

AGENDA

State Board of Education

June 25, 2021

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

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

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

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

Board Members

RUBEN CORTEZ, JR., Brownsville
District 2

AUDREY YOUNG, Apple Springs
District 8

MARISA PEREZ-DIAZ, Converse
District 3

TOM MAYNARD, Florence
District 10

LAWRENCE ALLEN, JR., Houston
District 4

PATRICIA HARDY, Fort Worth
District 11

REBECCA BELL-METEREAU
San Marcos, District 5

AICHA DAVIS, Dallas
District 13

WILL HICKMAN, Houston
District 6

SUE MELTON-MALONE, Robinson
District 14

MATT ROBINSON, Friendswood
District 7

JAY JOHNSON, Pampa
District 15

Committees of the State Board of Education
(updated January 26, 2021)

INSTRUCTION

Sue Melton-Malone, chair
Audrey Young, vice chair
Rebecca Bell-Metereau
Pam Little
Georgina Pérez

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard, chair
Lawrence Allen, Jr., vice chair
Keven Ellis
Pat Hardy
Marisa Perez-Diaz

SCHOOL INITIATIVES

Matt Robinson, chair
Aicha Davis, vice chair
Ruben Cortez, Jr.
Will Hickman
Jay Johnson

June 22, 2021

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on June 22-25, 2021. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

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

Mike Morath
Commissioner of Education

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

SCHEDULE AND AGENDAS

Committees and Board
State Board of Education, Austin, Texas

Meeting Times June 22-25, 2021	
<u>Tuesday, June 22, 2021</u>	
8:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Wednesday, June 23, 2021</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, June 24, 2021</u>	
8:00 a.m.	Committee on Instruction (Room 1-100)
9:00 a.m.	Committee on School Finance/Permanent School Fund (Room 1-104)
9:00 a.m.	Committee on School Initiatives (Room 1-111)
<u>Friday, June 25, 2021</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 complete its meeting on Thursday, it will resume its meeting on Friday. If the Committee on School Finance/Permanent School Fund does not complete its agenda Thursday, it will resume its meeting on Friday. If the Committee on School Initiatives does not complete its agenda Thursday, it will resume its meeting on Friday.

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

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

The agenda is online at <https://tea.texas.gov/sboe/agenda/> on the Texas Education Agency website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

TUESDAY
June 22, 2021

8:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

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

- 1. Public Hearing on Proposed Amendments to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters E, H, I, J, L, and O
(Board agenda page I-1)**

COMMITTEE – DISCUSSION
SBOE – NO ACTION

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, June 22, 2021. Testimony will be presented regarding proposed amendments to 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training; Subchapter H, Health Science; Subchapter I, Hospitality and Tourism; Subchapter J, Human Services; Subchapter L, Law, Public Safety, Corrections, and Security; and Subchapter O, Science, Technology, Engineering, and Mathematics. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2), and (b-17).

COMMITTEE OF THE FULL BOARD (continued)

2. **Public Hearing on the Consideration of the Commissioner of Education’s Generation 26 Open-Enrollment Charter School Proposals**
(Board agenda page I-3)

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, June 22, 2021. Testimony will be presented regarding the consideration of the commissioner of education’s Generation 26 Open-Enrollment Charter School proposals. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §12.101.

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

3. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.46-112.51**
(Second Reading and Final Adoption)
(Board agenda page I-4)

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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit). The proposed new sections would update the standards to ensure they remain current. No changes are recommended since published as proposed. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (j), and (n); and 28.025(a).

**COMMITTEE - ACTION
SBOE - ACTION**

COMMITTEE OF THE FULL BOARD (continued)

4. **Discussion of Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.2-112.7, and Subchapter B, Middle School, §§112.26-112.28 (Board agenda page I-31)**

**COMMITTEE – DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021. The proposed new sections would update the standards to better align the content and ensure the standards remain current. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.002(a), (c), and (j).

5. **Discussion of Proposed Amendments to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters E, H, I, J, L, and O (Board agenda page I-33)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the committee to discuss proposed amendments to 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training; Subchapter H, Health Science; Subchapter I, Hospitality and Tourism; Subchapter J, Human Services; Subchapter L, Law, Public Safety, Corrections, and Security; and Subchapter O, Science, Technology, Engineering, and Mathematics. The proposed amendments would update the standards to ensure they remain current and better support the revised career and technical education (CTE) programs of study. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

**WEDNESDAY
June 23, 2021**

9:00 a.m.

COMMITTEE OF THE FULL BOARD – Room 1-104

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

**1. Commissioner’s Comments
(Board agenda page I-35)**

**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. Consideration of the Commissioner of Education’s
Generation 26 Open-Enrollment Charter School
Proposals
(Board agenda page I-36)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the committee and board an opportunity to review and take action or no action on the commissioner’s list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2022-2023 school year. If awarded, the charters will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

**3. Legislative Update
(Board agenda page I-38)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item will provide an update on legislation passed by the 87th Texas Legislature during the regular session.

COMMITTEE OF THE FULL BOARD (continued)

- 4. Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-39)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups. The board will also have an opportunity to take action on the schedule for review and revision of the TEKS and the review and adoption cycle for instructional materials aligned to revised TEKS. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

- 5. Discussion on Pending Litigation**
(Board agenda page I-42)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

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

Cases to be discussed may include:

Tribune Company, No. 08-13141; *The Official Committee of Unsecured Creditors of Tribune Company v. Fitzsimmons, Adv. Pro.* No. 10-54010 (*Bankr. D. Del.*); *Deutsche Bank v Bank of America*, No. 3:11-CV-01175-F (*N. D. Tex., Dallas Div.*) and *Deutsche Bank v. Employees Retirement Fund of the City of Dallas*, No. 3:11-CV-1167-F; (*N. D. Tex. Dallas Div.*) *CONSOLIDATED in: In re: Tribune Company Fraudulent Conveyance Litigation*; No. 11-MD-2296 *Consolidated Multidistrict Action (S.D.N.Y.)*; and

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

**THURSDAY
June 24, 2021**

8:00 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Sue Melton-Malone, chair; Audrey Young, vice chair; Rebecca Bell-Metereau; Pam Little; and Georgina C. Pérez. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

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

- 1. Proposed Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §§111.56-111.59
(Second Reading and Final Adoption)
(Board agenda page II-1)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits). The proposed repeals would eliminate, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 28.025(a).

COMMITTEE ON INSTRUCTION (continued)

- 2. Approval of Updates and Substitutions to Adopted Instructional Materials**
(Board agenda page II-6)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority is the Texas Education Code (TEC), §31.003 and §31.022.

- 3. Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and The University of Texas at Austin**
(Board agenda page II-8)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

This item provides an opportunity for the committee to discuss the annual audit reports submitted by Texas Tech University and The University of Texas at Austin regarding examinations used for credit by examination. Statutory authority is the Texas Education Code (TEC), §28.023.

- 4. Proposed Repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings**
(First Reading and Filing Authorization)
(Board agenda page II-61)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings. The proposed repeals would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to instructional arrangements in special education. Statutory authority is the Texas Education Code (TEC), §48.102(e) and (g), as amended and redesignated by HB 3, 86th Texas Legislature, 2019.

COMMITTEE ON INSTRUCTION (continued)

5. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**
(First Reading and Filing Authorization)
(Board agenda page II-69)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to student evaluation and the required dyslexia screening for students in Kindergarten and Grade 1. Statutory authority is the Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

THURSDAY
June 24, 2021
9:00 a.m.

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

Members: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda. A quorum of the Committee of Investment Advisors to the Permanent School Fund may attend the committee meeting and discuss items on the committee agenda.

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

- 1. Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection (Second Reading and Final Adoption)**
(Board agenda page III-1)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to the definitions of tax levy and tax collection for the Foundation School Program (FSP). No changes are recommended since approved for first reading. Statutory authority for is the Texas Education Code (TEC), §48.004.

- 2. Per Capita Apportionment Rate for the 2020-2021 School Year**
(Board agenda page III-5)

COMMITTEE - DISCUSSION
SBOE - NO ACTION

A per capita apportionment rate for each school year is set based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2020–2021 per capita apportionment rate of \$411.574 was set in September 2020. A final per capita apportionment rate is set by the commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2020–2021 school year at the June 2021 meeting of the Committee on School Finance/Permanent School Fund. Statutory authority is the Texas Education Code (TEC), §§48.004, §48.251(c), and §43.001(b).

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND (continued)

- 3. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System (First Reading and Filing Authorization) (Board agenda page III-6)** COMMITTEE - ACTION
SBOE - CONSENT

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System. The proposed amendment would update references to statutory citations that were renumbered by House Bill (HB) 3, 86th Texas Legislature, 2019. Statutory authority is the Texas Education Code (TEC), §48.104, as redesignated and amended by HB 3, 86th Texas Legislature, 2019.

- 4. Review of Permanent School Fund Securities Transactions and the Investment Portfolio (Board agenda page III-11)** COMMITTEE - DISCUSSION
SBOE - NO ACTION

Investment staff will report on the transactions executed during the months of March and April 2021 in the investment portfolio of the Texas Permanent School Fund. Statutory authority 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 of March and April 2021 (Board agenda page III-12)** 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 (PSF) for the months of March and April 2021. Statutory authority 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. Report on the Permanent School Fund Liquid Account** **COMMITTEE - ACTION**
(Board agenda page III-13) **SBOE - CONSENT**

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

- 7. Review of the Bond Guarantee Program Charter Capacity** **COMMITTEE - ACTION**
(Board agenda page III-14) **SBOE - CONSENT**

This item provides an opportunity for the committee and board to receive a presentation on bond guarantee program's charter capacity. Statutory authority is the Texas Constitution, Article VII, §5 and §2; Texas Education Code (TEC), §45.0532; and 19 Texas Administrative Code (TAC), Chapter 33.

- 8. First Quarter 2021 Permanent School Fund Performance Report** **COMMITTEE - DISCUSSION**
(Board agenda page III-15) **SBOE - NO ACTION**

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

- 9. Review of the Permanent School Fund Real Estate Asset Class and Real Estate Policy and Tactical Plan** **COMMITTEE - ACTION**
(Board agenda page III-16) **SBOE - CONSENT**

This item provides an opportunity for the committee and board to review the real estate asset class and the real estate policy and annual tactical plan. The committee may take action based on this information. Statutory authority 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)

- 10. Selection of Qualified Respondents to the Request for Qualifications (RFQ) for Outside Legal Counsel for the State Board of Education and the Texas Permanent School Fund: Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel**
(Board agenda page III-17)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to review and approve a list of qualified candidates who responded to the request for qualification (RFQ) 701-21-004 for outside legal counsel for the State Board of Education (SBOE) and the Texas Permanent School Fund fiduciary, investment contracting, real estate, tax and disclosure counsel. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC); and 19 Texas Administrative Code (TAC) Chapter 33.

- 11. Approval of the Selection of a Firm(s) to Provide Services Related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund and the State Board of Education as outlined in Request for Proposal (RFP) 701-21-002 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 approve the selection of a firm(s) to provide services related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund (PSF) and the State Board of Education (SBOE) as outlined in request for proposal (RFP) 701-21-002 and authorization for contract execution by the commissioner of education. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

- 12. Selection of State Board Member Nominees for Statewide Board Positions**
(Board agenda page III-19)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the committee and board to select state board member nominees for statewide board positions. Statutory authority 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)

**13. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer
(Board agenda page III-20)**

**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 is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC), Chapter 33.

**THURSDAY
June 24, 2021**

9:00 a.m.

COMMITTEE ON SCHOOL INITIATIVES – Room 1-111

Members: Matt Robinson, chair; Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.

