Board agenda page I-9)
[Consent agenda item #(1)]

Holland Timmins, executive administrator and chief investment officer, presented an overview of General Land Office contributions and the Permanent School Fund (PSF) distribution rate decision-making process. He explained that a final decision will be made in November.

Mark Shewmaker, managing director of special projects, presented an overview of the authority of the SBOE to transfer \$300 million from the portion of the PSF it manages to the Real Estate Special Fund Account with subsequent distribution to the Available School Fund in FY 2021.

Board members expressed their intent that this be a one-time action to provide additional financial contributions to help address economic impacts of the COVID-19 pandemic.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Dr. Robinson, and carried unanimously, recommend that the State Board of Education transfer \$300 million from the portion of the Permanent School Fund managed by the SBOE to the Real Estate Special Fund Account of the PSF in accordance with Texas Education Code, §43.0051, to be distributed to the Available School Fund for Fiscal Year 2021 and that the SBOE determines that such transfer is in the best interest of the PSF due to the historic nature of the current public health and economic circumstances resulting from the COVID-19 pandemic and its impact on the school children of Texas.*

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

Carlos Veintemillas, deputy chief investment officer and director of fixed income, presented the PSF staff recommendation for a distribution rate of between 3.90% and 4.18% for Fiscal Years 2022-2023. Keith Stronkowsky, senior consultant, NEPC, the PSF general consultant, then presented NEPC's recommendation that a distribution rate of up to 4.08% would be acceptable. Mr. Stronkowsky explained that the staff recommendation was largely in agreement with NEPC's recommendation with slight differences in the inflation projections.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Cortez, and carried to recommend that the State Board of Education approve a percentage distribution of 4.00% from the Permanent School Fund to the Available School Fund for the 2022-2023 state fiscal biennium.*

(Ms. Davis was absent for the vote.)

ACTION ITEMS

3. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41-112.45**
(First Reading and Filing Authorization)
(Board agenda page I-11)
[Official agenda item #3]

Ms. Ramos explained that this item proposes new Texas Essential Knowledge and Skills (TEKS) for the four high school science courses with the highest enrollment: biology, chemistry, Integrated Physics and Chemistry (IPC), and physics.

MOTION: *It was moved by Mr. Maynard and seconded Mrs. Little to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020.*

The committee amended the proposal (Attachment A).

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.41, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020; 112.42, Biology (One Credit), Adopted 2020; 112.43, Chemistry (One Credit), Adopted 2020; 112.44, Integrated Physics and Chemistry (One Credit), Adopted 2020; and 112.45, Physics (One Credit), Adopted 2020, as amended. The motion carried unanimously.*

4. **Proposed New 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64 (First Reading and Filing Authorization)**

(Board agenda page I-32)

[Official agenda item #4]

MOTION: *It was moved by Mr. Maynard and seconded by Dr. Robinson to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64.*

Ms. Ramos explained that this item proposes new physical education TEKS for kindergarten through high school and reflects the final recommendations from the physical education TEKS content advisors.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.13(b)(14) to read:*

“Social and emotional health—perseverance. The physically literate student perseveres while addressing challenges. The student is expected to explain how, with practice, ~~recognize that~~ challenges in physical activities can turn lead to successes ~~success with practice~~.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.14(b)(12)(B) to read:*

“explain and demonstrate respect for differences and similarities in abilities of self and other;”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.16(b)(13)(A) to read:*

“discuss ways to resolve conflict in socially acceptable ways and respond to winning and losing with dignity and understanding;”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.16(b)(14) to read:*

“Social and emotional health—perseverance. The physically literate student perseveres while addressing challenges. The student is expected to identify ways to accept individual challenges and use self-management skills to persevere in a positive manner when learning a variety of new skills.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.17(b)(11)(A) to read:*

~~“describe and select determine~~ proper attire and safety equipment that promote safe participation and prevent injury in dynamic activities and games; and”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.17(b)(13)(A) to read:*

~~“explain the importance of and demonstrate how to~~ resolve conflict in socially acceptable ways and respond to winning and losing with dignity and understanding;”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.17(b)(14) to read:*

“Social and emotional health—perseverance. The physically literate student perseveres while addressing challenges. The student is expected to discuss the importance of accepting ~~accept~~ individual challenges and use self- management skills to persevere in a positive manner during dynamic activities and lead-up games.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.26(b)(14) to read:*

“Social and emotional health—perseverance. The physically literate student perseveres while addressing challenges. The student is expected to discuss the importance of accepting ~~and accept~~ individual challenges and demonstrate self-management skills to persevere in a positive manner during game situations and sports.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.27(b)(2)(B) to read:*

“demonstrate proper body positioning, proficiency, and footwork and perform offensive and defensive skills during dynamic activities, game situations, and sports.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.28(b)(2)(B) to read:*

~~“demonstrate perform~~ proper body positioning, proficiency, and footwork and perform offensive and defensive skills during dynamic activities, game situations, and sports.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.62(c)(4)(A) to read:*

“describe and analyze the relationship between physical activity and social and emotional health ~~concepts~~,”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.62(c)(4)(E) to read:*

“evaluate the impact of the use of technology on ~~for the benefit of and detriment to~~ social and emotional health.”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.62(c)(5)(B) to read:*

“identify myths associated with physical activity and nutritional practices ~~as a consumer~~,”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.63(c)(4)(D) to read:*

“evaluate the impact of the use of technology on for the benefit of and detriment to social and emotional health;”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education amend §116.63(c)(4)(C) to strike:*

“describe the benefits outdoor pursuits provide for social and emotional health;”

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 116, Texas Essential Knowledge and Skills for Physical Education, Subchapter A, Elementary, §§116.11-116.17, Subchapter B, Middle School, §§116.25-116.28, and Subchapter C, High School, §§116.61-116.64, as amended. The motion carried unanimously.*

(Mr. Cortez was absent for the vote.)

5. **Proposed New 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39 (First Reading and Filing Authorization)**

(Board agenda page I-83)

[Official agenda item #5]

Ms. Ramos explained that this item proposes new TEKS for Health Education.

MOTION: *It was moved by Mr. Rowley and seconded by Ms. Hardy to recommend that the State Board of Education approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39.*

MOTION: *It was moved by Mrs. Little and seconded by Ms. Hardy to recommend that the State Board of Education amend (a)(2) in §115.12 - §115.17 to add the following sentence at the end of the paragraph:*

“Health class educators are encouraged to partner with school counselors to schedule time for them to deliver classroom guidance lessons to help teach these essential competencies.”

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to insert “where available” after “counselors.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend (a)(2) in §115.12 - §115.17 as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Mercer, and carried to recommend that the State Board of Education change references to coping throughout the Kindergarten-Grade 12 health education TEKS to self-management or management strategies as appropriate.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.12(b)(2)(B) to read:*

“identify personal hygiene and health habits that help individuals stay healthy such as ~~personal hygiene, oral hygiene, and getting enough sleep~~ hand washing and brushing teeth;”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.12(b)(3)(E) to read:*

“~~demonstrate respect and communicate appropriately with individuals~~ recognize and describe individual differences and communicate appropriately and respectfully with others; and”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.12(b)(4)(A) to read:*

“describe positive social skills and personal qualities such as truth, kindness, reliability, and respectfulness; and”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.12(b)(5)(B).*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.12(b)(7).*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and unanimously carried to recommend that the State Board of Education amend §115.12(b)(8)(A) by replacing the word “recall” with the word “describe.”*

MOTION: *It was moved by Mrs. Little and seconded by Ms. Hardy to recommend that the State Board of Education add new §115.12(b)(10)(A) to read:*

“identify characteristics of a trusted adult;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to insert “roles and” after “identify.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education add new §115.12(b)(10)(A). The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.12(b)(10)(A) to read:*

“identify and role play refusal skills such as saying “no,” to protect personal space and to avoid unsafe behavior situations such as saying no in unsafe situations and practice telling a parent or trusted adult if threatened; and”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Melton-Malone, and carried to recommend that the State Board of Education amend §115.12(b)(15) to read:*

“Alcohol, tobacco, and other drugs--risk and protective factors. The student understands how various factors can influence decisions regarding substance use and the resources available for help. The student is expected to role play refusal skills and identify how to get help from a parent or trusted adult in unsafe situations involving the use or misuse of alcohol, tobacco, and other drugs regarding substance use.”

MOTION AND VOTE: *It was moved by Dr. Ellis and carried to recommend that the State Board of Education add new (a)(5) to the introductions for §§115.12-115.17, §115.26-§115.27, and §115.38-§115.39 to read:*

“Students should first seek guidance in the area of health from a parent or legal guardian.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education strike §115.12(b)(16).*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education add new §115.13(b)(3)(B) to read:*

“discuss and explain how emotions can interrupt our thinking and self-management process;”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.13(b)(3)(G) by replacing the word “problems” with the word “conflicts.”*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.12(b)(3)(F) by replacing the word “problems” with the word “conflicts.”*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.13(b)(4)(A) to read:*

“discuss ways to be kind to self and how to identify areas for growth”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.13(b)(5)(C) to read:*

“discuss the signs and symptoms associated with negative stress such as loss or grief.”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.13(b)(6)(A) by inserting “proteins,” after “fruits.”*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.13(b)(6)(C) to read:*

“identify the food groups and classify examples of foods into ~~in~~ each group; and.”