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

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

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

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

**COMMITTEE - ACTION
SBOE - CONSENT**

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

COMMITTEE ON SCHOOL INITIATIVES (continued)

- 3. Recommendation for Appointments to the Lackland Independent School District Board of Trustees**
(Board agenda page IV-14)

COMMITTEE - ACTION
SBOE - CONSENT

This item provides an opportunity for the board to consider three appointments to the board of trustees of Lackland Independent School District (ISD). The appointments are necessary due to the expiration of the terms of office of two board members and the retirement of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

- 4. Approval of 2021–2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page IV-34)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for approval the 2021-2025 Rule Review Plan for State Board of Education (SBOE) Rules. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist. Statutory authority is the Texas Government Code (TGC), §2001.039.

Information Materials

1. **State Board of Education Operating Rules (amended January 26, 2021)**
Public testimony information begins on page V-8.
[\(Board agenda page V-1\)](#)

2. **Current Status of the Permanent School Fund**
[\(Board agenda page V-26\)](#)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
[\(Board agenda page V-27\)](#)

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

4. **Review of Annual Audit Plan of the Division of Financial Compliance for 2021-2022 School Year**
[\(Board agenda page V-34\)](#)

This item covers the annual audit plan of the Division of Financial Compliance for the 2021-2022 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**June 25, 2021
9:00 a.m.**

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

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, April 16, 2021

1. Resolutions

Resolution honoring the 2021 Student Heroes Award Recipients

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

2. Approval of Consent Agenda

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

(Agenda Exhibit) 22

COMMITTEE OF THE FULL BOARD

3. Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.46-112.51 (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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit). The proposed new sections would update the standards to ensure they remain current. No changes are recommended since published as proposed. 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-4

4. Consideration of the Commissioner of Education’s Generation 26 Open-Enrollment Charter School Proposals

This item provides the committee and board an opportunity to review and take action or no action on the commissioner’s list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2022-2023 school year. If awarded, the charters will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

(Agenda Exhibit) I-36

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

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups. The board will also have an opportunity to take action on the schedule for review and revision of the TEKS and the review and adoption cycle for instructional materials aligned to revised TEKS. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); and 28.025(a).

(Agenda Exhibit) I-39

COMMITTEE ON INSTRUCTION

- 6. **Proposed Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §§111.56-111.59 (Second Reading and Final Adoption)**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits). The proposed repeals would eliminate, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 28.025(a).

(Agenda Exhibit) II-1

- 7. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to student evaluation and the required dyslexia screening for students in Kindergarten and Grade 1. Statutory authority is the Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

(Agenda Exhibit) II-69

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

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

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

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

Information Materials

1. **State Board of Education Operating Rules (amended January 26, 2021)**
Public testimony information begins on page V-8.
(Board agenda page V-1)

2. **Current Status of the Permanent School Fund**
(Board agenda page V-26)

3. **2017-2021 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

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

4. **Review of Annual Audit Plan of the Division of Financial Compliance for 2021-2022 School Year**
(Board agenda page V-34)

This item covers the annual audit plan of the Division of Financial Compliance for the 2021-2022 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

**CONSENT AGENDA
STATE BOARD OF EDUCATION
June 25, 2021**

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

This item provides an opportunity for the committee to approve instructional materials update and/or substitution requests received from publishers since the last board meeting. The updated content has been reviewed by subject-area specialists and was determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel. Statutory authority is the Texas Education Code (TEC), §31.003 and §31.022.

(Agenda Exhibit) II-6

**(2) Proposed Repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings. The proposed repeals would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to instructional arrangements in special education. Statutory authority is the Texas Education Code (TEC), §48.102(e) and (g), as amended and redesignated by HB 3, 86th Texas Legislature, 2019.

(Agenda Exhibit) II-61

**(3) Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to the definitions of tax levy and tax collection for the Foundation School Program (FSP). No changes are recommended since approved for first reading. Statutory authority for is the Texas Education Code (TEC), §48.004.

(Agenda Exhibit) III-1

(4) Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System. The proposed amendment would update references to statutory citations that were renumbered by House Bill (HB) 3, 86th Texas Legislature, 2019. Statutory authority is the Texas Education Code (TEC), §48.104, as redesignated and amended by HB 3, 86th Texas Legislature, 2019.

[\(Agenda Exhibit\)](#) III-6

(5) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of March and April 2021

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 (PSF) for the months of March and April 2021. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-12

(6) Report on the Permanent School Fund Liquid Account

This item provides an opportunity for the committee and board to receive a status update report on the liquid account and ratify transactions. Statutory authority 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-13

(7) Review of the Bond Guarantee Program Charter Capacity

This item provides an opportunity for the committee and board to receive a presentation on bond guarantee program's charter capacity. Statutory authority is the Texas Constitution, Article VII, §5 and §2; Texas Education Code (TEC), §45.0532; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-14

(8) Review of the Permanent School Fund Real Estate Asset Class and Real Estate Policy and Tactical Plan

This item provides an opportunity for the committee and board to review the real estate asset class and the real estate policy and annual tactical plan. The committee may take action based on this information. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-16

(9) Selection of Qualified Respondents to the Request for Qualifications (RFQ) for Outside Legal Counsel for the State Board of Education and the Texas Permanent School Fund: Fiduciary, Investment Contracting, Real Estate, Tax and Disclosure Counsel

This item provides an opportunity for the committee and board to review and approve a list of qualified candidates who responded to the request for qualification (RFQ) 701-21-004 for outside legal counsel for the State Board of Education (SBOE) and the Texas Permanent School Fund fiduciary, investment contracting, real estate, tax and disclosure counsel. Statutory authority is the Texas Constitution, Article VII, §2 and §5; Texas Education Code (TEC); and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-17

(10) Approval of the Selection of a Firm(s) to Provide Services Related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund and the State Board of Education as outlined in Request for Proposal (RFP) 701-21-002 and Authorization for Contract Execution by the Commissioner of Education

This item provides an opportunity for the committee and board to approve the selection of a firm(s) to provide services related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund (PSF) and the State Board of Education (SBOE) as outlined in request for proposal (RFP) 701-21-002 and authorization for contract execution by the commissioner of education. Statutory authority is the Texas Constitution, Article VII, §2 and §5; and 19 Texas Administrative Code (TAC), Chapter 33.

[\(Agenda Exhibit\)](#) III-18

(11) Selection of State Board Member Nominees for Statewide Board Positions

This item provides an opportunity for the committee and board to select state board member nominees for statewide board positions. Statutory authority is the Texas Constitution, Article VII, §5 and §2; and 19 Texas Administrative Code (TAC) Chapter 33.

[\(Agenda Exhibit\)](#) III-19

(12) Recommendation for Reappointment to the Boys Ranch Independent School District Board of Trustees

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

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

(13) Recommendation for Reappointment to the Fort Sam Houston Independent School District Board of Trustees

This item provides an opportunity for the board to consider one reappointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

[\(Agenda Exhibit\)](#) IV-7

(14) Recommendation for Appointments to the Lackland Independent School District Board of Trustees

This item provides an opportunity for the board to consider three appointments to the board of trustees of Lackland Independent School District (ISD). The appointments are necessary due to the expiration of the terms of office of two board members and the retirement of one board member. Statutory authority is the Texas Education Code (TEC), §11.352, and Texas Administrative Code (TAC) 61.2.

[\(Agenda Exhibit\)](#) IV-14

(15) Approval of 2021–2025 Rule Review Plan for State Board of Education Rules

This item presents for approval the 2021-2025 Rule Review Plan for State Board of Education (SBOE) Rules. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist. Statutory authority is the Texas Government Code (TGC), §2001.039.

[\(Agenda Exhibit\)](#) IV-34

COMMITTEE OF THE FULL BOARD

Public Hearing on Proposed Amendments to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters E, H, I, J, L, and O

June 22, 2021

**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, June 22, 2021. Testimony will be presented regarding proposed amendments to 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training; Subchapter H, Health Science; Subchapter I, Hospitality and Tourism; Subchapter J, Human Services; Subchapter L, Law, Public Safety, Corrections, and Security; and Subchapter O, Science, Technology, Engineering, and Mathematics. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

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

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

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

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

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

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

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.

During the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. Applications to serve on these CTE Texas Essential Knowledge and Skills review work groups were posted on the Texas Education Agency (TEA) website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened to develop recommendations for the CTE courses in March, April, May, and June 2021.

A discussion item on proposed amendments to 19 TAC Chapter 130, Subchapters E, H, I, J, L, and O, is presented as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Public Hearing on the Consideration of the Commissioner of Education's
Generation 26 Open-Enrollment Charter School Proposals**

June 22, 2021

**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, June 22, 2021. Testimony will be presented regarding the consideration of the commissioner of education's Generation 26 Open-Enrollment Charter School proposals. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

STATUTORY AUTHORITY: Texas Education Code (TEC), §12.101.

TEC, §12.101 requires the commissioner to notify the SBOE of each charter the commissioner proposes to grant. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting, vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect.

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

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, §12.101 grants the commissioner the authority to award up to 305 open-enrollment charters to eligible entities that are considered capable of carrying out the responsibilities of the charter, are likely to operate a school of high quality, have been proposed by the commissioner, and are not vetoed by a majority of the SBOE members present and voting. Prior to the charter school award cycle, the commissioner adopted the *Generation 26 Open-Enrollment Charter Instructions and Guidance and Request for Application* document, establishing the timeline and procedures for the application cycle, the contents of the application, and the criteria by which charter schools would be awarded to eligible entities. Generation 26 applications must have earned a minimum cut score of 85% to be granted an interview.

Twenty-seven applications were submitted by the January 21, 2021 deadline, and after eligibility, completion, and plagiarism checks by Texas Education Agency (TEA) staff, 18 applications advanced to external review. The external reviewers, designated through a Request for Qualifications (RFQ) process, scored the 18 charter applications. Twelve of the applications met the minimum cut score of 85% to advance to capacity interviews. The commissioner's designee and TEA staff conducted interviews from May 10 - 13, 2021 (Monday - Thursday). State Board of Education members were invited to attend the interviews.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator Support
Marian Schutte, Director, Charter School Authorizing and Administration

**Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science,
Subchapter C, High School, §§112.46-112.51
(Second Reading and Final Adoption)**

June 25, 2021

**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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit). The proposed new sections would update the standards to ensure they remain current. No changes are recommended since published as proposed.

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 2022-2023 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised high school science Texas Essential Knowledge and Skills (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. At the November 2020 SBOE meeting, the board approved for second reading and final adoption proposed new 19 TAC §§112.41-112.45 with an effective date of 20 days after filing with the Texas Register. A discussion item on 19 TAC §§112.47-112.51 was presented to the Committee of the Full Board at the January 2021 SBOE meeting. The SBOE approved for first reading and filing authorization proposed new 19 TAC §§112.46-112.51 at the April 2021 SBOE 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 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 and in September, October, and December 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 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. In November 2020, the SBOE approved for second reading and final adoption proposed new 19 TAC §§112.41-112.45 for implementation beginning in the 2023-2024 school year.

Work Group C convened for a series of virtual meetings between August and November 2020 to develop recommendations for the middle school science TEKS. Work Group D was convened for monthly meetings from November 2020-February 2021 to develop recommendations for TEKS for five high school science courses: Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems. In January 2021, a discussion item was presented to the board for proposed new 19 TAC §§112.47-112.51. Work Group E was convened for monthly meetings between January and March 2021 to develop recommendations for the elementary science TEKS.

Recommendations for TEKS in a new course called Specialized Topics in Science were developed by Work Group D. The new course, which will give students the opportunity to study specific topics of interest in science in greater depth or to study topics not addressed in other science courses, has been recommended for implementation earlier than the 2024-2025 school year so that students studying specialized topics will have alternative ways to fulfill their graduation requirements in science. This course is recommended for implementation beginning with the 2022-2023 school year. At the April 2021 SBOE meeting, the board approved for first reading and filing authorization proposed new 19 TAC §§112.47-112.51.

The proposed new sections would introduce new standards for Specialized Topics in Science and revised standards for Aquatic Science, Astronomy, Earth Science Systems (formerly titled Earth and Space Science), and Environmental Systems as well as related implementation language.

No changes are recommended since published as proposed.

A public hearing on proposed new 19 TAC §§112.2-112.7 and §§112.26-112.28 is presented as a separate item in this agenda.

Proposed new 19 TAC §§112.2-112.7 and §§112.26-112.28 is presented for first reading and filing authorization as a separate item in this agenda.

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

TEA has determined that for the first five years the proposal is in effect (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 proposal would better align the TEKS and coordinate the standards with the adoption of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no data and reporting impact.

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

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

PUBLIC COMMENTS: Following the April 2021 SBOE meeting, notice of proposed new §§112.47-112.51 was filed with the Texas Register, initiating the public comment period. The public comment period began May 14, 2021, and ended at 5:00 p.m. on June 18, 2021. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the June 2021 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit); and

Make an affirmative finding that immediate adoption of the proposed new 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit), is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment:

Text of Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit)

ATTACHMENT
Text of Proposed New 19 TAC

Chapter 112. Texas Essential Knowledge and Skills for Science

Subchapter C. High School

§112.46. Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021.

- (a) The provisions of §§112.47-112.50 of this subchapter shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) The provisions of §112.51 of this subchapter shall be implemented by school districts beginning with the 2022-2023 school year.
- (c) No later than July 31, 2023, 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 §§112.47-112.50 of this subchapter.
- (d) If the commissioner makes the determination that instructional materials funding has been made available under subsection (c) of this section, §§112.47-112.50 of this subchapter shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.
- (e) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (c) 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 §§112.47-112.50 of this subchapter shall be implemented for the following school year.
- (f) Sections 112.32, 112.33, 112.36, and 112.37 of this subchapter shall be superseded by the implementation of §§112.47-112.50 of this subchapter.

§112.47. Aquatic Science, Adopted 2021 (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: one unit of high school biology. Recommended prerequisite: Integrated Physics and Chemistry, Chemistry, or concurrent enrollment in either course. This course is recommended for students in Grade 10, 11, or 12.
- (b) Introduction.
 - (1) Aquatic Science. In Aquatic Science, students study the interactions of biotic and abiotic components in aquatic environments, including natural and human impacts on aquatic systems. Investigations and field work in this course may emphasize fresh water or marine aspects of aquatic science depending primarily upon the natural resources available for study near the school. Students who successfully complete Aquatic Science acquire knowledge about how the properties of water and fluid dynamics affect aquatic ecosystems and acquire knowledge about a variety of aquatic systems. Students who successfully complete Aquatic Science conduct investigations and observations of aquatic environments, work collaboratively with peers, and develop critical-thinking and problem-solving skills.
 - (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 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 Global Positioning System (GPS), Geographic Information System (GIS), weather balloons, buoys, water testing kits, meter sticks, metric rulers, pipettes, graduated cylinders, standard laboratory glassware, balances, timing devices, pH

meters or probes, various data collecting probes, thermometers, calculators, computers, internet access, turbidity testing devices, hand magnifiers, work and disposable gloves, compasses, first aid kits, field guides, water quality test kits or probes, 30-meter tape measures, tarps, ripple tanks, trowels, screens, buckets, sediment samples equipment, cameras, flow meters, cast nets, kick nets, seines, computer models, spectrophotometers, stereomicroscopes, compound microscopes, clinometers, and field journals, various prepared slides, hand lenses, hot plates, Petri dishes, sampling nets, waders, leveling grade rods (Jason sticks), protractors, inclination and height distance calculators, samples of biological specimens or structures, core sampling equipment, fish tanks and associated supplies, and hydrometers;

- (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using probeware, spreadsheets, lab notebooks or journals, models, diagrams, graphs paper, computers, or cellphone applications;
 - (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 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 resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

- (5) The student understands how the properties of water build the foundation of aquatic ecosystems. The student is expected to:
- (A) describe how the shape and polarity of the water molecule make it a "universal solvent" in aquatic systems;
 - (B) identify how aquatic ecosystems are affected by water's properties of adhesion, cohesion, surface tension, heat capacity, and thermal conductivity; and
 - (C) explain how the density of water is critical for organisms in cold environments.
- (6) Students know that aquatic environments are the product of interactions among Earth systems. The student is expected to:
- (A) identify key features and characteristics of atmospheric, geological, hydrological, and biological systems as they relate to aquatic environments;
 - (B) describe the interrelatedness of atmospheric, geological, hydrological, and biological systems in aquatic ecosystems, including positive and negative feedback loops; and
 - (C) evaluate environmental data using technology such as maps, visualizations, satellite data, Global Positioning System (GPS), Geographic Information System (GIS), weather balloons, and buoys to model the interactions that affect aquatic ecosystems.
- (7) The student knows about the interdependence and interactions that occur in aquatic environments. The student is expected to:
- (A) identify how energy flows and matter cycles through both freshwater and marine aquatic systems, including food webs, chains, and pyramids;
 - (B) identify biological, chemical, geological, and physical components of an aquatic life zone as they relate to the organisms in it;
 - (C) identify variables that affect the solubility of carbon dioxide and oxygen in water;
 - (D) evaluate factors affecting aquatic population cycles such as lunar cycles, temperature variations, hours of daylight, and predator-prey relationships; and
 - (E) identify the interdependence of organisms in an aquatic environment such as in a pond, a river, a lake, an ocean, or an aquifer and the biosphere.
- (8) The student conducts short-term and long-term studies on local aquatic environments. Local natural environments are to be preferred over artificial or virtual environments. The student is expected to:
- (A) evaluate data over a period of time from an established aquatic environment documenting seasonal changes and the behavior of organisms;
 - (B) collect and analyze pH, salinity, temperature, mineral content, nitrogen compounds, dissolved oxygen, and turbidity data periodically, starting with baseline measurements; and
 - (C) use data from short-term or long-term studies to analyze interrelationships between producers, consumers, and decomposers in aquatic ecosystems.
- (9) The student knows the role of cycles in an aquatic environment. The student is expected to:
- (A) identify the role of carbon, nitrogen, water, and nutrient cycles in an aquatic environment, including upwellings and turnovers;
 - (B) examine the interrelationships between aquatic systems and climate and weather, including El Niño and La Niña, currents, and hurricanes; and
 - (C) explain how tidal cycles influence intertidal ecology.
- (10) The student knows the origin and potential uses of fresh water. The student is expected to:

- (A) identify sources of water in a watershed, including rainfall, groundwater, and surface water;
 - (B) identify factors that contribute to how water flows through a watershed;
 - (C) analyze water quantity and quality in a local watershed or aquifer; and
 - (D) describe human uses of fresh water and how human freshwater use competes with that of other organisms.
- (11) The student knows that geological phenomena and fluid dynamics affect aquatic systems. The student is expected to:
- (A) examine basic principles of fluid dynamics, including hydrostatic pressure, density as a result of salinity, and buoyancy;
 - (B) identify interrelationships between ocean currents, climates, and geologic features such as continental margins, active and passive margins, abyssal plains, island atolls, peninsulas, barrier islands, and hydrothermal vents;
 - (C) explain how fluid dynamics causes upwelling and lake turnover; and
 - (D) describe how erosion and deposition in river systems lead to formation of geologic features.
- (12) The student understands the types of aquatic ecosystems. The student is expected to:
- (A) differentiate among freshwater, brackish, and marine ecosystems; and
 - (B) identify the major properties and components of different marine and freshwater life zones.
- (13) The student knows environmental adaptations of aquatic organisms. The student is expected to:
- (A) compare different traits in aquatic organisms using tools such as dichotomous keys;
 - (B) describe how adaptations allow an organism to exist within an aquatic environment; and
 - (C) compare adaptations of freshwater and marine organisms.
- (14) The student understands how human activities impact aquatic environments. The student is expected to:
- (A) analyze the cumulative impact of human population growth on an aquatic ecosystem;
 - (B) predict effects of chemical, organic, physical, and thermal changes due to humans on the living and nonliving components of an aquatic ecosystem;
 - (C) investigate the role of humans in unbalanced systems involving phenomena such as invasive species, fish farming, cultural eutrophication, or red tides;
 - (D) analyze and discuss how human activities such as fishing, transportation, dams, and recreation influence aquatic environments;
 - (E) describe the impact such as costs and benefits of various laws and policies such as The Endangered Species Act, right of capture laws, or Clean Water Act on aquatic systems; and
 - (F) analyze the purpose and effectiveness of human efforts to restore aquatic ecosystems affected by human activities.

§112.48. Astronomy, Adopted 2021 (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: Algebra I and Integrated Physics and Chemistry or Chemistry.
- (b) Introduction.

- (1) Astronomy. In Astronomy, students focus on patterns, processes, and relationships among astronomical objects in our universe. Students acquire basic astronomical knowledge and supporting evidence about sun-Earth-Moon relationships, the solar system, the Milky Way, the size and scale of the universe, and the benefits and limitations of exploration. Students conduct laboratory and field investigations to support their developing conceptual framework of our place in space and time. 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 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 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 gnomons; sundials; Planisphere; star charts; globe of the Earth; diffraction gratings; spectrosopes; color filters; lenses of multiple focal lengths; concave, plane, and convex mirrors; binoculars; telescopes; celestial sphere; online astronomical databases; and online access to observatories;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using graphs, charts, spreadsheets, and computer software;
 - (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 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 resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.
- (5) Science concepts. The student understands how astronomy influenced and advanced civilizations. The student is expected to:
- (A) evaluate and communicate how ancient civilizations developed models of the universe using astronomical structures, instruments, and tools such as the astrolabe, gnomons, and charts and how those models influenced society, time keeping, and navigation;
 - (B) research and evaluate the contributions of scientists, including Ptolemy, Copernicus, Tycho Brahe, Kepler, Galileo, and Newton, as astronomy progressed from a geocentric model to a heliocentric model; and
 - (C) describe and explain the historical origins of the perceived patterns of constellations and the role of constellations in ancient and modern navigation.
- (6) Science concepts. The student conducts and explains astronomical observations made from the point of reference of Earth. The student is expected to:
- (A) observe, record, and analyze the apparent movement of the Sun, Moon, and stars and predict sunrise and sunset;
 - (B) observe the movement of planets throughout the year and measure how their positions change relative to the constellations;
 - (C) identify constellations such as Ursa Major, Ursa Minor, Orion, Cassiopeia, and constellations along the ecliptic and describe their importance; and
 - (D) understand the difference between astronomy and astrology, the reasons for their historical conflation, and their eventual separation.
- (7) Science concepts. The student knows our relative place in the solar system. The student is expected to:
- (A) demonstrate the use of units of measurement in astronomy, including astronomical units and light years, minutes, and seconds;
 - (B) model the scale, size, and distances of the Sun, Earth, and Moon system and identify the limitations of physical models; and
 - (C) model the scale, sizes, and distances of the Sun and the planets in our solar system and identify the limitations of physical models.
- (8) Science concepts. The student observes and models the interactions within the Sun, Earth, and Moon system. The student is expected to:
- (A) model how the orbit and relative position of the Moon cause lunar phases and predict the timing of moonrise and moonset during each phase;
 - (B) model how the orbit and relative position of the Moon cause lunar and solar eclipses; and
 - (C) examine and investigate the dynamics of tides using the Sun, Earth, and Moon model.
- (9) Science concepts. The student models the cause of planetary seasons. The student is expected to:
- (A) examine the relationship of a planet's axial tilt to its potential seasons;
 - (B) predict how changing latitudinal position affects the length of day and night throughout a planet's orbital year;