MOTION: *It was moved by Mrs. Little and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.13(b)(8)(A) to read:*

~~“identify common food allergies describe basic facts of food allergy safety such as not sharing food and explain the importance of respecting others who have allergies; and”~~

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and carried to add “and explain the importance of respecting others who have allergies” after the word “allergies.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.13(b)(8)(A) to read:*

“identify common food allergies and explain the importance of respecting others who have allergies; and”

The motion carried without objection.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.13(b)(10)(A) to read:*

“practice refusal skills to protect personal space and avoid unsafe situations; and”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.13(b)(15).*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.13(b)(17) by replacing the words “other drugs” with the words “drug abuse.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §§115.14(b)(2)(E), 115.15(b)(2)(F), and 115.16(b)(2)(E) to strike “heart disease, stroke.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education add new §115.14(b)(3)(C) to read:*

“discuss and explain how thoughts and emotions are related;”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.14(b)(3)(C) by replacing the words “influence of peer pressure” with the words “effect of peer influence.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education add new §115.14(b)(4)(B) to read:*

“define personal growth and identify areas for one’s personal growth;”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Bahorich, and carried to recommend that the State Board of Education amend §115.14(b)(4)(B) to read:*

“list the steps and describe the importance of ~~task completion and~~ goal setting and task completion.”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education amend §115.14(b)(8)(A) to read:*

“identify signs and symptoms of ~~common food allergies~~; and”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(10)(A) by inserting the words “to protect personal space and avoid unsafe situations” after the word “skills.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(10)(B) by inserting the words “or when the student is made to feel unsafe” after the word “respected.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(11)(B) by inserting the word “unsupervised” after the words “presence of.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(12)(A) by replacing the words “respond appropriately” with the words “take appropriate action.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(12)(B) by replacing the words “can be helpful” with the words “is critical.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(13)(A) to strike the words “including cyberbullying.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education strike §115.14(b)(13)(B).*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education strike §115.14(b)(15).*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.14(b)(18) by replacing the words “know how to respond using” with the word “demonstrate.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.15(b)(2)(C) to strike the words “~~risks and~~.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.15(b)(2)(F) to read:*

“identify that there are diseases ~~causes of disease other than germs~~ such as allergies, asthma, diabetes, and epilepsy that are not caused by germs; and”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.15(b)(2)(G) by inserting the words “and when” after “explain how.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education amend §115.15(b)(3)(B) to read:*

“describe strategies for assessing thoughts and applying calming and self-management practices ~~strategies and how they affect thoughts and behaviors;~~”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education add new §115.15(b)(3)(A) to read:*

“discuss and explain how the brain develops through maturation”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.15(b)(4)(A) by inserting the words “and ways it is formed” after the word “self-esteem.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education amend §115.15(b)(5)(A) to read:*

“describe ~~discuss~~ methods for managing challenges related to coping with long-term ~~physical~~ health conditions ~~for self and others;~~”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(6)(B) to read:*

“~~describe how to~~ plan a balanced meal that follows government nutrition guidelines;”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(6)(C) to read:*

“examine nutrition labels to identify ~~discuss~~ the difference between foods containing natural sugars and foods with added sugars or sweeteners; and”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(7) by inserting the word “credible” after the words “variety of.”*

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(8)(A) to read:*

“identify the common food allergens listed on food packaging ~~signs and symptoms of common food~~ allergies; and”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(8)(B) to read:*

“describe how healthy and unhealthy behaviors affect body systems and demonstrate refusal skills in dealing with unhealthy eating situations.”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.15(b)(10) to read:*

“Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to identify refusal skills such as saying “no” ~~the right to say no~~ when privacy, ~~or~~ personal boundaries, or personal space are not respected.”

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried to recommend that the State Board of Education amend §115.15(b)(17)(B) to read:*

“describe the difference between reporting and tattling and why it is important to report ~~when reporting~~ the use of alcohol, tobacco, and other drugs by friends or peers.”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Ms. Perez, and carried to recommend that the State Board of Education amend §115.16(b)(2)(B) to read:*

“describe how health care decision making is influenced by external factors such as cost and access;”

MOTION: *It was moved by Ms. Hardy, seconded by Ms. Perez, to recommend that the State Board of Education amend §115.16(b)(3)(A) to read:*

“analyze how thoughts and ~~behaviors~~ emotions impact ~~emotional~~ behaviors;”

MOTION AND VOTE: *It was moved by Ms. Perez, seconded by Ms. Hardy, and carried to replace the word “impact” with the word “influence.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.16(b)(3)(A) as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Ms. Perez, and carried to recommend that the State Board of Education amend §115.16(b)(3)(B) to read:*

“describe the importance of identifying and reframing thoughts and applying calming and self-management strategies when dealing with strong emotions, including anger;”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Ms. Perez, and carried to recommend that the State Board of Education add new §115.16(b)(3)(C) to read:*

“discuss and explain how the brain develops during childhood and the role it plays in behavior”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.16(b)(3)(E) to read:*

“explain the importance of demonstrating consideration when communicating with individuals who use diverse methods to communicate such as different languages or adaptive methods;”

MOTION: *It was moved by Ms. Hardy and seconded by Ms. Perez to recommend that the State Board of Education amend §115.16(b)(5)(A) to read:*

“describe methods for managing concerns related to coping with long-term physical health conditions for self and others;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to strike the word “physical.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.16(b)(5)(A) as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Ms. Hardy and carried to recommend that the State Board of Education amend §115.16(b)(5)(C) to read:*

“define sources of stress, including trauma and loss, and ~~the stages of~~ grief;”

MOTION AND VOTE: *It was moved by Ms. Hardy and carried to recommend that the State Board of Education amend §115.16(b)(5)(F) to replace the word “uncomfortable” with the word “overwhelming.”*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Ms. Perez, and carried to recommend that the State Board of Education amend §115.16(b)(6)(D) to read:*

“identify the recommended guidelines for added-sugar consumption and explain how excess sugar consumption can impact health, including causing dental cavities and obesity; and”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.16(b)(8)(A) by inserting the words “and set a goal” after the words “goal setting.”*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.16(b)(8)(B) by inserting the word “credible” after the words “variety of.”*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.16(b)(9)(C) to read:*

“differentiate between healthy and unhealthy eating habits and demonstrate refusal skills in dealing with unhealthy eating situations.”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Bahorich, and carried to recommend that the State Board of Education strike §115.16(b)(9)(A).*

MOTION: *It was moved by Ms. Hardy seconded by Mrs. Cargill, to recommend that the State Board of Education amend §115.16(b)(11) to read:*

“Injury and violence prevention and safety--healthy relationships and conflict-resolution skills. The student differentiates between healthy and unhealthy relationships and demonstrates effective strategies to address conflict. The student is expected to explain the importance of using refusal skills such as saying “no” when privacy or personal boundaries or space are not respected.”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.16(b)(14)(C) to read:*

“explain the importance of seeking guidance from parents and other trusted adults on critical personal safety issues ~~in order to make healthy decisions~~; and”

MOTION: *It was moved by Ms. Hardy, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.16(b)(15)(B) to read:*

“~~identify the differences among compare and contrast~~ prescription drugs, over-the-counter drugs, ~~alcohol, tobacco,~~ other drugs, and dangerous substances, including inhalants, vaping products, and household products.”

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §115.16(b)(18)(A) by replacing the word “pressures” with the word “influences.”*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.16(b)(19)(A) by inserting the words “using assertive communication” after “refusal skills.”*

MOTION AND VOTE: *It was moved by Ms. Hardy, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.16(b)(19)(B) to read:*

“identify ways to avoid drugs and discuss healthy alternative activities for the use of drugs and other substances.”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Ms. Perez, and carried to recommend that the State Board of Education strike §115.16(b)(5)(E).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(3)(A) to read:*

“analyze how thoughts and emotions influence ~~behaviors impact emotions~~ behaviors,”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(3)(D) to read:*

“analyze how to identify perspectives and respectful ways to communicate disagreement with friends, family, teachers, and others;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education strike §115.17(b)(3)(F).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education add new §115.17(b)(4)(C) to read:*

“discuss choices and decision making as part of goal setting;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Perez, and carried to recommend that the State Board of Education amend §115.17(b)(4)(A) by inserting the words “and demonstrate” after the word “identify.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Dr. Robinson, and carried to recommend that the State Board of Education add new §115.17(b)(5)(B) to read:*

“discuss how brain development during childhood affects emotions and decision making.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(6)(C) to read:*

“examine ways to reduce the impact of stress, trauma, loss, and grief ~~on mental health and wellness;~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(6)(F) to replace the word “uncomfortable” with the word “overwhelming.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Dr. Robinson, and carried to recommend that the State Board of Education amend §115.17(b)(6)(E) to read:*

“discuss the warning signs associated with ~~and protective factors of~~ suicide identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others; and.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(7)(B) by inserting the word “calories,” after the words “nutritional content.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(7)(C) to read:*

“identify the amount of sugar in common beverages and snacks and the recommended daily allowance for added sugar; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.17(b)(9)(A) by inserting the words “and set a goal” after the words “goal setting.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.17(b)(14)(D) to read:*

“~~identify~~ ~~analyze~~ ways to ways to advocate for self and others to prevent ~~show disapproval of~~ bullying ~~and~~ ~~or~~ cyberbullying behavior; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Perez, and carried to recommend that the State Board of Education amend §115.17(b)(18)(A) by replacing the word “pressure” with the word “influence.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.17(b)(19)(A) by replacing the word “pressure” with the word “influence.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(19)(B) to read:*

“identify a variety of scenarios and the different types of refusal skills that can be used to avoid the use of alcohol, tobacco, and other drugs; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(19)(C) to read:*

“identify and describe healthy alternative activities to the use of drugs and other substances ~~alternatives to drug and substance use.~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education change references to the phrase “dating or romantic relationships” to “dating/romantic relationships” throughout §§115.17, 115.26, 115.27, and 115.38.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(21)(C) to read:*

“identify refusal skills such as saying “no” ~~the right to say no~~ to any unwanted touch that violates ~~can be used to promote~~ personal boundaries in relationships;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.17(b)(21)(E) to read:*

“discuss and explain the importance of making decisions regarding setting personal boundaries and respecting the boundaries of others related to physical intimacy such as holding hands, hugging, and kissing.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education strike §115.17(b)(21)(D).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(22)(A) to read:*

“explain the physical, social, and emotional changes that occur in males and females, ~~including physical, social, and emotional changes, that occur~~ during puberty and adolescent development;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.17(b)(22)(C) by inserting the word “growth” after the words “body hair.”*

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mr. Maynard, and carried to reconsider the vote on §115.17(b)(6)(E).*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.17(b)(6)(E) to read:*

“describe situations that call for professional emotional, mental, and behavioral health services ~~discuss the warning signs and associated with suicide identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others; and.”~~

MOTION AND VOTE: *It was moved by Ms. Perez, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.26(b)(5)(B) to read:*

“identify and discuss how adolescent brain development influences ~~can impact~~ emotions, decision making, and logic; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and seconded by Ms. Hardy, to recommend that the State Board of Education strike §115.26(b)(1). The motion failed.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(2)(F) to read:*

“describe actions that should be taken when illness occurs, including asthma, ~~heart disease, stroke,~~ diabetes, and epilepsy; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(3)(A) to read:*

“demonstrate ~~describe~~ healthy methods for communicating emotions in a variety of scenarios;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(3)(B) by inserting the words “and demonstrate” after the word “assess.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(3)(C) by replacing the word “pressure” with the word “influence.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(3)(D) to read:*

“describe methods for communicating important issues with and understanding perspectives of parents and peers;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(3)(E) to read:*

“discuss and demonstrate how to listen to and respect others’ feelings and perspectives in a variety of scenarios ~~hypothesize others’ feelings and perspectives in a variety of situations and justify the hypothesis; and”~~

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education strike §115.26(b)(6)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(6)(D) to read:*

“identify how to respond positively ~~put oneself in positive situations~~ to develop resiliency;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(6)(H) by replacing the word “uncomfortable” with the word “overwhelming.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.26(b)(7)(B) by inserting the words “and calories” after the word “content.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.26(b)(7)(D) to read:*

“explain the importance of a realistic personal dietary plan; and”

MOTION: *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.26(b)(9)(A) to read:*

“develop short- and long-term goals to achieve appropriate levels of physical activity, improve personal physical fitness levels and make a variety of healthy personal food choices; and”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mrs. Bahorich, and carried to amend §115.26(b)(9)(A) to read:*

“make a variety of healthy personal food choices and develop short- and long-term goals to achieve appropriate levels of physical activity and improve personal physical fitness levels ~~and make a variety of healthy personal food choices;~~ and”

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.26(b)(9)(A) as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.26(b)(10)(A) to read:*

“analyze the impact of moderate physical activity and dietary choices on the prevention of obesity, heart disease, and diabetes;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(10)(D) to read:*

“discuss the nutritional differences in preparing and serving fresh foods versus serving ready-prepared, processed foods ~~explain safety concerns related to physical activity, food, and beverages.~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(12)(A) by striking the word “drugs.”*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(12)(D) by striking the words “drugs and.”*

MOTION: *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.26(b)(14)(C) to read:*

“assess healthy and appropriate ways of responding to and discouraging bullying or cyberbullying, including behavior that takes place at school;”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mrs. Bahorich, and carried to replace the words “bullying or cyberbullying” with “bullying and cyberbullying.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.26(b)(14)(C) as amended. The motion carried.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(16)(B) to read:*

“discuss the legal consequences related to the use and misuse of drugs, including ~~the misuse of~~ prescription drugs; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(18)(A) to read:*

“explain the impact influence of peer influence pressure on decision making regarding the use of alcohol, tobacco, and other drugs;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(18) to read:*

“(C) identify physical and social influences on alcohol, tobacco, and other drug use behaviors;

“(D) identify how physical and social environmental influences can affect an individual’s substance misuse and substance use disorders;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(19)(B) to read:*

“demonstrate discuss how to use refusal skills in various scenarios situations where alcohol, tobacco, and other drugs may be present;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.26(b)(21)(E) to read:*

“explain how a healthy sense of self and decision making regarding ~~can lead to~~ safe boundaries and limits promotes and promotes healthy dating/romantic relationships;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.26(b)(21)(G) to read:*

“explain the importance of clearly communicating, ~~and~~ respecting personal boundaries, and using refusal skills, (permission or refusal) as related to physical intimacy such as holding hands, hugging, and kissing; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education strike §115.26(b)(21)(H).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(22)(A) to read:*

“describe changes in male and female anatomy and physiology during puberty and how rates and patterns of development can vary between individuals;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.26(b)(22)(B) to read:*

“describe the purpose, characteristics, and variations of the menstrual cycle;”

MOTION: *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.26(b)(23)(B) to read:*

“create and discuss personal ~~identify~~ life goals that one wishes to achieve prior to becoming a parent including consideration of the economic benefits of graduating from high school, having a full-time job, and beginning a family while married and after age 21;”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried to insert the words “and discuss the financial impact” after “achieve.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.26(b)(23)(B) as amended. The motion failed.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer, and carried to recommend that the State Board of Education amend §115.26(b)(23)(C) to read:*

“define sexually transmitted infections (STIs) and sexually transmitted diseases (STDs) as infections or diseases that are spread through sex or sexual activity ~~and may cause sexually transmitted diseases (STDs);~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education replace references to “potential risks” with the word “risks” throughout §§115.26, 115.27, and 115.38.*

MOTION: *It was moved by Mrs. Bahorich and seconded by Ms. Hardy to recommend that the State Board of Education amend §115.26(b)(23)(E) to read:*

“define abstinence as refraining from all forms of sexual activity and genital contact it relates to sexual activity and discuss the importance of seeking support from parents, trusted adults, and peers to be sexually abstinent;”

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Ms. Hardy, and carried to strike the word “sexually.”*

MOTION AND VOTE: *It was moved by Ms. Perez and seconded by Mr. Mercer to strike the words “genital contact.” The motion failed.*

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Dr. Robinson, and carried to insert the words “between individuals” after “contact.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §115.26(b)(23)(E) as amended. The motion passed.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy, and carried to recommend that the State Board of Education amend §115.26(b)(23)(G) to read:*

“identify why abstinence from sexual activity is the only ~~contraceptive~~ method that is 100% effective in preventing pregnancy; STIs, including human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS); and the emotional risks associated with adolescent sexual activity;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.26(b)(23)(H) to read:*

“list the ~~potential~~ benefits of abstinence from sexual activity such as increased self-esteem, self-confidence, ~~and~~ student academic achievement, and alignment with personal, family and moral or religious beliefs and values; and”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §115.26(b)(6)(G) to read:*

“discuss the warning signs associated with ~~and protective factors of~~ suicide as identified by the Centers for Disease Control and Prevention (CDC) and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;”

DISCUSSION ITEMS

6. Update on the Review of Proclamation 2021 Instructional Materials (Board agenda page I-87)

Melissa Lautenschlager, director, instructional materials and implementation, provided a brief update on the *Proclamation 2021* instructional material review of prekindergarten materials that was held in June 2020. Ms. Lautenschlager explained that out of the 27 products reviewed, 27 are eligible for adoption. Ms. Lautenschlager also explained that the board will have the opportunity to adopt these materials at the November 2020 meeting.

7. Update on the Texas Essential Knowledge and Skills Coverage in Materials Submitted for Evaluation for the Texas Resource Review (Board agenda page I-90)

Mrs. Lautenschlager presented an update on the Texas Essential Knowledge and Skills review of instructional materials that were evaluated for the Texas Resource Review (TRR). Mrs. Lautenschlager explained that products in English language arts and reading, foundational literacy, grades K–2, math, grades K–8, and prekindergarten were reviewed for standards alignment, and the results of the TRR will be available and published in November.

MOTION AND VOTE: *It was moved by Dr. Robinson and seconded by Mr. Mercer to adjourn. The motion carried.*

Dr. Ellis adjourned the meeting at 11:02 p.m.

Text of Proposed New 19 TAC

Chapter 112. Texas Essential Knowledge and Skills for Science

Subchapter C. High School

§112.41. Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2020.

- (a) The provisions of §§112.42-112.45 of this subchapter shall be implemented by school districts.
- (b) No later than July 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 for science as adopted in §§112.42-112.45 of this subchapter.
- (c) If the commissioner makes the determination that instructional materials funding has been made available under subsection (b) of this section, §§112.42-112.45 of this subchapter shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.
- (d) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (b) of this section, the commissioner shall determine no later than July 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 §§112.42-112.45 of this subchapter shall be implemented for the following school year.
- (e) Sections 112.34, 112.35, 112.38, and 112.39 of this subchapter shall be superseded by the implementation of §§112.42-112.45 of this subchapter.

§112.42. Biology (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9-11.
- (b) Introduction.
 - (1) Biology. ~~By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.~~ Students in Biology focus on patterns, processes, and relationships of living organisms through four main concepts: biological structures, functions, and processes; mechanisms of genetics; biological evolution; and interdependence within environmental systems. ~~By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.~~
 - (2) Nature of science. ~~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." [According to the National Science Teaching Association, the "nature of science is a critical component of scientific literacy that enhances students' understandings of science concepts and enables them to make informed decisions about scientifically-based personal and societal issues."] 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 currently scientifically testable.~~
 - (3) Scientific hypotheses and theories. Students are expected to know that:
 - (A) 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; and

- (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
- (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world , involving its own set of ethical standards about how the process of science should be carried out. [Social justice applies the concept of social responsibility to determine if something is ethical.] Students should be able to distinguish between scientific decision-making methods (scientific methods [and engineering practices]) and ethical [the use of ethics] and social decisions that involve science (the application of scientific information) [justice to make decisions that involve the application of scientific information and engineering design]
- (6) Scientific cross-cutting concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include [Science is a series of cross-cutting concepts such as] systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for [serve as tools] for understanding the ideas presented. 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.
- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
- (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
- (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
- (D) use appropriate tools such as microscopes, slides, Petri dishes, laboratory glassware, metric rulers, digital balances, pipets, filter paper, micropipettes, gel electrophoresis and

- polymerase chain reaction (PCR) apparatuses, microcentrifuges, water baths, incubators, thermometers, hot plates, data collection probes, test tube holders, lab notebooks or journals, hand lenses, and models, diagrams, or samples of biological specimens or structures;
- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using scatter plots, line graphs, bar graphs, charts, data tables, digital tools, diagrams, scientific drawings, and student-prepared models;
 - (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
 - (H) distinguish among scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
- (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
- (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, **cost-benefit analysis [ethics]**, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts--biological structures, functions, and processes. The student knows that biological structures at multiple levels of organization perform specific functions and processes that affect life. The student is expected to:
- (A) relate the functions of different types of biomolecules, including carbohydrates, lipids, proteins, and nucleic acids, to the structure and function of a cell;