- (C) investigate the relationship between a planet's axial tilt, angle of incidence of sunlight, and concentration of solar energy; and
- (D) explain the significance of Earth's solstices and equinoxes.
- (10) Science concepts. The student knows how astronomical tools collect and record information about celestial objects. The student is expected to:
- (A) investigate the use of black body radiation curves and emission, absorption, and continuous spectra in the identification and classification of celestial objects;
- (B) calculate the relative light-gathering power of different-sized telescopes to compare telescopes for different applications;
- (C) analyze the importance and limitations of optical, infrared, and radio telescopes, gravitational wave detectors, and other ground-based technology; and
- (D) analyze the importance and limitations of space telescopes in the collection of astronomical data across the electromagnetic spectrum.
- (11) Science concepts. The student uses models to explain the formation, development, organization, and significance of solar system bodies. The student is expected to:
- (A) relate Newton's law of universal gravitation and Kepler's laws of planetary motion to the formation and motion of the planets and their satellites;
- (B) explore and communicate the origins and significance of planets, planetary rings, satellites, asteroids, comets, Oort cloud, and Kuiper belt objects;
- (C) compare the planets in terms of orbit, size, composition, rotation, atmosphere, natural satellites, magnetic fields, and geological activity; and
- (D) compare the factors essential to life on Earth such as temperature, water, gases, and gravitational and magnetic fields to conditions on other planets and their satellites.
- (12) Science concepts. The student knows that our Sun serves as a model for stellar activity. The student is expected to:
- (A) identify the approximate mass, size, motion, temperature, structure, and composition of the Sun;
- (B) distinguish between nuclear fusion and nuclear fission and identify the source of energy within the Sun as nuclear fusion of hydrogen to helium;
- (C) describe the eleven-year solar cycle and the significance of sunspots; and
- (D) analyze the origins and effects of space weather, including the solar wind, coronal mass ejections, prominences, flares, and sunspots.
- (13) Science concepts. The student understands the characteristics and life cycle of stars. The student is expected to:
- (A) identify the characteristics of main sequence stars, including surface temperature, age, relative size, and composition;
- (B) describe and communicate star formation from nebulae to protostars to the development of main sequence stars;
- (C) evaluate the relationship between mass and fusion on stellar evolution;
- (D) compare how the mass of a main sequence star will determine its end state as a white dwarf, neutron star, or black hole;
- (E) describe the use of spectroscopy in obtaining physical data on celestial objects such as temperature, chemical composition, and relative motion;

- (F) use the Hertzsprung-Russell diagram to classify stars and plot and examine the life cycle of stars from birth to death;
 - (G) illustrate how astronomers use geometric parallax to determine stellar distances and intrinsic luminosities; and
 - (H) describe how stellar distances are determined by comparing apparent brightness and intrinsic luminosity when using spectroscopic parallax and the Leavitt relation for variable stars.
- (14) Science concepts. The student knows the structure of the universe and our relative place in it. The student is expected to:
- (A) illustrate the structure and components of our Milky Way galaxy and model the size, location, and movement of our solar system within it;
 - (B) compare spiral, elliptical, irregular, dwarf, and active galaxies;
 - (C) develop and use models to explain how galactic evolution occurs through mergers and collisions;
 - (D) describe the Local Group and its relation to larger-scale structures in the universe; and
 - (E) evaluate the indirect evidence for the existence of dark matter.
- (15) Science concepts. The student knows the scientific theories of cosmology. The student is expected to:
- (A) describe and evaluate the historical development of evidence supporting the Big Bang Theory;
 - (B) evaluate the limits of observational astronomy methods used to formulate the distance ladder;
 - (C) evaluate the indirect evidence for the existence of dark energy;
 - (D) describe the current scientific understanding of the evolution of the universe, including estimates for the age of the universe; and
 - (E) describe current scientific hypotheses about the fate of the universe, including open and closed universes.
- (16) Science concepts. The student understands the benefits and challenges of expanding our knowledge of the universe. The student is expected to:
- (A) describe and communicate the historical development of human space flight and its challenges;
 - (B) describe and communicate the uses and challenges of robotic space flight;
 - (C) evaluate the evidence of the existence of habitable zones and potentially habitable planetary bodies in extrasolar planetary systems;
 - (D) evaluate the impact on astronomy from light pollution, radio interference, and space debris;
 - (E) examine and describe current developments and discoveries in astronomy; and
 - (F) explore and explain careers that involve astronomy, space exploration, and the technologies developed through them.

§112.49. Earth Systems Science, Adopted 2021 (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: Algebra I and two credits of high school science.
- (b) Introduction.

- (1) Earth Systems Science. The Earth Systems Science course is designed to build on students' prior scientific and academic knowledge and skills to develop their understanding of Earth's systems. These systems (the atmosphere, hydrosphere, geosphere, and biosphere) interact through time to produce the Earth's landscapes, climate, and resources. Students explore the geologic history of individual dynamic systems through the flow of energy and matter, their current states, and how these systems affect and are affected by human use.
 - (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 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 a drawing compass, magnetic compass, bar magnets, topographical and geological maps, satellite imagery and other remote sensing data, Geographic Information Systems (GIS), Global Positioning System (GPS), hand lenses, and fossil and rock sample kits;
 - (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 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 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 resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.
- (5) Science concepts. The student understands the formation of the Earth and how objects in the solar system affect Earth's systems. The student is expected to:
- (A) analyze how gravitational condensation of solar nebular gas and dust can lead to the accretion of planetesimals and protoplanets;
 - (B) identify comets, asteroids, meteoroids, and planets in the solar system and describe how they affect the Earth and Earth's systems; and
 - (C) explore the historical and current hypotheses for the origin of the Moon, including the collision of Earth with a Mars-sized planetesimal.
- (6) Science concepts. The student knows the evidence for the formation and composition of Earth's atmosphere, hydrosphere, biosphere, and geosphere. The student is expected to:
- (A) describe how impact accretion, gravitational compression, radioactive decay, and cooling differentiated proto-Earth into layers;
 - (B) evaluate the roles of volcanic outgassing and water-bearing comets in developing Earth's atmosphere and hydrosphere;
 - (C) evaluate the evidence for changes to the chemical composition of Earth's atmosphere prior to the introduction of oxygen;
 - (D) evaluate scientific hypotheses for the origin of life through abiotic chemical processes; and
 - (E) describe how the production of oxygen by photosynthesis affected the development of the atmosphere, hydrosphere, geosphere, and biosphere.
- (7) Science concepts. The student knows that rocks and fossils provide evidence for geologic chronology, biological evolution, and environmental changes. The student is expected to:
- (A) describe the development of multiple radiometric dating methods and analyze their precision, reliability, and limitations in calculating the ages of igneous rocks from Earth, the Moon, and meteorites;
 - (B) apply relative dating methods, principles of stratigraphy, and index fossils to determine the chronological order of rock layers;
 - (C) construct a model of the geological time scale using relative and absolute dating methods to represent Earth's approximate 4.6-billion-year history;
 - (D) explain how sedimentation, fossilization, and speciation affect the degree of completeness of the fossil record;
 - (E) describe how evidence of biozones and faunal succession in rock layers reveal information about the environment at the time those rocks were deposited and the dynamic nature of the Earth; and
 - (F) analyze data from rock and fossil succession to evaluate the evidence for and significance of mass extinctions, major climatic changes, and tectonic events.
- (8) Science concepts. The student knows how the Earth's interior dynamics and energy flow drive geological processes on Earth's surface. The student is expected to:

- (A) evaluate heat transfer through Earth's systems by convection and conduction and include its role in plate tectonics and volcanism;
 - (B) develop a model of the physical, mechanical, and chemical composition of Earth's layers using evidence from Earth's magnetic field, the composition of meteorites, and seismic waves;
 - (C) investigate how new conceptual interpretations of data and innovative geophysical technologies led to the current theory of plate tectonics;
 - (D) describe how heat and rock composition affect density within Earth's interior and how density influences the development and motion of Earth's tectonic plates;
 - (E) explain how plate tectonics accounts for geologic processes, including sea floor spreading and subduction, and features, including ocean ridges, rift valleys, earthquakes, volcanoes, mountain ranges, hot spots, and hydrothermal vents;
 - (F) calculate the motion history of tectonic plates using equations relating rate, time, and distance to predict future motions, locations, and resulting geologic features;
 - (G) distinguish the location, type, and relative motion of convergent, divergent, and transform plate boundaries using evidence from the distribution of earthquakes and volcanoes; and
 - (H) evaluate the role of plate tectonics with respect to long-term global changes in Earth's subsystems such as continental buildup, glaciation, sea level fluctuations, mass extinctions, and climate change.
- (9) Science concepts. The student knows that the lithosphere continuously changes as a result of dynamic and complex interactions among Earth's systems. The student is expected to:
- (A) interpret Earth surface features using a variety of methods such as satellite imagery, aerial photography, and topographic and geologic maps using appropriate technologies;
 - (B) investigate and model how surface water and ground water change the lithosphere through chemical and physical weathering and how they serve as valuable natural resources;
 - (C) model the processes of mass wasting, erosion, and deposition by water, wind, ice, glaciation, gravity, and volcanism in constantly reshaping Earth's surface; and
 - (D) evaluate how weather and human activity affect the location, quality, and supply of available freshwater resources.
- (10) Science concepts. The student knows how the physical and chemical properties of the ocean affect its structure and flow of energy. The student is expected to:
- (A) describe how the composition and structure of the oceans leads to thermohaline circulation and its periodicity;
 - (B) model and explain how changes to the composition, structure, and circulation of deep oceans affect thermohaline circulation using data on energy flow, ocean basin structure, and changes in polar ice caps and glaciers; and
 - (C) analyze how global surface ocean circulation is the result of wind, tides, the Coriolis effect, water density differences, and the shape of the ocean basins.
- (11) Science concepts. The student knows that dynamic and complex interactions among Earth's systems produce climate and weather. The student is expected to:
- (A) analyze how energy transfer through Milankovitch cycles, albedo, and differences in atmospheric and surface absorption are mechanisms of climate;
 - (B) describe how Earth's atmosphere is chemically and thermally stratified and how solar radiation interacts with the layers to cause the ozone layer, the jet stream, Hadley and Ferrel cells, and other atmospheric phenomena;

- (C) model how greenhouse gases trap thermal energy near Earth's surface;
 - (D) evaluate how the combination of multiple feedback loops alter global climate;
 - (E) investigate and analyze evidence for climate changes over Earth's history using paleoclimate data, historical records, and measured greenhouse gas levels;
 - (F) explain how the transfer of thermal energy among the hydrosphere, lithosphere, and atmosphere influences weather; and
 - (G) describe how changing surface-ocean conditions, including El Niño-Southern Oscillation, affect global weather and climate patterns.
- (12) Science concepts. The student understands how Earth's systems affect and are affected by human activities, including resource use and management. The student is expected to:
- (A) evaluate the impact on humans of natural changes in Earth's systems such as earthquakes, tsunamis, and volcanic eruptions;
 - (B) analyze the impact on humans of naturally occurring extreme weather events such as flooding, hurricanes, tornadoes, and thunderstorms;
 - (C) analyze the natural and anthropogenic factors that affect the severity and frequency of extreme weather events and the hazards associated with these events;
 - (D) analyze recent global ocean temperature data to predict the consequences of changing ocean temperature on evaporation, sea level, algal growth, coral bleaching, and biodiversity;
 - (E) predict how human use of Texas's naturally occurring resources such as fossil fuels, minerals, soil, solar energy, and wind energy directly and indirectly changes the cycling of matter and energy through Earth's systems; and
 - (F) explain the cycling of carbon through different forms among Earth's systems and how biological processes have caused major changes to the carbon cycle in those systems over Earth's history.
- (13) Science concepts. The student explores global policies and careers related to the life cycles of Earth's resources. The student is expected to:
- (A) analyze the policies related to resources from discovery to disposal, including economics, health, technological advances, resource type, concentration and location, waste disposal and recycling, mitigation efforts, and environmental impacts; and
 - (B) explore global and Texas-based careers that involve the exploration, extraction, production, use, disposal, regulation, and protection of Earth's resources.

§112.50. Environmental Systems, Adopted 2021 (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: one unit of high school biology. Recommended prerequisite: Integrated Physics and Chemistry, Chemistry, or concurrent enrollment in either course. This course is recommended for students in Grade 10, 11, or 12.
- (b) Introduction.
 - (1) Environmental Systems. In Environmental Systems, students conduct laboratory and field investigations, use scientific methods during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include biotic and abiotic factors in habitats, ecosystems and biomes, interrelationships among resources and an environmental system, sources and flow of energy through an environmental system, relationship between carrying capacity and changes in populations and ecosystems, natural changes in the environment, and human activities that impact the natural environment.

- (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 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 meter sticks, metric rulers, pipettes, graduated cylinders, standard laboratory glassware, balances, timing devices, pH meters or probes, various data collecting probes, thermometers, calculators, computers, internet access, turbidity testing devices, hand magnifiers, work and disposable gloves, compasses, first aid kits, binoculars, field guides, water quality test kits or probes, soil test kits or probes, 30 meter tape measures, tarps, shovels, trowels, screens, buckets, rock and mineral samples equipment, air quality testing devices, cameras, flow meters, Global Positioning System (GPS) units, Geographic Information System (GIS) software, computer models, densimeters, spectrophotometers, stereomicroscopes, compound microscopes, clinometers, field journals, various prepared slides, hand lenses, hot plates, Petri dishes, sampling nets, waders, leveling grade rods (Jason sticks), protractors, inclination and height distance calculators, samples of biological specimens or structures, core sampling equipment, and kick nets;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using probeware, spreadsheets, lab notebooks or journals, models, diagrams, graphs paper, computers, or cellphone applications;
 - (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 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 resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.
- (5) Science concepts. The student knows the relationships of biotic and abiotic factors within habitats, ecosystems, and biomes. The student is expected to:
- (A) identify native plants and animals within a local ecosystem and compare their roles to those of plants and animals in other biomes, including aquatic, grassland, forest, desert, and tundra;
 - (B) explain the cycling of water, phosphorus, carbon, silicon, and nitrogen through ecosystems, including sinks, and the human interactions that alter these cycles using tools such as models;
 - (C) evaluate the effects of fluctuations in abiotic factors on local ecosystems and local biomes;
 - (D) measure the concentration of dissolved substances such as dissolved oxygen, chlorides, and nitrates and describe their impacts on an ecosystem;
 - (E) use models to predict how the introduction of an invasive species may alter the food chain and affect existing populations in an ecosystem;
 - (F) use models to predict how species extinction may alter the food chain and affect existing populations in an ecosystem; and
 - (G) predict changes that may occur in an ecosystem if genetic diversity is increased or decreased.
- (6) Science concepts. The student knows the interrelationships among the resources within the local environmental system. The student is expected to:
- (A) compare and contrast land use and management methods and how they affect land attributes such as fertility, productivity, economic value, and ecological stability;
 - (B) relate how water sources, management, and conservation affect water uses and quality;
 - (C) document the use and conservation of both renewable and non-renewable resources as they pertain to sustainability;
 - (D) identify how changes in limiting resources such as water, food, and energy affect local ecosystems;
 - (E) analyze and evaluate the economic significance and interdependence of resources within the local environmental system; and
 - (F) evaluate the impact of waste management methods such as reduction, reuse, recycling, upcycling, and composting on resource availability in the local environment.
- (7) Science concepts. The student knows the sources and flow of energy through an environmental system. The student is expected to:
- (A) describe the interactions between the components of the geosphere, hydrosphere, cryosphere, atmosphere, and biosphere;
 - (B) relate biogeochemical cycles to the flow of energy in ecosystems, including energy sinks such as oil, natural gas, and coal deposits;

- (C) explain the flow of heat energy in an ecosystem, including conduction, convection, and radiation; and
 - (D) identify and describe how energy is used, transformed, and conserved as it flows through ecosystems.
- (8) Science concepts. The student knows the relationship between carrying capacity and changes in populations and ecosystems. The student is expected to:
- (A) compare exponential and logistical population growth using graphical representations;
 - (B) identify factors that may alter carrying capacity such as disease; natural disaster; available food, water, and livable space; habitat fragmentation; and periodic changes in weather;
 - (C) calculate changes in population size in ecosystems; and
 - (D) analyze and make predictions about the impact on populations of geographic locales due to diseases, birth and death rates, urbanization, and natural events such as migration and seasonal changes.
- (9) Science concepts. The student knows that environments change naturally. The student is expected to:
- (A) analyze and describe how natural events such as tectonic movement, volcanic events, fires, tornadoes, hurricanes, flooding, and tsunamis affect natural populations;
 - (B) explain how regional changes in the environment may have global effects;
 - (C) examine how natural processes such as succession and feedback loops can restore habitats and ecosystems;
 - (D) describe how temperature inversions have short-term and long-term effects, including El Niño and La Niña oscillations, ice cap and glacial melting, and changes in ocean surface temperatures; and
 - (E) analyze the impact of natural global climate change on ice caps, glaciers, ocean currents, and surface temperatures.
- (10) Science concepts. The student knows how humans impact environmental systems through emissions and pollutants. The student is expected to:
- (A) identify sources of emissions in air, soil, and water, including point and nonpoint sources;
 - (B) distinguish how an emission becomes a pollutant based on its concentration, toxicity, reactivity, and location within the environment;
 - (C) investigate the effects of pollutants such as chlorofluorocarbons, greenhouse gases, pesticide runoff, nuclear waste, aerosols, metallic ions, and heavy metals, as well as thermal, light, and noise pollution;
 - (D) evaluate indicators of air, soil, and water quality against regulatory standards to determine the health of an ecosystem; and
 - (E) distinguish between the causes and effects of global warming and ozone depletion, including the causes, the chemicals involved, the atmospheric layer, the environmental effects, the human health effects, and the relevant wavelengths on the electromagnetic spectrum (IR and UV).
- (11) Science concepts. The student understands how individual and collective actions impact environmental systems. The student is expected to:
- (A) evaluate the negative effects of human activities on the environment, including overhunting, overfishing, ecotourism, all-terrain vehicles, and personal watercraft;

- (B) evaluate the positive effects of human activities on the environment, including habitat restoration projects, species preservation efforts, nature conservancy groups, game and wildlife management, and ecotourism; and
 - (C) research the advantages and disadvantages of "going green" such as organic gardening and farming, natural methods of pest control, hydroponics, xeriscaping, energy-efficient homes and appliances, and hybrid cars.
- (12) Science concepts. The student understands how ethics and economic priorities influence environmental decisions. The student is expected to:
- (A) evaluate cost-benefit trade-offs of commercial activities such as municipal development, food production, deforestation, over-harvesting, mining, and use of renewable and non-renewable energy sources;
 - (B) evaluate the economic impacts of individual actions on the environment such as overbuilding, habitat destruction, poaching, and improper waste disposal;
 - (C) analyze how ethical beliefs influence environmental scientific and engineering practices such as methods for food production, water distribution, energy production, and the extraction of minerals;
 - (D) discuss the impact of research and technology on social ethics and legal practices in situations such as the design of new buildings, recycling, or emission standards; and
 - (E) argue from evidence whether or not a healthy economy and a healthy environment are mutually exclusive.
- (13) Science concepts. The student knows how legislation mediates human impacts on the environment. The student is expected to:
- (A) describe past and present state and national legislation, including Texas automobile emissions regulations, the National Park Service Act, the Clean Air Act, the Clean Water Act, the Soil and Water Resources Conservation Act, and the Endangered Species Act; and
 - (B) evaluate the goals and effectiveness of past and present international agreements such as the environmental Antarctic Treaty System, the Montreal Protocol, the Kyoto Protocol, and the Paris Climate Accord.

§112.51. Specialized Topics in Science, Adopted 2021 (One Credit).

- (a) General requirements. Students shall be awarded one credit for successful completion of this course. Students may repeat this course with different course content for up to three credits. Recommended prerequisite: one credit of high school science.
- (b) Introduction.
 - (1) Specialized Topics in Science is intended to diversify programs of science study and give students the opportunity to study scientific topics in greater detail and with deeper understanding rather than provide remediation.
 - (A) In Specialized Topics in Science, students have the opportunity to develop greater understanding of science content beyond what is taught in other Texas Essential Knowledge and Skills-based science courses while utilizing science and engineering practices. Students understand the value and role of curiosity in any discipline of science. The specialized topic of study may originate from local or global phenomena, student interest, or teacher specialties. The emphasis of study may vary such as theoretical science, citizen science, science investigations, science careers, specialized disciplines of science, designing innovations, the ethics of science, or history of science.

- (B) 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) 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 related to specialized topics of study based on observations or information from text, phenomena, models, or investigations;
- (B) apply science practices related to specialized topics of study to plan and conduct investigations or 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 tools appropriate to the specialized topic of study;
- (E) collect quantitative data using the International System of Units (SI) or qualitative data as evidence as appropriate to the specialized topic of study;
- (F) organize quantitative or qualitative data using representations appropriate to the specialized topic of study such as scatter plots, line graphs, bar graphs, charts, data tables, diagrams, scientific drawings, and student-prepared models;
- (G) develop and use models to represent phenomena, systems, processes, or solutions to problems as appropriate to the specialized topic of study; and
- (H) distinguish among scientific hypotheses, theories, and laws as appropriate to the specialized topic of study.
- (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 as appropriate to the specialized topic of study;
- (B) analyze data appropriate to the specialized topic of study by identifying significant statistical features, patterns, sources of error, and limitations;
- (C) use mathematical calculations to assess quantitative relationships in data as appropriate to the specialized topic of study; and
- (D) evaluate experimental or engineering designs as appropriate to the specialized topic of study.
- (3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, or proposed solutions. The student is expected to:
- (A) develop explanations or propose solutions supported by data and models consistent with scientific ideas, principles, and theories as appropriate to the specialized topic of study;
- (B) communicate explanations or solutions individually and collaboratively in a variety of settings and formats as appropriate to the specialized topic of study; and
- (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence as appropriate to the specialized topic of study.

- (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 or observational testing as appropriate to the specialized topic of study, 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 appropriate to the specialized topic of study; and
 - (C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers as appropriate to the specialized topic of study.

Discussion of Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.2-112.7, and Subchapter B, Middle School, §§112.26-112.28

June 22, 2021

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

SUMMARY: This item provides an opportunity for the committee to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §112.2, Science, Kindergarten, Adopted 2021; §112.3, Science, Grade 1, Adopted 2021; §112.4, Science, Grade 2, Adopted 2021; §112.5, Science, Grade 3, Adopted 2021; §112.6, Science, Grade 4, Adopted 2021; and §112.7, Science, Grade 5, Adopted 2021, and Subchapter B, Middle School, §112.26, Science, Grade 6, Adopted 2021; §112.27, Science, Grade 7, Adopted 2021; and §112.28, Science, Grade 8, Adopted 2021. The proposed new sections would update the standards to better align the content and ensure the standards remain current.

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

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.

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

FUTURE ACTION EXPECTED: Proposed new 19 TAC §§112.2-112.7 and 112.26-112.28 will be presented for first reading and filing authorization at a future SBOE 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

and in September, October, and December 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 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. In November 2020, the SBOE approved for second reading and final adoption proposed new 19 TAC §§112.41-112.45 for implementation beginning in the 2023-2024 school year.

Work Group C convened for a series of virtual meetings between August and November 2020 to develop recommendations for the middle school science TEKS. Work Group D was convened for monthly meetings in November 2020-February 2021 to develop recommendations for TEKS for five high school science courses: Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, and a new course in Specialized Topics in Science. Work Group E was convened for monthly meetings between January and March 2021 to develop recommendations for the elementary school TEKS.

Work Groups C and E convened for virtual meetings in May and June 2021 to refine the draft recommendations for the elementary and middle school science TEKS to address the recommendations of Work Group A and consider feedback that had been received on the draft recommendations. Additionally, a final work group, Work Group F, has been identified and will convene in July 2021 to ensure the Kindergarten-Grade 8 science TEKS are vertically aligned and to complete final recommendations for the TEKS.