- (B) compare and contrast prokaryotic and eukaryotic cells, including their complexity, and compare and contrast scientific explanations for cellular complexity;
- (C) investigate homeostasis through the cellular transport of molecules; and
- (D) compare the structures of viruses to cells and explain how viruses spread and cause disease.
- (6) Science concepts--biological structures, functions, and processes. The student knows how an organism grows and the importance of cell differentiation. The student is expected to:
 - (A) explain the importance of the cell cycle to the growth of organisms, including **stages of the cell cycle and** deoxyribonucleic acid (DNA) replication **[using]** models;
 - (B) explain the process of cell specialization through cell differentiation, including the role of environmental factors; and
 - (C) relate disruptions of the cell cycle **to how they lead** to the development of diseases such as cancer.
- (7) Science concepts--mechanisms of genetics. The student knows the role of nucleic acids in gene expression. The student is expected to:
 - (A) identify components of DNA, explain how the nucleotide sequence specifies **some [the]** traits of an organism, and examine scientific explanations for the origin of DNA;
 - (B) describe the significance of gene expression and explain the process of protein synthesis using models of DNA and ribonucleic acid (RNA);
 - (C) identify and illustrate changes in DNA and evaluate the significance of these changes; and
 - (D) **describe the function of [investigate]** molecular technologies such as polymerase chain reaction (PCR), gel electrophoresis, and **genetic engineering [gene modification]** that are applicable in current research and engineering practices.
- (8) Science concepts--mechanisms of genetics. The student knows **the role of nucleic acids and** the principles of inheritance and variation of traits **in Mendelian and non-Mendelian genetics** . The student is expected to:
 - (A) analyze the significance of chromosome reduction, independent assortment, and crossing-over during meiosis in increasing diversity in populations of organisms that reproduce sexually; and
 - (B) predict possible outcomes of various genetic combinations **using [, including]** monohybrid **and dihybrid** crosses, **including non-Mendelian traits of** incomplete dominance, codominance, sex-linked traits, and multiple alleles.
- (9) Science concepts--biological evolution. The student knows evolutionary theory is a scientific explanation for the unity and diversity of life that has multiple lines of evidence. The student is expected to:
 - (A) analyze and evaluate how evidence of common ancestry among groups is provided by the fossil record, biogeography, and homologies, including anatomical, molecular, and developmental; and
 - (B) examine **[gradualism and punctuated equilibrium as]** scientific explanations **for varying rates of change such as gradualism, [of]** abrupt appearance , and stasis in the fossil record.
- (10) Science concepts--biological evolution. The student knows evolutionary theory is a scientific explanation for the unity and diversity of life that has multiple mechanisms. The student is expected to:

- (A) analyze and evaluate [explain] how natural selection produces change in populations and not in individuals;
 - (B) [explain and] analyze and evaluate how the elements of natural selection, including inherited variation, the potential of a population to produce more offspring than can survive, and a finite supply of environmental resources, result in differential reproductive success;
 - (C) analyze and evaluate how [the relationship of] natural selection may lead to [adaptation,] speciation [, and divergent evolution] ; and
 - (D) analyze [the effect of] evolutionary mechanisms other than natural selection, including genetic drift, gene flow, mutation, and genetic recombination, on the gene pool of a population.
- (11) Science concepts--biological structures, functions, and processes. The student knows the significance of matter cycling, energy flow, and enzymes in living organisms. The student is expected to:
- (A) explain how matter is conserved and energy is transferred [are conserved] during photosynthesis and cellular respiration using models, including chemical equations; and
 - (B) identify and investigate [and explain] the role of enzymes in facilitating cellular processes.
- (12) Science concepts--biological structures, functions, and processes. The student knows that multicellular organisms are composed of multiple systems that interact to perform complex functions. The student is expected to:
- (A) analyze the interactions that occur among systems that perform the functions of regulation, nutrient absorption, reproduction, and defense from injury or illness in animals; and
 - (B) explain how the functions of transport, reproduction, and response in plants are facilitated by their structures.
- (13) Science concepts--interdependence within environmental systems. The student knows that interactions at various levels of organization occur within an ecosystem to maintain stability. The student is expected to:
- (A) investigate and evaluate how ecological relationships, including predation, parasitism, commensalism, mutualism, and competition, influence ecosystem stability;
 - (B) analyze how ecosystem stability is affected by disruptions to the cycling of matter and flow of energy through trophic levels using models;
 - (C) explain the significance of the carbon and nitrogen cycles to ecosystem stability and analyze the consequences of disrupting these cycles; and
 - (D) explain how environmental change affects biodiversity and analyze how changes in biodiversity impact ecosystem stability.

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- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: one credit of high school science and Algebra I. Recommended prerequisite: completion of or concurrent enrollment in a second year of mathematics. This course is recommended for students in Grades 10-12.
- (b) Introduction.
 - (1) Chemistry. [By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed

decisions using critical thinking and scientific problem solving. In Chemistry, students conduct laboratory and field investigations, use scientific practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include characteristics of matter, use of the Periodic Table, development of atomic theory, chemical bonding, chemical stoichiometry, gas laws, solution chemistry, acid-base chemistry, thermochemistry, and nuclear chemistry. Students investigate how chemistry is an integral part of our daily lives. **By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.**

- (2) Nature of science. **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."** ~~[According to the National Science Teaching Association, the "nature of science is a critical component of scientific literacy that enhances students' understandings of science concepts and enables them to make informed decisions about scientifically-based personal and societal issues."]~~ 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 currently scientifically testable.
- (3) Scientific hypotheses and theories. Students are expected to know that:
 - (A) 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; and
 - (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations includes descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
 - (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
 - (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world, **involving its own set of ethical standards about how the process of science should be carried out.** ~~[Social justice applies the concept of social responsibility to determine if something is ethical.]~~ Students should be able to distinguish between scientific decision-making methods (scientific **methods [and engineering practices]**) and **ethical [the use of ethics]** and social decisions that involve science (the application of scientific information) **[justice to make decisions that involve the application of scientific information and engineering design]**.
- (6) Scientific cross-cutting concepts. **Science consists of recurring themes and making connections between overarching concepts. Recurring themes include [Science is a series of cross-cutting concepts such as]** systems, models, and patterns. 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, while models allow for boundary specification and **provide a tool for [serve as tools]** for understanding the ideas presented. 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.

- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
 - (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
 - (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
 - (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
 - (D) use appropriate tools such as Safety Data Sheets (SDS), scientific or graphing calculators, computers and probes, electronic balances, an adequate supply of consumable chemicals, and sufficient scientific glassware such as beakers, Erlenmeyer flasks, pipettes, graduated cylinders, volumetric flasks, and burettes;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using oral or written lab reports, labeled drawings, particle diagrams, charts, tables, graphs, journals, summaries, or technology-based reports;
 - (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
 - (H) distinguish between scientific hypotheses, theories, and laws.
 - (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
 - (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
 - (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
 - (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

- (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
- (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
 - (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, ethics, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts. The student understands the development of the Periodic Table and applies its predictive power. The student is expected to:
 - (A) explain ~~construct explanations to communicate~~ the development of the Periodic Table over time using evidence such as chemical and physical properties;
 - (B) predict the properties of elements in chemical families, including alkali metals, alkaline earth metals, halogens, noble gases, and transition metals, based on ~~the patterns of~~ valence electrons ~~patterns~~ using the Periodic Table; and
 - (C) analyze and interpret elemental data, including atomic radius, atomic mass, electronegativity, ionization energy, and reactivity to ~~identify periodic~~ ~~discover~~ trends ~~in the Periodic Table~~ .
- (6) Science concepts. The student understands the development of atomic theory and applies it to real-world phenomena. The student is expected to:
 - (A) construct models using Dalton's Postulates, Thomson's discovery of electron properties, Rutherford's nuclear atom, Bohr's nuclear atom, and Heisenberg's Uncertainty Principle to show the development of modern atomic theory over time;
 - (B) describe the structure of atoms and ions, including the masses, electrical charges, and locations of protons and neutrons in the nucleus and electrons in the electron cloud;
 - (C) investigate ~~the mathematical relationship among energy, frequency, and wavelength of light using~~ ~~the quantized energy emitted by electron movement of various elements and relate the emissions to~~ the electromagnetic spectrum ~~and relate it to the quantization of energy in the emission spectrum~~ ;
 - (D) calculate average atomic mass of an element using isotopic composition; and
 - (E) construct models to express the arrangement of electrons in atoms of representative elements using electron configurations and Lewis dot structures.
- (7) Science concepts. The student knows how atoms form ionic, covalent, and metallic bonds. The student is expected to:
 - (A) construct an argument to support how periodic trends such as electronegativity can predict bonding between elements;
 - (B) name and write the chemical formulas for ionic and covalent compounds using International Union of Pure and Applied Chemistry (IUPAC) nomenclature rules;

- (C) classify and draw electron dot structures for molecules with linear, bent, trigonal planar, trigonal pyramidal, and tetrahedral molecular geometries as explained by Valence Shell Electron Pair Repulsion (VSEPR) theory; and
 - (D) analyze the properties of ionic, covalent, and metallic substances in terms of intramolecular and intermolecular forces.
- (8) Science concepts. The student understands how matter is accounted for in chemical substances. The student is expected to:
- (A) define mole and apply the concept of molar mass to convert between moles and grams;
 - (B) calculate the number of atoms or molecules in a sample of material using Avogadro's number;
 - (C) calculate percent composition of compounds; and
 - (D) differentiate between empirical and molecular formulas.
- (9) Science concepts. The student understands how matter is accounted for in chemical reactions. The student is expected to:
- (A) interpret, write, and balance chemical equations, including synthesis, decomposition, single replacement, double replacement, and combustion reactions using the law of conservation of mass;
 - (B) differentiate among double replacement reactions, including acid-base reactions, and precipitation reactions, and oxidation-reduction reactions such as synthesis, decomposition, single replacement, and combustion reactions;
 - (C) perform stoichiometric calculations, including determination of mass relationships, gas volume relationships, and percent yield; and
 - (D) describe the concept of limiting reactants in a balanced chemical equation.
- (10) Science concepts. The student understands the principles of the kinetic molecular theory and ideal gas behavior. The student is expected to:
- (A) describe the postulates of the kinetic molecular theory;
 - (B) describe and calculate the relationships among volume, pressure, number of moles, and temperature for an ideal gas; and
 - (C) define and apply Dalton's law of partial pressure.
- (11) Science concepts. The student understands and can apply the factors that influence the behavior of solutions. The student is expected to:
- (A) describe the unique role of water in solutions in terms of polarity;
 - (B) distinguish among types of solutions, including such as electrolytes and nonelectrolytes and unsaturated, saturated, and supersaturated solutions;
 - (C) investigate factors that influence solid and gas solubilities such as temperature using solubility curves and rates of dissolution such as temperature, agitation, and surface area;
 - (D) investigate the general rules regarding solubility and predict the products of a double replacement reaction;
 - (E) calculate the concentration of solutions in units of molarity; and
 - (F) calculate the dilutions of solutions using molarity.
- (12) Science concepts. The student understands and applies various rules regarding acids and bases. The student is expected to:

- (A) name and write the chemical formulas for acids **and bases** using IUPAC nomenclature rules;
- (B) define acids and bases and distinguish between Arrhenius and Bronsted-Lowry definitions;
- (C) differentiate between strong and weak acids and bases;
- (D) predict products in acid-base reactions that form water; and
- (E) define pH and calculate the pH of a solution using the hydrogen ion concentration.
- (13) Science concepts. The student understands the energy changes that occur in chemical reactions. The student is expected to:
 - (A) explain everyday examples that illustrate the four laws of thermodynamics;
 - (B) investigate the process of heat transfer **using [in terms of]** calorimetry;
 - (C) **classify [differentiate]** processes as exothermic or endothermic and represent energy changes that occur in chemical reactions using thermochemical equations or graphical analysis; and
 - (D) perform calculations involving heat, mass, temperature change, and specific heat.
- (14) Science concepts. The student understands the basic processes of nuclear chemistry. The student is expected to:
 - (A) describe the characteristics of alpha, beta, and gamma radioactive decay processes in terms of balanced nuclear equations;
 - (B) compare fission and fusion reactions; and
 - (C) give examples of applications of nuclear phenomena such as nuclear stability, radiation therapy, diagnostic imaging, solar cells, and nuclear power.

§112.44. Integrated Physics and Chemistry (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. This course is recommended for students in Grades 9 and 10.
- (b) Introduction.
 - (1) Integrated Physics and Chemistry. **[By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.]** In Integrated Physics and Chemistry, students conduct laboratory and field investigations, use engineering practices, use scientific practices during investigation, and make informed decisions using critical thinking and scientific problem solving. This course integrates the disciplines of physics and chemistry in the following topics: force, motion, energy, and matter. **By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.**
 - (2) Nature of science. **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."** ~~[According to the National Science Teaching Association, the "nature of science is a critical component of scientific literacy that enhances students' understandings of science concepts and enables them to make informed decisions about scientifically-based personal and societal issues."]~~ 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 currently scientifically testable.

- (3) Scientific hypotheses and theories. Students are expected to know that:
- (A) 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; and
 - (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
 - (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world , involving its own set of ethical standards about how the process of science should be carried out. [Social justice applies the concept of social responsibility to determine if something is ethical.] Students should be able to distinguish between scientific decision-making methods (scientific methods [and engineering practices]) and ethical [the use of ethics] and social decisions that involve science (the application of scientific information) [justice to make decisions that involve the application of scientific information and engineering design] .
- (6) Scientific cross-cutting concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include [Science is a series of cross-cutting concepts such as] systems, models, and patterns. 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, while models allow for boundary specification and provide a tool for [serve as tools] for understanding the ideas presented. 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.
- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
 - (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
 - (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
 - (D) use appropriate tools such as data-collecting probes, software applications, the internet, standard laboratory glassware, metric rulers, meter sticks, spring scales, multimeters, Gauss meters, wires, batteries, light bulbs, switches, magnets, electronic balances, mass sets, Celsius thermometers, hot plates, an adequate supply of consumable chemicals, lab notebooks or journals, timing devices, models, and diagrams;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using labeled drawings and diagrams, graphic organizers, charts, tables, and graphs;
 - (G) develop and use models to represent phenomena, systems, **or** processes, or solutions to engineering problems; and
 - (H) distinguish between scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
- (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
- (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, ethics, and contributions of diverse scientists as related to the content; **and**
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers ; **and** [:]
 - (D) **describe the nature of the four fundamental forces: gravitation, electromagnetic, the strong and weak nuclear forces, including fission and fusion, and mass-energy equivalency.**

- (5) Science concepts. The student knows the relationship between force and motion in everyday life. The student is expected to:
- (A) investigate, analyze, and model motion in terms of position, velocity, acceleration, and time using tables, graphs, and mathematical relationships;
 - (B) analyze data to explain the relationship between mass and acceleration in terms of the net force on an object in one dimension using force diagrams, tables, and graphs;
 - (C) apply the concepts of momentum and impulse to design, evaluate, and refine a device to minimize the net force on objects during collisions such as those that occur during vehicular accidents, sports activities, or the dropping of personal electronic devices; and
 - (D) construct and communicate an explanation based on evidence for how changes in mass, charge, and distance affect the strength of gravitational and electrical forces between two objects.
 - (E) **investigate and demonstrate the movement of thermal energy through solids, liquids, and gases by convection, conduction, and radiation such as weather, living, and mechanical systems.**
- (6) Science concepts. The student knows the impact of energy transfer and energy conservation in everyday life. The student is expected to:
- (A) design and construct series and parallel circuits that model real-world circuits such as in-home wiring, automobile wiring, and simple electrical devices to evaluate the transfer of electrical energy;
 - (B) design, evaluate, and refine a device that generates electrical energy through the interaction of electric charges and magnetic fields **[such as a generator, windmill, or other mechanically powered device]** ;
 - (C) plan and conduct an investigation to provide evidence that energy is conserved within a closed system;
 - (F) ~~(D)~~ **plan and conduct an investigation to evaluate the transfer of energy or information through different materials by different types of waves such as wireless signals, ultraviolet radiation, and microwaves;**
 - (G) ~~(E)~~ **construct and communicate an evidence-based explanation for how wave interference, reflection, and refraction are used in technology such as medicine, communication, and scientific research; and**
 - (H) ~~(F)~~ **evaluate evidence from multiple sources to critique the advantages and disadvantages of various renewable and nonrenewable energy sources and their impact on society and the environment.**
- (7) Science concepts. The student knows that relationships exist between the structure and properties of matter. The student is expected to:
- (A) **model basic atomic structure and** relate an element's atomic structure to its bonding, reactivity, and placement on the Periodic Table;
 - (B) use patterns within the Periodic Table to predict the relative physical and chemical properties of elements;
 - (C) explain how physical and chemical properties of substances are related to their usage in everyday life such as in sunscreen, cookware, industrial applications, and fuels; and
 - (D) **explain how electrons can transition from a high energy level to a low energy state, emitting photons at different frequencies for different energy transitions;**
 - (E) **explain how atomic energy levels and emission spectra present evidence for the wave particle duality;**

(D) ~~(F)~~ plan and conduct an investigation to provide evidence that the rate of reaction or dissolving is affected by multiple factors such as particle size, stirring, temperature, and concentration

- (8) Science concepts. The student knows that changes in matter affect everyday life. The student is expected to:
- (A) investigate how changes in properties are indicative of chemical reactions such as hydrochloric acid with a metal, oxidation of metal, combustion, and neutralizing an acid with a base ~~(an antacid)~~ ;
 - (B) develop and use models to balance chemical equations and support the claim that atoms, and therefore mass, are conserved during a chemical reaction;
 - (C) research and communicate the uses, advantages, and disadvantages of nuclear reactions in current technologies; and
 - (D) construct and communicate an evidence-based explanation of the environmental impact of the end-products of chemical reactions such as those that may result in degradation of water, soil, ~~(and)~~ air quality , and global climate change.

§112.45. Physics (One Credit), Adopted 2020.

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Recommended prerequisite or corequisite: Algebra I. This course is recommended for students in Grades 9-12.
- (b) Introduction.
- (1) Physics. ~~[By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.]~~ In Physics, students conduct laboratory and field investigations, use scientific practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include: laws of motion, changes within physical systems and conservation of energy and momentum, forces, characteristics and behavior of waves, and electricity and magnetism. Students will apply conceptual knowledge and collaborative skills to experimental design, implementation, and interpretation. ~~By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.~~
 - (2) Nature of science. ~~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."~~ ~~[According to the National Science Teaching Association, the "nature of science is a critical component of scientific literacy that enhances students' understandings of science concepts and enables them to make informed decisions about scientifically-based personal and societal issues."]~~ 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 currently scientifically testable.
 - (3) Scientific hypotheses and theories. Students are expected to know that:
 - (A) 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; and

- (B) 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.
- (4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.
- (A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.
- (B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.
- (5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world , involving its own set of ethical standards about how the process of science should be carried out. [Social justice applies the concept of social responsibility to determine if something is ethical.] Students should be able to distinguish between scientific decision-making methods (scientific methods [and engineering practices]) and ethical [the use of ethics] and social decisions that involve science (the application of scientific information) [justice to make decisions that involve the application of scientific information and engineering design] .
- (6) Scientific cross-cutting concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include [Science is a series of cross-cutting concepts such as] systems, models, and patterns. 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, while models allow for boundary specification and provide a tool [serve as tools] for understanding the ideas presented. 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.
- (7) Statements containing 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) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
- (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
- (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations, and use engineering practices to design solutions to problems;
- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
- (D) use appropriate tools such as balances, ballistic carts or equivalent, batteries, computers, constant velocity cars, convex lenses, copper wire, discharge tubes with power supply (H.