Staff Members Responsible:

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

Discussion of Proposed Amendments to 19 TAC Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapters E, H, I, J, L, and O

June 22, 2021

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

SUMMARY: This item provides an opportunity for the committee to discuss proposed amendments to 19 Texas Administrative Code (TAC) Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter E, Education and Training; Subchapter H, Health Science; Subchapter I, Hospitality and Tourism; Subchapter J, Human Services; Subchapter L, Law, Public Safety, Corrections, and Security; and Subchapter O, Science, Technology, Engineering, and Mathematics. The proposed amendments would update the standards to ensure they remain current and better support the revised career and technical education (CTE) programs of study.

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

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

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

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

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

TEC, §28.025(a), requires the SBOE 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.

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

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

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

FUTURE ACTION EXPECTED: Proposed amendments to 19 TAC Chapter 130, Subchapters E, H, I, J, L, and O, will be presented for first reading and filing authorization at a future SBOE meeting.

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

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

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

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

Also, during the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened to develop recommendations for the CTE courses in March, April, May, and June 2021.

A public hearing on proposed amendments to 19 TAC Chapter 130, Subchapters E, H, I, J, L, and O, is presented as a separate item in this agenda.

Staff Members Responsible:

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

Commissioner's Comments

June 23, 2021

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

Consideration of the Commissioner of Education's Generation 26 Open-Enrollment Charter School Proposals

June 25, 2021

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

SUMMARY: This item provides the committee and board an opportunity to review and take action or no action on the commissioner's list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2022-2023 school year. If awarded, the charters will have an initial five-year term.

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.

PREVIOUS BOARD ACTION: Annually, within 90 days of the commissioner's notification of his intent to grant open-enrollment charter school(s), the SBOE has an opportunity to formally consider the commissioner's proposals and to take action or no action. At the September 2020 board meeting, the SBOE took into consideration the eight applicants recommended by the commissioner of education for charter award. The SBOE voted to take no action on the following five charter applicants: Brillante Academy (McAllen), Doral Academy of Texas (Buda), Learn4Life-Austin (Austin), Prelude Preparatory Charter School (San Antonio), and Royal Public Schools (San Antonio). The SBOE vetoed three of the charter applicants, Heritage Classical Academy (Houston), CLEAR Public Charter School (San Marcos), and Rocketship Public Schools (Fort Worth).

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §12.101 grants the commissioner the authority to award up to 305 open-enrollment charters to eligible entities that are considered capable of carrying out the responsibilities of the charter, are likely to operate a school of high quality, have been proposed by the commissioner, and are not vetoed by a majority of the SBOE members present and voting. Prior to the charter school award cycle, the commissioner adopted the Generation 26 Open-Enrollment Charter Instructions and Guidance and Request for Application, establishing the timeline and procedures for the application cycle, the contents of the application, and the criteria by which charter schools would be awarded to eligible entities. Generation 26 applications must have earned a minimum cut score of 85% to be granted an interview.

Twenty-seven applications were submitted by the January 21, 2021 deadline, and after eligibility, completion, and plagiarism checks by Texas Education Agency (TEA) staff, 18 applications advanced to external review. The external reviewers, designated through a Request for Qualifications (RFQ) process, scored the 18 applications for charter. Twelve of the applications met the minimum cut score of 85% to advance to capacity interviews. The commissioner's

designee and TEA staff conducted interviews on Monday, May 10; Tuesday, May 11; Wednesday, May 12; Thursday, May 13; and Friday, May 14, 2021. SBOE members were invited to attend the interviews.

MOTION TO BE CONSIDERED: The State Board of Education:

Review and take no action on the commissioner's list of proposed Generation 26 Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2022-2023 school year.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator Support
Marian Schutte, Director, Charter School Authorizing and Administration

Separate Exhibit:

Commissioner of Education's Generation 26 Open-Enrollment Charter School Proposals
(to be provided at the June 2021 SBOE meeting)

Legislative Update

June 23, 2021

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

SUMMARY: This item will provide an update on legislation passed by the 87th Texas Legislature during the regular session.

BACKGROUND INFORMATION AND JUSTIFICATION: The 87th Session of the Texas Legislature convened on January 12, 2021 and concluded on May 31, 2021. Staff will report on legislation that passed and that impacts the work of the SBOE.

Staff Member Responsible:

Hunter Thompson, Director, Governmental Relations

Update on Texas Essential Knowledge and Skills (TEKS) Review

June 25, 2021

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

SUMMARY: This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS and ELPS review work groups. The board will also have an opportunity to take action on the schedule for review and revision of the TEKS and the review and adoption cycle for instructional materials aligned to revised TEKS.

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

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

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

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

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

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

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009 and were amended again to streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The streamlined social studies TEKS for middle and high school social studies were effective August 1, 2019 for implementation beginning with the 2019-2020 school year. The streamlined Kindergarten-Grade 5 social studies TEKS are scheduled for implementation in the 2020-2021 school year. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017 and implemented in the 2017-2018 school year. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014, and were implemented in the 2017-2018 school year. The technology applications TEKS were amended effective September 26, 2011. At the November 2020

meeting, the board gave final approval to the health education TEKS and the physical education TEKS, which are scheduled to be effective August 1, 2022. The board also gave final approval in November 2020 to TEKS for four high school science courses to be implemented beginning with the 2023-2024 school year.

At the June 2019 SBOE meeting, the board held a work session to discuss updating the TEKS and instructional materials review and adoption schedule. At the September 2019 meeting, the board approved the schedule through the 2030-2031 school year. The board held another work session to discuss updates to the TEKS and instructional materials review and adoption schedule at the January 2021 meeting. The board approved updates to the TEKS and instructional materials review and adoption schedule at the April 2021 meeting.

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

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

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

In preparation for the review of the science TEKS, SBOE members were asked at the September 2019 meeting to designate science content advisors. Applications to serve on the science TEKS review work groups were posted on the TEA website in November 2019, and 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 approval by SBOE members in January, February, March, May, July, October, and December 2020. At the November 2020 meeting, the board gave final approval to revised TEKS for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics.

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

Also, during the work session, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in

February and March 2021. Work groups were convened to develop recommendations for the CTE courses in March, April, and May 2021.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Support Services

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Pending Litigation

June 23, 2021

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

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

Cases to be discussed may include:

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

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

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

BOARD RESPONSE: Board may advise and comment.

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

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

COMMITTEE ON INSTRUCTION

Proposed Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §§111.56-111.59
(Second Reading and Final Adoption)

June 25, 2021

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits). The proposed repeals would eliminate, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), 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, §28.025(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 repeals 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 2022-2023 school year. The earlier effective date would repeal the IB mathematics courses no longer offered by the International Baccalaureate Organization beginning with the 2021-2022 school year and help avoid any confusion for school districts regarding other currently effective IB mathematics courses.

PREVIOUS BOARD ACTION: The SBOE originally adopted the Texas Essential Knowledge and Skills (TEKS) for IB courses in English language arts and reading, mathematics, science, and economics effective September 1, 1998; IB social studies courses effective September 1, 2001; IB technology applications courses effective September 26, 2011; and IB languages other than English courses effective July 15, 2014. The IB mathematics TEKS were amended effective October 10, 2012. The SBOE adopted revisions to 19 TAC Chapter 110, Subchapter D; 19 TAC Chapter 111, Subchapter D; 19 TAC Chapter 112, Subchapter D; and 19 TAC Chapter 114, Subchapter D, effective August 27, 2018.

At the June 2019 meeting, the SBOE approved proposed revisions to 19 TAC Chapter 111, Subchapter D. These revisions became effective August 7, 2019.

The SBOE approved for first reading and filing authorization the proposed repeal of 19 TAC §§111.56-111.59 at the April 2021 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: In June 2019, the SBOE adopted four new IB mathematics courses that the International Baccalaureate Organization would begin implementing in September 2019 as part of its diploma program. The new courses were designed to replace four existing courses: IB Mathematical Studies Standard Level, IB Mathematics Standard Level, IB Mathematics Higher Level, and IB Further Mathematics Higher Level. The four older courses were scheduled to be repealed at a later date to provide time for students who were already enrolled in one of the courses to complete the course. The proposed repeals would eliminate the four courses scheduled for repeal from the mathematics TEKS now that they are no longer necessary.

The attachment to this item reflects the text of proposed repeal of §§111.56-111.59 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 repeal existing

regulations by eliminating, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization.

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

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

The proposal would eliminate any confusion for school districts regarding IB mathematics course options by repealing IB mathematics courses that are no longer offered by the International Baccalaureate Organization. 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 April 2021 SBOE meeting, notice of the proposed repeal of 19 TAC §§111.56-111.59 was filed with the Texas Register, initiating the public comment period. The public comment period began May 14, 2021, and ended at 5:00 p.m. on June 18, 2021. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the June 2021 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits); and

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits), is necessary and shall have an effective date of August 1, 2021. (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 Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits)

ATTACHMENT
Text of Proposed Repeal of 19 TAC

Chapter 111. Texas Essential Knowledge and Skills for Mathematics

Subchapter D. Other High School Mathematics Courses

§111.56. International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits).

- (a) ~~General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Algebra II, Geometry. This course is recommended for students in Grade 11 or 12.~~
- (b) ~~Content requirements. Content requirements for IB Mathematical Studies Standard Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.~~

§111.57. International Baccalaureate (IB) Mathematics Standard Level (Two Credits).

- (a) ~~General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Algebra II, Geometry. This course is recommended for students in Grade 11 or 12.~~
- (b) ~~Content requirements. Content requirements for IB Mathematics Standard Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.~~

§111.58. International Baccalaureate (IB) Mathematics Higher Level (Two Credits).

- (a) ~~General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Algebra II, Geometry. This course is recommended for students in Grade 11 or 12.~~
- (b) ~~Content requirements. Content requirements for IB Mathematics Higher Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.~~

§111.59. International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits).

- (a) ~~General requirements. Students shall be awarded two credits for successful completion of this course. Recommended prerequisites: Algebra II, Geometry. This course is recommended for students in Grade 11 or 12.~~
- (b) ~~Content requirements. Content requirements for IB Further Mathematics Higher Level are prescribed by the International Baccalaureate Organization. Subject guides may be obtained from International Baccalaureate of North America.~~

Approval of Updates and Substitutions to Adopted Instructional Materials

June 25, 2021

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item provides the opportunity for the committee to approve update and/or substitution requests received since the last board meeting. The content has been reviewed by subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

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

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

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

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

PREVIOUS BOARD ACTION: In February 2015, the SBOE approved a substitution request for three science products, kindergarten–grade 2, from Discovery Education. In April 2016, the SBOE approved an update request for two math products, grades 6–8, from Texas State University. In April 2019, the Committee on Instruction (COI) postponed a vote on an update request for three English language arts and reading products, grades 6–8, from ThinkCERCA. The board approved the update request from ThinkCERCA at the June 2019 meeting. At the September 2019 meeting, the SBOE postponed a vote on an update request from EDUSPARK, Inc. for four Spanish language arts and reading products, kindergarten, and grades 1, 4, and 5. The request from EDUSPARK, Inc. was approved by the SBOE at the November 2019 meeting. In January 2020, a substitution request from Origo Education for English and Spanish math, kindergarten–grade 5, was submitted to the COI but no action was taken. In April 2020, the SBOE approved the substitution request from Origo Education for English and Spanish math, kindergarten–grade 5. In September 2020, the SBOE approved an update request from Learning A–Z for six English language arts and reading products, kindergarten–grade 2. In November 2020, the SBOE approved an update request from Learning A–Z for three English language arts and reading products, grades 2–4. In January 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grade 5 and a substitution request from QuaverEd for their prekindergarten product. In April 2021, the SBOE approved an update request from EDUSPARK, Inc. for English and Spanish prekindergarten products and a substitution request from Cheng & Tsui Co. Inc. for their Chinese Level I languages other than English product.

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

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

MOTION TO BE CONSIDERED: The State Board of Education:

Approve instructional materials update and/or substitution requests as presented in the separate exhibit.

Staff Members Responsible:

Melissa Lautenschlager, Director, Instructional Materials and Implementation

Amie Williams, Director, Review and Adoption

Separate Exhibit:

Updates and/or Substitutions Submitted for Approval
(to be provided at the June 2021 SBOE meeting)

**Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University
and The University of Texas at Austin**

June 24, 2021

**COMMITTEE ON INSTRUCTION: DISCUSSION
STATE BOARD OF EDUCATION: NO ACTION**

SUMMARY: This item provides an opportunity for the committee to discuss the annual audit reports submitted by Texas Tech University and The University of Texas at Austin regarding examinations used for credit by examination.

STATUTORY AUTHORITY: Statutory authority is the Texas Education Code (TEC), §28.023.

TEC, §28.023 establishes that districts must develop or select for review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects based on guidelines established by the State Board of Education (SBOE). As a result, the SBOE established a process for the regular review and audit of examinations provided by Texas Tech University and The University of Texas at Austin for credit by examination and acceleration by examination.

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

BACKGROUND INFORMATION AND JUSTIFICATION: General provisions in 19 TAC §74.24 include the option for school districts to administer examinations developed by Texas Tech University or The University of Texas at Austin for credit for secondary school academic subjects.

During the February 2007 meeting of the Committee on Instruction, the committee chair instructed agency staff to request that the two institutions provide the information necessary for review of each of their examinations used for credit by examination. Correspondence was sent to the institutions requesting the review. Staff members from both universities responded that the process for aligning the examinations with the Texas Essential Knowledge and Skills (TEKS) was under way for some examinations and completed for others.

During the July 2007 committee meeting, public testimony raised additional concerns regarding the examinations. The committee chair asked staff to investigate the possibility of a third-party review of the updated examinations. During the September 2007 meeting, the committee instructed staff to draft proposed changes to the rule for action at the November 2007 meeting that would require an annual report by an outside auditor to confirm TEKS alignment of the examinations developed by Texas Tech University and The University of Texas at Austin.

During the January 2008 meeting, the SBOE adopted a proposed amendment to 19 TAC §74.24 that added language in subsection (a)(2) specifying that these two entities must ensure that their assessments are aligned with the TEKS, arrange for a third-party audit of 20% of their assessments annually, and report the results of each audit to the Texas Education Agency (TEA) by May 31 of each year. In July 2009, TEA staff presented the first audit results. Audit results have been presented to the SBOE for discussion annually since 2009. This item presents the annual audit results that were due to the agency May 31, 2021.

Staff Members Responsible:

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

Attachment I:

Text of Current 19 TAC §74.24, Credit by Examination

Attachment II:

Audit Summary from Texas Tech University

Attachment III:

Audit Summary from The University of Texas at Austin

**ATTACHMENT
Text of 19 TAC**

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.24. Credit by Examination.

- (a) General provisions.
 - (1) A school district must provide at least one window to test between January 1 and March 31, one window to test between April 1 and June 30, one window to test between July 1 and September 30, and one window to test between October 1 and December 31 annually when each examination for acceleration for each primary school grade level and for credit for secondary school academic subjects required under Texas Education Code, §28.023, shall be administered in Grades 1-12 unless the examination has an administration date that is established by an entity other than the school district. A student may take a specific examination only once during each window. The testing window must be designed to meet the needs of all students. The dates must be publicized in the community.
 - (2) A school district shall provide opportunities for a student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year.
 - (3) A school district shall not charge for an examination for acceleration for each primary school grade level or for credit for secondary school academic subjects. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or The University of Texas at Austin.
 - (A) For each grade level or course, Texas Tech University and The University of Texas at Austin shall ensure that the assessments they provide for the purposes of this section are aligned to and address all assessable Texas Essential Knowledge and Skills (TEKS) at the appropriate level of rigor.
 - (B) Texas Tech University and The University of Texas at Austin shall arrange for a third party to conduct an audit, on a rotating basis, of at least 20% of the assessments they provide for the purposes of this section. The audit shall be conducted annually.
 - (C) The results of each audit shall be provided to the Texas Education Agency in the form of a report to be delivered no later than May 31 of each year.
 - (4) A school district must have the approval of the school district board of trustees for the development and use of its own tests or to purchase examinations that thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
 - (5) A school district may allow a student to accelerate at a time other than one required in paragraph (1) of this subsection by developing a cost-free option approved by the school district board of trustees that allows students to demonstrate academic achievement or proficiency in a subject or grade level.
- (b) Assessment for acceleration in kindergarten through Grade 5.
 - (1) A school district must develop procedures for kindergarten acceleration that are approved by the school district board of trustees. The board of trustees shall approve an audit process to be completed for assessments for acceleration.
 - (2) A student in any of Grades 1-5 must be accelerated one grade if he or she meets the following requirements:

- (A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;
 - (B) a school district representative recommends that the student be accelerated; and
 - (C) the student's parent or guardian gives written approval for the acceleration.
- (c) Assessment for course credit in Grades 6-12.
- (1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.
 - (A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)-(7) of this subsection:
 - (i) College Board advanced placement examinations; and
 - (ii) examinations administered through the College-Level Examination Program.
 - (B) The examinations may include examinations developed by:
 - (i) Texas Tech University;
 - (ii) The University of Texas at Austin;
 - (iii) the school district; and
 - (iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.
 - (2) In order for a school district to administer an examination for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:
 - (A) is aligned to all assessable TEKS for the course;
 - (B) has not been published and is not publicly available;
 - (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
 - (D) has been evaluated to ensure:
 - (i) test scores can be interpreted as indicators of what the test is intended to measure; and
 - (ii) consistency of test results across testing conditions.
 - (3) A school district or the provider of the assessment must make public an annual report, including:
 - (A) the test development process;
 - (B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;
 - (C) the number of students who took each examination;
 - (D) the number of students who scored 70% or above on each examination;
 - (E) the number of students who scored 80% or above on each examination; and
 - (F) the average score for all students who took the examination for each examination.
 - (4) In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:

- (A) meets the requirements of paragraph (2) of this subsection;
 - (B) has been externally validated and determined to:
 - (i) align to and appropriately address all assessable TEKS for the course;
 - (ii) assess the appropriate level of rigor for each student expectation; and
 - (iii) yield comparable distribution of results across tested subgroups.
- (5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years. Approval may authorize use of the assessment, if the assessment meets all other criteria, during the period authorized by the SBOE to achieve comparable results.
- (6) For an examination that is validated in accordance with paragraph (4) of this subsection, a school district or the provider of the assessment must make public:
- (A) the annual report required by paragraph (3) of this subsection;
 - (B) all relevant test development specifications; and
 - (C) a statement certifying that the examination meets the criteria in paragraph (4)(B) of this subsection.
 - (D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.
- (7) Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.
- (8) A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:
- (A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;
 - (B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or
 - (C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.
- (9) A student may not attempt to earn credit by examination for a specific high school course more than two times.
- (10) If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.
- (11) If a student is given credit in accordance with paragraph (8) of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.
- (12) In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.



May 28, 2021

Chelaine Marion, M. Ed.
Director of Foundation Education
Curriculum Standards and Student Support Division
Texas Education Agency
1701 N. Congress
Austin, TX 78701

RE: 2021 Credit by Examination Audit

Please find attached a list of the most recent Credit by Examination (CBE) audits for May 2021. There are 24 CBEs included in this audit, and these represent 20% of our currently active examinations. This is the thirteenth year of the audit and thus the third year of the current five-year cycle. This year's selections focused on LOTE (Spanish and German) and social studies (primarily K-8, with high school government and economics). Where indicated, we have passed auditor feedback to our curriculum department for author review and revision.

As in previous years, our auditors are all Texas-certified instructors who are not otherwise affiliated with Texas Tech University Independent School District (TTUISD / TTU K-12). Maria Arciniega audited the Spanish exams, and the German exams were audited by Greg Ball (who has audited for us in previous cycles). The social studies exams were audited by Emily Garton, Kaleb Martin, and Tanner Pylant.

Similar to last year, this year's audit was performed during the ongoing response of ISDs to the challenges of teaching amidst COVID-19. The audit process was not directly affected by this, as our auditors act as independent evaluators and routinely conduct their reviews asynchronously and off-site. However, given that our auditors have teaching positions and face the same personal and professional challenges that we all have encountered, we ensured that all auditors were given as much time as they needed to fully complete their assigned reviews.

If you have any questions regarding these CBEs or our audit process, please don't hesitate to contact me at (806) 742-7227 or by email at Justin.Louder@ttu.edu.

We greatly appreciate your support.

A handwritten signature in blue ink that reads "Justin R. Louder".

Justin R Louder, EdD
Associate Vice Provost
Interim Superintendent, TTU K-12
Texas Tech University



Detailed Results of the 2021 CBE Audit for TTUISD/K-12

CBE Title	Results	Detailed Summary of Auditor Responses	Action Taken
KIND SOCS K – Social Studies, Kindergarten	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS with changes specified -Contains appropriate level of rigor for TEKS covered with changes specified 	<p>Specific comments provided for the following questions: 6, 8, 10, 20, 21, 22, 25, 31, 33, 34, 38, 43, 49, 50.</p> <p>Comments provided for the following TEKS (some evaluated as “not assessed”): 1A, 2, 3C, 4A, 4B, 5B, 7A, 8B, 9B, 10, 11A, 11B, 12A, 13A, 14B, 14C, 15.</p>	Referred to Curriculum for author review/revision.
ELEM SOCS 1 – Social Studies, Grade 1	<ul style="list-style-type: none"> -Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS with changes specified -Contains appropriate level of rigor for TEKS covered with changes specified 	<p>Specific comments provided for the following questions: 8, 16, 19, 20, 23, 27, 28, 32, 34, 36, 38, 49, 50.</p> <p>Comments provided for the following TEKS (some evaluated as “not assessed”): 1A, 1B, 2A, 2B, 3A, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 8A, 8B, 9A, 10A, 11A, 12B, 13A, 13B, 13C, 13E, 14A, 14B, 15B, 15C, 16A, 16B, 17A, 17C, 18.</p>	Referred to Curriculum for author review/revision.

<p>ELEM SOCS 2 – Social Studies, Grade 2</p>	<p>-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS with changes specified -Contains appropriate level of rigor for TEKS covered with changes specified</p>	<p>Specific comments provided for the following questions: 4-8, 11, 22, 23, 25, 29, 33, 34, 38-39, 41-43, 47-49, 54, 55.</p> <p>Comments provided for the following TEKS (some evaluated as “not assessed”): 1A, 2A, 2B, 3A, 4A, 4B, 5A, 5B, 6B, 8B, 9A, 9B, 9C, 9D, 10A, 10B, 10C, 11A, 11C, 11D, 12A, 12B, 13A, 13B, 14, 15A, 15B, 16A, 16B, 16E, 16F, 17.</p>	<p>Referred to Curriculum for author review/revision.</p>
<p>ELEM SOCS 3 – Social Studies, Grade 3</p>	<p>-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS with changes specified -Contains appropriate level of rigor for TEKS covered with changes specified</p>	<p>Specific comments provided for the following questions: 1, 3, 4, 7-10, 20, 22, 24, 31-34, 37-38, 40, 42-44, 50, 61-64, 66-68, 71-74, 80.</p> <p>Comments provided for the following TEKS (some evaluated as “not assessed”): 1A, 1C, 2A, 2B, 3A, 3B, 3C, 4A, 4C, 6A, 6B, 6D, 7A, 7B, 7C, 8A, 9A, 9B, 9C, 10A, 10B, 11A, 11B, 12, 13A, 13B, 14A, 14B, 14C, 15C, 15D, 15E, 16.</p>	<p>Referred to Curriculum for author review/revision.</p>
<p>ELEM SOCS 4 – Social Studies, Grade 4</p>	<p>-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered</p>	<p>Specific comments provided for the following questions: 24, 51, 65, 78, 79.</p>	<p>Referred to Curriculum for author review/revision.</p>

ELEM SOCS 5 – Social Studies, Grade 5	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 32, 49, 50, 51, 69, 84-95.	Referred to Curriculum for author review/revision.
MID SOCS 6A – Social Studies, Grade 6, first semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for the following questions: 7, 15, 48-49, 51.	Referred to Curriculum for author review/revision.
MID SOCS 6B – Social Studies, Grade 6, second semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 10, 21.	Referred to Curriculum for author review/revision.
MID SOCS 7A – Social Studies, Grade 7, first semester	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 24, 46, 69, 82, 88, 92, 97, 99, 115.	Referred to Curriculum for author review/revision.
MID SOCS 7B – Social Studies, Grade 7, second semester	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 2, 4, 7, 35, 62, 71, 77, 80, 83, 92, 93, 95.	Referred to Curriculum for author review/revision.