- He, Ne, Ar), data acquisition probes and software, dynamics and force demonstration equipment, electrostatic generators, electrostatic kits, friction blocks, graph paper, graphing technology, hand-held visual spectrometers, inclined planes, iron filings, lab masses, laser pointers, magnets, magnetic compasses, metric rulers, motion detectors, multimeters (current, voltage, resistance), optics bench, optics kit, photogates, plane mirrors, prisms, protractors, pulleys, resistors, rope or string, scientific calculators, stopwatches, springs, spring scales, switches, tuning forks, wave generators, or other equipment and materials that will produce the same results;
- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using bar charts, line graphs, scatter plots, data tables, labeled diagrams, and conceptual mathematical relationships;
 - (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
 - (H) distinguish among scientific hypotheses, theories, and laws.
- (2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:
- (A) identify advantages and limitations of models such as their size, scale, properties, and materials;
 - (B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;
 - (C) use mathematical calculations to assess quantitative relationships in data; and
 - (D) evaluate experimental and engineering designs.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:
- (A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;
 - (B) relate the impact of past and current research on scientific thought and society, including research methodology, ethics, and contributions of diverse scientists as related to the content; and
 - (C) research and explore connections between grade-level appropriate science concepts and science, technology, engineering, and mathematics (STEM) careers.
- (5) Science concepts. The student knows and applies the laws governing motion in a variety of situations. The student is expected to:

- (A) analyze different types of motion by generating and interpreting position versus time, velocity versus time, and acceleration versus time using hand graphing and real-time technology such as motion detectors, photogates, or digital applications;
 - (B) define scalar and vector quantities related to one- and two-dimensional motion and combine vectors using both graphical vector addition and the Pythagorean theorem;
 - (C) describe and analyze motion in one dimension using equations with the concepts of distance, displacement, speed velocity, frames of reference, and acceleration;
 - (D) describe and analyze **acceleration in uniform circular and horizontal projectile motion [accelerated motion in two dimensions of horizontally launched projectiles]** using equations;
 - (E) explain and apply the concepts of equilibrium and inertia as represented by Newton's first law of motion using relevant real-world examples such as rockets, satellites, and automobile safety devices;
 - (F) calculate the effect of forces on objects, including tension, friction, normal, gravity, **centripetal**, and applied forces, using free body diagrams and the relationship between force and acceleration as represented by Newton's second law of motion;
 - (G) illustrate and analyze the simultaneous forces between two objects as represented in Newton's third law of motion using free body diagrams and in an experimental design scenario; and
 - (H) describe and calculate, using scientific notation, how the magnitude of force between two objects depends on their masses and the distance between their centers, and predict the effects on objects in linear and orbiting systems using Newton's law of universal gravitation.
- (6) Science concepts. The student knows the nature of forces in the physical world. The student is expected to:
- (A) use scientific notation and predict how the magnitude of the electric force between two objects depends on their charges and the distance between their centers using Coulomb's law;
 - (B) identify and describe examples of electric and magnetic forces and fields in everyday life such as generators, motors, and transformers;
 - (C) investigate and describe conservation of charge during the processes of induction, conduction, and polarization using different materials such as electroscopes, balloons, rods, fur, silk, and Van der Graaf generators;
 - (D) analyze, design, and construct series and parallel circuits using schematics and materials such as switches, wires, resistors, lightbulbs, batteries, voltmeters, and ammeters; and
 - (E) calculate current through, potential difference across, resistance of, and power used by electric circuit elements connected in both series and parallel circuits using Ohm's law.
- (7) Science concepts. The student knows that changes occur within a physical system and applies the laws of conservation of energy and momentum. The student is expected to:
- (A) calculate and explain work and power in one dimension and identify when work is and is not being done by or on a system;
 - (B) investigate and calculate mechanical, kinetic, and potential energy of a system;
 - (C) apply the concept of conservation of energy using the work-energy theorem, energy diagrams, and energy transformation equations, **including transformations between kinetic, potential, and thermal energy;**

- (D) calculate and describe the impulse and momentum of **objects in** physical systems **using examples** such as automobile safety features, athletics, and rockets; and
- (E) analyze the conservation of momentum qualitatively in inelastic and elastic collisions in one dimension using models, diagrams, and simulations.
- (8) Science concepts. The student knows the characteristics and behavior of waves. The student is expected to:
- (A) examine and describe simple harmonic motion **such as springs and pendulums** [~~standing waves,~~] and wave energy propagation in various types of media **using examples such as springs, pendulums, ropes, and** **such as** surface waves on a body of water **and ropes**;
- (B) compare the characteristics of transverse and longitudinal waves, including electromagnetic and sound waves; **investigate and analyze characteristics of waves, including velocity, frequency, amplitude, and wavelength, and calculate using the relationships between wave speed, frequency, energy, and wavelength;**
- (C) investigate and analyze characteristics of waves, including velocity, frequency, amplitude, and wavelength, and calculate using the relationships between wave speed, frequency, **energy,** and wavelength; **compare the different applications of the electromagnetic spectrum;**
- (D) investigate behaviors of waves, including reflection, refraction, diffraction, interference, **standing wave, resonance, and** the Doppler effect **polarization and superposition;** **investigate the emission spectra produced by various atoms and explain the relationship to the electromagnetic spectrum;**
- (E) compare the different applications of the electromagnetic spectrum **including radio telescopes, microwaves, and X-rays;** [~~compare the characteristics of transverse and longitudinal waves, including electromagnetic and sound waves;~~]
- (F) investigate the emission spectra produced by various atoms and explain the relationship to the electromagnetic spectrum; **investigate behaviors of waves, including reflection, refraction, diffraction, interference, resonance, and the Doppler effect;**
- (G) describe and predict image formation as a consequence of reflection from a plane mirror and refraction through a thin convex lens **;** **and**
- [H] describe the photoelectric effect and the dual nature of light.**
- (9) Science concepts. The student knows examples of quantum phenomena and their applications. The student is expected to:
- (A) describe the photoelectric effect and emission spectra produced by various atoms and how both are explained by the photon model for light;
- (B) investigate Malus's Law and describe examples of applications of wave polarization, including three-dimensional movie glasses and LCD computer screens;
- (C) compare and explain how superposition of quantum states is related to the wave-particle duality nature of light; and
- (D) give examples of applications of quantum phenomena, including Heisenberg's uncertainty principle, quantum computing, and cybersecurity.

**Report of the State Board of Education
Committee of the Full Board
September 10, 2020**

The State Board of Education Committee of the Full Board met at 9:11 a.m. on Thursday, September 10, 2020, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Donna Bahorich; Barbara Cargill; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Pam Little; Tom Maynard; Sue Melton-Malone; Ken Mercer; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Marty Rowley

Public Testimony

The Committee of the Full Board heard public testimony on agenda item #1. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEM

1. Consideration of the Commissioner of Education's Generation 25 Open-Enrollment Charter School Proposals

(Board agenda page I-95)

[Official agenda item #12]

Public testimony was provided by the following individuals:

NAME: Starlee Coleman
AFFILIATION: Texas Public Charter Schools Association

NAME: Daiana Lambrecht
AFFILIATION: Rocketship Public Schools

NAME: Rolinda Schmidt
AFFILIATION: Texas Association of School Boards

NAME: Perla Vidales
AFFILIATION: Self

NAME: Ray Tijerina
AFFILIATION: Self

NAME: Kim Truss
AFFILIATION: Self

NAME: Inga Cotton
AFFILIATION: Self

NAME:	MerryLynn Gerstenschlager
AFFILIATION:	Self
NAME:	Lisa McDaniel
AFFILIATION:	Self
NAME:	Lisa Cooley Thomas
AFFILIATION:	Self
NAME:	Sharon Griffin
AFFILIATION:	Self
NAME:	Jason Colon
AFFILIATION:	Rocketship Public Schools
NAME:	Paul Dirden
AFFILIATION:	Self
NAME:	Lorie Atwood
AFFILIATION:	Self
NAME:	Yvette Leno
AFFILIATION:	Heritage Classical Academy
NAME:	Carino Cortez
AFFILIATION:	Self
NAME:	Kim Martinic
AFFILIATION:	Texas State Teacher Association
NAME:	Chloe Sikes
AFFILIATION:	Intercultural Development Research Association
NAME:	Ana Molina
AFFILIATION:	Self
NAME:	Robert Nickell
AFFILIATION:	Self
NAME:	Victoria Rico
AFFILIATION:	The George W. Brackenridge Foundation
NAME:	Rosemary Scott
AFFILIATION:	Self
NAME:	Peyton Wolcott
AFFILIATION:	Self
NAME:	Rose Garcia
AFFILIATION:	Self

NAME: Jim Chadwell
AFFILIATION: Eagle Mountain-Saginaw Independent School District (ISD)

NAME: David Dunn
AFFILIATION: Self

NAME: Sandra Rivera
AFFILIATION: Self

NAME: Ty Davidson
AFFILIATION: Austin ISD

NAME: Arati Singh
AFFILIATION: Self

NAME: Tom Sage
AFFILIATION: Self

NAME: Criselda Occhiuzzi
AFFILIATION: Self

NAME: Tracey Cortez
AFFILIATION: Navarro High School

NAME: Laurie Bricker
AFFILIATION: Self

NAME: Alexas Perez
AFFILIATION: Self

NAME: Samille Palm
AFFILIATION: Self

NAME: Sarah Johnson
AFFILIATION: Self

NAME: Laiza Vidales
AFFILIATION: Self

NAME: Kevin Brown
AFFILIATION: Texas Association of School Administrators

NAME: Ruth York
AFFILIATION: Self

NAME: Bridget Galvan
AFFILIATION: Self

NAME: Terrance Jones
AFFILIATION: Self

NAME:	Sergio Alaniz
AFFILIATION:	Brillante Academy
NAME:	Andrew Flores
AFFILIATION:	Self
NAME:	Michael Lee
AFFILIATION:	Texas Association of Rural Schools
NAME:	Magdalena Leyva
AFFILIATION:	Self
NAME:	Lori Kirkpatrick
AFFILIATION:	Coalition for Equity in Public Education
NAME:	Rose Mary Neshyba
AFFILIATION:	Lake Worth ISD
NAME:	Walt Sims
AFFILIATION:	Self
NAME:	David Anderson
AFFILIATION:	Self
NAME:	Ward Tisdale
AFFILIATION:	Texas First/Learn4Life
NAME:	Kenny Lu
AFFILIATION:	Self
NAME:	Julie Hinaman
AFFILIATION:	Cypress-Fairbanks ISD Board of Trustees
NAME:	Eric Wright
AFFILIATION:	Hays Consolidated ISD
NAME:	Esperanza Orosco
AFFILIATION:	Hays Consolidated ISD

MOTION: *It was moved by Mr. Maynard and seconded by Mrs. Cargill to recommend that the State Board of Education review and take no action on the following proposed Generation 25 Subchapter D. Open-Enrollment Charter Schools scheduled to open in the 2021-2022 school year:*

Brillante Academy (McAllen)
CLEAR Public Charter School (San Marcos)
Doral Academy of Texas (Buda)
Heritage Classical Academy (Houston)
Learn4Life-Austin (Austin)
Prelude Preparatory Charter School (San Antonio)
Rocketship Public Schools (Fort Worth)
Royal Public Schools (San Antonio)

Invited testimony was provided by the following individuals:

NAME:	Aaron Brenner
AFFILIATION:	Brillante Academy
NAME:	Daniel West
AFFILIATION:	Brillante Academy
NAME:	Jason Harris
AFFILIATION:	CLEAR Public Charter School
NAME:	Jeremy Jones
AFFILIATION:	CLEAR Public Charter School
NAME:	Krista Piferrer
AFFILIATION:	Doral Academy of Texas
NAME:	TaLisa Wilson
AFFILIATION:	Doral Academy of Texas
NAME:	Stuart Saunders
AFFILIATION:	Heritage Classical Academy
NAME:	Kathryn van der Pol
AFFILIATION:	Heritage Classical Academy
NAME:	Kenya Jackson
AFFILIATION:	Learn4Life-Austin
NAME:	Wayne Knox
AFFILIATION:	Learn4Life-Austin
NAME:	Lauren Lewis
AFFILIATION:	Prelude Preparatory Charter School
NAME:	Kim Munoz
AFFILIATION:	Prelude Preparatory Charter School
NAME:	SaJade Miller
AFFILIATION:	Rocketship Public Schools
NAME:	Peter Philpott
AFFILIATION:	Rocketship Public Schools
NAME:	Soner Tarim
AFFILIATION:	Royal Public Schools
NAME:	Abelardo Saavedra
AFFILIATION:	Royal Public Schools

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried to divide the question.*

VOTE: *A vote was taken on the motion to review and take no action on Brillante Academy (McAllen). The motion carried with 9 members voting Aye and 5 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Bahorich	Mrs. Melton-Malone
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	
<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

VOTE: *A vote was taken on the motion to review and take no action on CLEAR Public Charter School (San Marcos). The motion carried with 8 members voting Aye and 7 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Ms. Hardy
	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mr. Mercer
	Dr. Ellis	Mr. Rowley
<u>No:</u>	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mrs. Melton-Malone	

VOTE: *A vote was taken on the motion to review and take no action on Doral Academy of Texas (Buda). The motion carried with 8 members voting Aye and 7 members voting No as follows:*

<u>Aye:</u>	Mr. Allen	Ms. Hardy
	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mr. Mercer
	Dr. Ellis	Mr. Rowley
<u>No:</u>	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mrs. Melton-Malone	

VOTE: A vote was taken on the motion to review and take no action on Heritage Classical Academy (Houston). The motion failed with 6 members voting Aye and 8 members voting No as follows:

<u>Aye:</u>	Mrs. Bahorich Mrs. Cargill Ms. Hardy	Mr. Maynard Mr. Mercer Mr. Rowley
<u>No:</u>	Mr. Allen Mr. Cortez Ms. Davis Mrs. Little	Mrs. Melton-Malone Ms. Pérez Ms. Perez-Diaz Dr. Robinson

VOTE: A vote was taken on the motion to review and take no action on Learn4Life-Austin (Austin). The motion carried with 9 members voting Aye and 5 members voting No as follows:

<u>Aye:</u>	Mr. Allen Mrs. Bahorich Mrs. Cargill Ms. Hardy Mrs. Little	Mr. Maynard Mrs. Melton-Malone Mr. Mercer Mr. Rowley
<u>No:</u>	Mr. Cortez Ms. Davis Ms. Pérez	Ms. Perez-Diaz Dr. Robinson

VOTE: A vote was taken on the motion to review and take no action on Prelude Preparatory Charter School (San Antonio). The motion carried with 9 members voting Aye and 5 members voting No as follows:

<u>Aye:</u>	Mr. Allen Mrs. Bahorich Mrs. Cargill Ms. Hardy Mrs. Little	Mr. Maynard Mrs. Melton-Malone Mr. Mercer Mr. Rowley
<u>No:</u>	Mr. Cortez Ms. Davis Ms. Pérez	Ms. Perez-Diaz Dr. Robinson

VOTE: A vote was taken on the motion to review and take no action on Rocketship Public Schools (Fort Worth). The motion failed with 2 members voting Aye and 12 members voting No as follows:

<u>Aye:</u>	Mrs. Cargill	Ms. Hardy
<u>No:</u>	Mr. Allen	Mrs. Melton-Malone
	Mrs. Bahorich	Mr. Mercer
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mr. Maynard	Mr. Rowley

VOTE: A vote was taken on the motion to review and take no action on Royal Public Schools (San Antonio). The motion carried with 9 members voting Aye and 5 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mr. Maynard
	Mrs. Bahorich	Mrs. Melton-Malone
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley
	Mrs. Little	
<u>No:</u>	Mr. Cortez	Ms. Perez-Diaz
	Ms. Davis	Dr. Robinson
	Ms. Pérez	

MOTION: It was moved by Ms. Perez-Diaz and seconded by Mr. Cortez to recommend that the State Board of Education take affirmative action to veto Heritage Classical Academy (Houston) and Rocketship Public Schools (Fort Worth).

MOTION AND VOTE: It was moved by Mr. Rowley, seconded by Mr. Maynard, and carried to divide the question.

VOTE: A vote was taken on the motion to veto Heritage Classical Academy (Houston). The motion carried with 8 members voting Aye and 6 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mrs. Melton-Malone
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
<u>No:</u>	Mrs. Bahorich	Mr. Maynard
	Mrs. Cargill	Mr. Mercer
	Ms. Hardy	Mr. Rowley

VOTE: A vote was taken on the motion to veto Rocketship Public Schools (Fort Worth). The motion carried with 12 members voting Aye and 2 members voting No as follows:

<u>Aye:</u>	Mr. Allen	Mrs. Melton-Malone
	Mrs. Bahorich	Mr. Mercer
	Mr. Cortez	Ms. Pérez
	Ms. Davis	Ms. Perez-Diaz
	Mrs. Little	Dr. Robinson
	Mr. Maynard	Mr. Rowley

<u>No:</u>	Mrs. Cargill	Ms. Hardy
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The committee continued consideration of proposed new 19 TAC Chapter 115, Texas Essential Knowledge and Skills for Health Education, Subchapter A, Elementary, §§115.11-115.17, Subchapter B, Middle School, §§115.25-115.28, and Subchapter C, High School, §§115.37-115.39.

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(2)(C) to read:

“identify barriers related to solving health problems and ways to overcome barriers”

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education strike §115.27(b)(2)(D).

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(3)(A) to read:

“identify and analyze different emotions and their causal thoughts in self ~~and others~~”

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(3)(B) to read:

“analyze the relationship between thoughts, feelings, and behaviors and demonstrate ~~describe and~~ apply healthy techniques for managing reactions in times of emotional stress;”

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(3)(D) to read:

“demonstrate perspective-taking and communication skills in building and maintaining healthy relationships and determining when and how to end unhealthy relationships”

MOTION AND VOTE: It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(3)(F) to read:

“analyze and demonstrate appropriate ways to ~~show disapproval of~~ discourage inconsiderate and disrespectful behavior, including in school; and”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.26(b)(4) and §115.27(b)(4) to add a new student expectation to read:*

“Create and discuss personal life goals that one wishes to achieve and consider the financial impact of graduating from high school, having a full-time job, and waiting until marriage if one plans to have children.”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Pérez and carried to recommend that the State Board of Education amend §115.27(b)(4)(C) to read:*

“identify decision-making skills that promote individual, family, and community mental health.”

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mr. Cortez and carried to recommend that the State Board of Education amend §115.27(b)(5)(B) to read:*

“~~explain how adolescent brain development influences cognitive processing, emotions, and decision-making~~ ~~identify how adverse childhood experiences such as abuse, neglect, and trauma can impact brain development;~~”

MOTION AND VOTE: *It was moved by Ms. Pérez, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(5) by adding a new student expectation as follows:*

“Discuss the influence of childhood trauma and how to recognize, process, and overcome negative events”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education strike §115.27(b)(7)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Maynard and carried to recommend that the State Board of Education amend §115.27(b)(7)(E) to read:*

“~~explain ways to use dietary information to help self and others~~ identify and practice strategies for choosing healthy foods and beverages in diverse social environments, including at home, school, and dining out”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(10)(A) to read:*

“analyze the impact of moderate physical activity and healthy dietary practices in the prevention of obesity, heart disease, and diabetes”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(10)(B) to read:*

“analyze risk factors that may lead to the development of chronic conditions and formulate strategies to reduce the likelihood of developing chronic conditions;”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(10)(D) to read:*

“investigate and compare the differences in preparing and serving fresh food versus serving ready-prepared, processed foods safety concerns related to physical activity, food, and beverages”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(12)(A) to read:*

“analyze strategies for and the benefits of avoiding violence, gangs, weapons, ~~drugs~~, and human trafficking”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Mercer and carried to recommend that the State Board of Education add a new §115.26(b)(13)(E) and §115.27(b)(13)(D) to read:*

“identify how technology is used to recruit or manipulate potential victims of sex trafficking”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.27(b)(14)(B) to read:*

“analyze how exposure to family violence can influence ~~influences~~ behavior”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike §115.27(b)(17)(B).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike §115.27(b)(17)(D).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.27(b)(18)(A) to read:*

“examine the effects and role of peer influence in ~~pressure on~~ decision making and problem solving regarding the use and misuse of alcohol, tobacco, and other drugs”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education strike §115.27(b)(18)(C).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike §115.27(b)(19)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.27(b)(19)(B) to read:*

“Develop and apply strategies in various scenarios, including demonstrating refusal skills, for avoiding alcohol, tobacco, and other drugs; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike §115.27(b)(19)(C).*

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Ms. Perez-Diaz and carried to recommend that the State Board of Education add new “§115.27(b)(20)(H).*

“define and differentiate between sexual orientation and gender identity”

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded by Ms. Perez-Diaz to recommend that the State Board of Education add new “§115.27(b)(20)(H) to read:*

“define and differentiate between sexual orientation and gender identity”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Cortez and seconded by Dr. Robinson to recommend that the State Board of Education add new “§115.27(b)(20)(H) to read:*

“explain the importance of treating all people with dignity and respect regardless of their sexual orientation or gender identity”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Rowley, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike the term “committed” and add “legally recognized” §115.26(b)(20)(F), §115.27(b)(20)(G), §115.28(b)(20)(F). The motion failed.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Hardy and carried to recommend that the State Board of Education strike the term “committed relationships” from §115.26(b)(20)(F), §115.27(b)(20)(G), §115.28(b)(20)(F).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.26(b)(21)(E), §115.27(b)(21)(F) and §115.28(b)(21)(F) to read:*

“describe how a healthy sense of self and making and respecting decisions regarding ~~can lead to~~ safe boundaries and limits ~~and~~ promote healthy dating or romantic relationships”

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.27(b)(21)(H) to read:*

“demonstrate how refusal skills can be used to set and reinforce limits and boundaries to avoid behaviors that increase sexual risk”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Cortez and carried to recommend that the State Board of Education amend §115.27(b)(21)(D) to read:*

“identify protective strategies for avoiding unsafe situations that heighten the risk of sexual harassment, sexual abuse, sexual assault, sex trafficking, and teen dating violence”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Cortez and carried to recommend that the State Board of Education amend §115.27(b)(21)(E) to read:*

“explain the importance of reporting to a parent or trusted adult sexual harassment, sexual abuse, sexual assault, sex trafficking, and dating violence involving self or others”

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez and carried to recommend that the State Board of Education strike §115.27(b)(22)(I) to read:*

“define the emotional changes that may occur during and after pregnancy ~~related and including~~ postpartum ~~mood disorders~~ depression, and discuss ~~ways to~~ resources for seek help and support and treatment”

MOTION AND VOTE: *It was moved by Mrs. Cargill, seconded by Mr. Mercer and carried to recommend that the State Board of Education strike §115.27(b)(22)(G).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Little and carried to recommend that the State Board of Education strike §115.27(b)(22)(A).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Little and carried to recommend that the State Board of Education strike §115.27(b)(22)(B).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(22)(C) to read:*

“compare and contrast the physical, hormonal, and emotional changes in males and females that occur during puberty and adolescence”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(22)(H) to read:*

“describe the importance of telling a parent or trusted adult, obtaining early pregnancy testing, and seeking prenatal care if signs of pregnancy occur; and”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(23)(B) to read:*

“explain the short- and long-term educational, financial, and social impacts of pregnancy on teen parents, the child, families, and society”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education strike §115.27(b)(23)(C).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(23)(D) to read:*

“identify the difference ~~ifferences~~ between bacterial and viral sexually transmitted diseases (STDs) and sexually transmitted infections (STIs), including long-term or lifetime effects such as infertility, and, cancer, ~~and sexually transmitted diseases (STDs)~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education add “STD” before “STI” in §115.27(b)(23)(E), (F), and (G).*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mr. Mercer and carried to recommend that the State Board of Education amend §115.27(b)(23)(H) to read:*

“identify community resources, and a minor's right to consent under certain circumstances, and the importance of parent or trusted adult support for STD and STI testing and treatment”

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mr. Rowley, and carried to recommend that the State Board of Education amend §115.27(b)(23)(E) and §115.38(b)(23)(D) to read:*

“describe various modes of transmission of STDs and STIs, including skin-to-skin contact, and the exchange of bodily fluids through sexual contact ~~oral sex, vaginal sex, and anal sex~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Hardy and carried to recommend that the State Board of Education amend §115.27(b)(23)(J) to read:*

“identify support from parents and trusted adults to be abstinent from sexual activity and create strategies for building peer support to be abstinent ~~communicate the importance of practicing abstinence and seeking support from parents, trusted adults, and peers to identify ways one can show they care for a person that do not include sexual activity~~”

MOTION AND VOTE: *It was moved by Mrs. Bahorich and carried to recommend that the State Board of Education amend §115.27(b)(23)(L) to read:*

“analyze the effectiveness and the risks and failure rates (human-use reality rates) of condoms and other contraceptive methods in the prevention of STDs, STIs and pregnancy”

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Mrs. Cargill and carried to recommend that the State Board of Education amend §115.27(b)(23)(N) to read:*

“research and explain the ~~potential~~ benefits of abstinence from sexual activity such as increased self-esteem, self-confidence, and student academic achievement”

MOTION AND VOTE: *It was moved by Mr. Mercer, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.27(b)(23)(P) and §115.28(b)(23)(O) to read:*

“describe legal implications regarding sexual activity as it relates to minor persons, including legal age of consent, ~~to engage in sexual activity with another person~~ statutory rape, and aggravated sexual assault, sexual assault, and indecency with a child if the child is under 14 years of age regardless of consent; and”

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mrs. Cargill, and carried to recommend that the State Board of Education amend §115.27(b)(6)(E) to read:*

“discuss the ~~warning signs and~~ protective factors of suicide identified by the Centers for Disease Control and Prevention (CDC) ~~and the importance of telling a parent or trusted adult if one observes the warning signs in self or others;~~”

Dr. Ellis adjourned the meeting at 11:18 p.m.

**Report of the State Board of Education
Committee on School Initiatives
September 10, 2020**

The State Board of Education Committee on School Initiatives met at 8:04 a.m. on Thursday, September 10, 2020, 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: Barbara Cargill, chair; Marisa B. Perez-Diaz, vice chair; Ruben Cortez, Jr.; Keven Ellis; Matt Robinson

Non-committee Members Present: Tom Maynard, Georgina C. Pérez

Public Testimony

The Committee of the Full Board received no presentations of public testimony.

ACTION ITEMS

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

(Board agenda page IV-1)

[Official agenda item #6]

Mark Olofson, director, educator data and preparation program management, explained that the proposal would update the subject-matter-only assessments to be used for the Pre-Admission Content Test. Mr. Olofson stated that the proposal was unanimously adopted by the State Board for Educator Certification (SBEC) and that no public comments were received on the proposal.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs.*

2. Review of Proposed Amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs

(Board agenda page IV-20)

[Official agenda item #7]

Dr. Olofson explained that the rules in Chapter 228 govern educator preparation programs and that the proposal would implement legislation and align rule with requirements that are elsewhere in the Texas Administrative Code. He explained that the proposal was unanimously adopted by the SBEC.

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education take no action on proposed amendments to 19 TAC Chapter 228, Requirements for Educator Preparation Programs.*

3. Review of Proposed Amendment to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.1, General Provisions

(Board agenda page IV-50)

[Official agenda item #8]

Dr. Olofson explained that the proposal would provide additional flexibility for educator preparation programs and candidates by allowing the use of virtual settings to fulfill requirements related to clinical teaching, internships, and practicums. He explained that 19 public comments were received that generally supported rule.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education take no action on proposed amendment to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, §228.1, General Provisions.*

4. Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, § 230.21, Educator Assessment

(Board agenda page IV-55)

[Official agenda item #9]

Ryan Franklin, associate commissioner, explained that the proposal would implement the statutory requirement that all educators who teach any grade level from Prekindergarten–Grade 6 demonstrate proficiency in the science of teaching reading on a certification examination beginning January 1, 2021. He explained that the proposal would also update the examination figure in the rule to specify the required examination(s) for issuance of the replacement certificates that reflect the science of teaching reading requirement and would also provide clarification on relevant implementation dates for specific certification examinations. Mr. Franklin stated that three comments were received and that two were outside scope of proposed rulemaking.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Mr. Cortez, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter C, Assessment of Educators, §230.21, Educator Assessment.*

5. Review of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

(Board agenda page IV-76)

[Official agenda item #10]

Mr. Franklin explained that Chapter 233 would address categories of teaching certificates that SBEC issues, and the proposal would create four replacement certificates with corresponding requirements and deadlines for issuance: Core Subjects with Science of Teaching Reading: Early Childhood–Grade 6; Core Subjects with Science of Teaching Reading: Grades 4–8; English Language Arts and Reading with Science of Teaching Reading: Grades 4–8; and English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4–8. Mr. Franklin added that technical changes would also provide clarification and consistent information related to the classroom teacher certificates issued by the SBEC.

MOTION AND VOTE: *It was moved by Dr. Robinson, seconded by Dr. Ellis, and carried unanimously to recommend that the State Board of Education take no action on proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.*

6. Review of Proposed Revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards

(Board agenda page IV-84)

[Official agenda item #11]

Mr. Franklin explained that the proposal would specify the new standards for the specialized Special Education and Bilingual Spanish certifications, as well as the DeafBlind supplemental certification. He explained that SBEC received extensive public comment on this proposal.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Ms. Perez-Diaz, and carried unanimously to recommend that the State Board of Education take no action on proposed revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards.*

The meeting of the Committee on School Initiatives adjourned at 8:23 a.m.