MID SOCS 8A – Social Studies, Grade 8, first semester	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following question: 30.	Referred to Curriculum for author review/revision.
MID SOCS 8B – Social Studies, Grade 8, second semester	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 82, 95.	Referred to Curriculum for author review/revision.
HIGH ECO-FE - Economics (with Emphasis on the Free Enterprise System and Its Benefits)	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for the following question: 46.	Referred to Curriculum for author review/revision.
HIGH GOVT - United States Government	-Aligned with TEKS with changes specified -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Specific comments provided for the following questions: 7, 30, 46, 71-88, 90, 114	Referred to Curriculum for author review/revision.
HIGH GERM 1A – German, Level I, first semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Analysis mapping questions to TEKS provided.	No action necessary.
HIGH GERM 1B – German, Level I, second semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Analysis mapping questions to TEKS provided.	No action necessary.

HIGH GERM 2A – German, Level II, first semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Analysis mapping questions to TEKS provided.	No action necessary.
HIGH GERM 2B – German, Level II, second semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	Analysis mapping questions to TEKS provided.	No action necessary.
HIGH SPAN 1A – Spanish, Level I, first semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for the following questions: 38, 57, 67. Comments provided for the following TEKS: 2A, 2B, 2C, 2D.	Referred to Curriculum for author review/revision.
HIGH SPAN 1B – Spanish, Level I, second semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for the following questions: 4, 29, 51, 53. Comments provided for the following TEKS: 2A, 2B, 2C, 2D.	Referred to Curriculum for author review/revision.
HIGH SPAN 2A – Spanish, Level II, first semester	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered	General comments provided. Specific comments provided for the following questions: 6, 18, 24, 29, 30, 61. Comments provided for the following TEKS: 2A, 2B, 2C, 2D.	Referred to Curriculum for author review/revision.

<p>HIGH SPAN 2B – Spanish, Level II, second semester</p>	<p>-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered</p>	<p>General comments provided. Specific comments provided for the following questions: 1, 23, 33, 55, 57, 62.</p> <p>Comments provided for the following TEKS: 2A, 2B, 2C, 2D.</p>	<p>Referred to Curriculum for author review/revision.</p>
<p>HIGH SPAN 3A – Spanish, Level III, first semester</p>	<p>-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered</p>	<p>General comments provided. Specific comments provided for the following questions: 3, 5, 8, 19, 27, 30, 32, 44, 48, 55.</p> <p>Comments provided for the following TEKS: 2A, 2B, 2C, 2D.</p>	<p>Referred to Curriculum for author review/revision.</p>
<p>HIGH SPAN 3B – Spanish, Level III, second semester</p>	<p>-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS -Contains appropriate level of rigor for TEKS covered</p>	<p>General comments provided. Specific comments provided for the following questions: 6, 10, 18, 30, 31, 41.</p> <p>Comments provided for the following TEKS: 2A, 2B, 2C, 2D.</p>	<p>Referred to Curriculum for author review/revision.</p>



Notes on TEKS (by course)

KIND SOCS K – Social Studies, Kindergarten

Comments provided for the following TEKS: 1A, 2, 3C, 4A, 4B, 5B, 7A, 8B, 9B, 10, 11A, 11B, 12A, 13A, 14B, 14C, 15.

The auditor's comments fall into three general areas:

- A. items which cannot be tested on a written and/or multiple-choice exam
- B. items which are partially covered on the exam
- C. items which might be covered by using the auditor's suggestions

Specific comments for each area follow, with each TEKS item quoted for reference.

A. items which cannot be tested on a written and/or multiple-choice exam

TEKS: 9B, 13A, 14C, 15

9B: "The student understands important symbols, customs, and responsibilities that represent American beliefs and principles and contribute to our national identity. The student is expected to:" **"recite the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag"**

Auditor comment: Reciting the pledges is not possible on a multiple-choice test.

13A: "The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:" **"gather information about a topic using a variety of valid oral and visual sources such as interviews, music, pictures, symbols, and artifacts with adult assistance"**

Auditor comment: This TEK requires adult assistance and gathering of data. Would not be possible on a multiple-choice exam.

14C: "The student communicates in oral and visual forms. The student is expected to:" **"express ideas orally based on knowledge and experiences"**

Auditor comment: Students cannot express ideas orally on a written exam.

15: "The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to **use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and**

disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.”

Auditor comment: This TEK is complex and in order for the TEK to be covered in its entirety, students must gather information and work with a partner. However, pieces of the TEK could be covered if the proctor read a short story to students and students were then required to: identify the problem, ways to solve the problem, consider options, the effectiveness of the solution, and evaluate the solution.

B. items which are partially covered on the exam

TEKS: 1A, 2.

1A: “The student understands that holidays are celebrations of special events. The student is expected to:” **“identify national patriotic holidays such as Constitution Day, Presidents' Day, Veterans Day, and Independence Day”**

Auditor comment: Not every holiday listed in the TEK is covered on this assessment.

2: “The student understands how historical figures helped shape the state and nation. The student is expected to **identify contributions of historical figures, including Stephen F. Austin, George Washington, Christopher Columbus, and José Antonio Navarro, who helped to shape the state and nation.**”

Auditor comment: Not every historical figure listed in the TEK is covered on the assessment.

C. items which might be covered by using the auditor’s suggestions

TEKS: 3C, 4A, 4B, 5B, 7A, 8B, 10, 11A, 11B, 12A, 14B

3C: “The student understands the concept of location. The student is expected to:” **“identify and use geographic tools that aid in determining location, including maps and globes”**

Auditor comment: Students were not required to identify a map or a globe. Students did find the smallest and largest countries on a map. Perhaps ask students to identify a tool that could help them to get somewhere.

4A: “The student understands physical and human characteristics of place to better understand self, home, family, classroom, and the world around them. The student is expected to:” **“identify the physical characteristics of place such as landforms, bodies of water, Earth's resources, and weather”**

Auditor comment: Students could be required to draw what it looks like outside their window or look at a photo and describe what they see.

4B: “The student understands physical and human characteristics of place to better understand self, home, family, classroom, and the world around them. The student is expected to:”

“identify how geographic location influences human characteristics of place such as shelter, clothing, food, and activities”

Auditor comment: A matching activity could be used here. Perhaps a description of a place could be read and students could then explain why the food, clothing, shelter and activities occur there.

5B: “The student understands the difference between human needs and wants and how they are met. The student is expected to:” **“explain the difference between needs and wants”**

Auditor comment: Students need to directly explain the difference between a want and a need. A story could be read and students could explain why one item was a need and one was a want.

7A: “The student understands the purpose of rules. The student is expected to:” **“identify purposes for having rules”**

Auditor comment: Questions 7 & 23 each have the purpose for having rules written in the question. Therefore, students are not identifying the purpose for the rule. Rewording the question to say something like “The rule at school is to not run in the hallway. Why do we have this rule?” could be more beneficial.

8B: “The student understands the role of authority figures. The student is expected to:” **“explain how authority figures enforce rules”**

Auditor comment: In the test, students identify people that enforce rules, but not how the rules are enforced. Perhaps as how the policeman enforces rules.

10: “The student understands similarities and differences among individuals. The student is expected to **identify similarities and differences among individuals such as kinship and religion.”**

Auditor comment: Students are asked to identify similarities and differences among people – such as kinship and religion. A Venn Diagram could be used, or photos to show the similarities and differences between 2 families.

11A: “The student understands the importance of family traditions. The student is expected to:” **“describe and explain the importance of family traditions”**

Auditor comment: Why are family traditions important? What is a tradition you have in your family?

11B: “The student understands the importance of family traditions. The student is expected to:” **“compare traditions among families”**

Auditor comment: Venn Diagram could be used here. Show two families celebrating a holiday. What do they do that is the same and different?

12A: “The student understands ways technology is used in the home and school and how technology affects people's lives. The student is expected to:” **“identify examples of technology used in the home and school”**

Auditor comment: What technology do you use at home that is helpful? What technology do you use at school that is helpful?

14B: “The student communicates in oral and visual forms. The student is expected to:” **“use social studies terminology related to time and chronology correctly, including before, after, next, first, last, yesterday, today, and tomorrow”**

Auditor comment: Student could place events in order using this terminology on a timeline or just when sequencing.

ELEM SOCS 1 – Social Studies, Grade 1

Comments provided for the following TEKS: 1A, 1B, 2A, 2B, 3A, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 8A, 8B, 9A, 10A, 11A, 12B, 13A, 13B, 13C, 13E, 14A, 14B, 15B, 15C, 16A, 16B, 17A, 17C, 18.

The auditor’s comments fall into three general areas:

- A. items which cannot be tested on a written and/or multiple-choice exam
- B. items which are partially covered on the exam
- C. items which might be covered by using the auditor’s suggestions

Specific comments for each area follow, with each TEKS item quoted for reference.

A. items which cannot be tested on a written and/or multiple-choice exam

TEKS: 3A, 9A, 13B, 16A, 17C, 18.

3A: “The student understands the relative location of places. The student is expected to:” **“describe the location of self and objects relative to other locations in the classroom and school using spatial terms”**

Auditor comment: This TEK is not assessable because it is a multiple-choice exam and students would not be able to write a description due to their age.

9A: “The student understands the value of work. The student is expected to:” **“describe the tools of various jobs and the characteristics of a job well performed”**

Auditor comment: This TEK requires students to describe tools of a job and the characteristics of a job well done. Students could draw a picture of a tool that at teacher might use, but it would not be possible for students to create a representation to describe the characteristics of a job well done.

13B: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“recite the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag”**

Auditor comment: Students cannot recite the pledges on a written exam.

16A: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” **“gather information about a topic using a variety of valid oral and visual sources such as interviews, music, pictures, symbols, and artifacts with adult assistance”**

Auditor comment: Not assessable on a standard CBE due to the nature of the item and time limitations. This TEK requires adult assistance.

17C: “The student communicates in oral, visual, and written forms. The student is expected to:” **“express ideas orally based on knowledge and experiences”**

Auditor comment: Not assessable due to the nature of the item.

18: “The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to **use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.**”

Auditor comment: Not assessable due to the nature of the item and time limitations.

B. items which are partially covered on the exam

TEKS: 1A, 2A, 4B, 5A, 6B, 12B, 13C, 15C.

1A: “The student understands the origins of customs, holidays, and celebrations. The student is expected to:” **“describe the origins of customs, holidays, and celebrations of the community, state, and nation such as Constitution Day, Independence Day, and Veterans Day”**

Auditor comment: Not every holiday listed in the TEK was covered in the exam. Independence Day was covered, but only the origin.

2A: “The student understands how historical figures helped shape the state and nation. The student is expected to:” **“identify contributions of historical figures, including Sam Houston, George Washington, Abraham Lincoln, and Martin Luther King Jr., who have influenced the state and nation”**

Auditor comment: Only George Washington and Abraham Lincoln were assessed in the exam, adding questions about Sam Houston and Martin Luther King, Jr.

4B: “The student understands the purpose of geographic tools, including maps and globes. The student is expected to:” **“locate and explore the community, Texas, and the United States on maps and globes”**

Auditor comment: The United States was recognized on a map, but Texas and communities were not. Students could recognize Texas on the map, but if students are from different communities, locating more than one city would be difficult. However, Texas and the United States could also be explored on a map. Locate the capitol of Texas on the map, etc.

5A: “The student understands physical and human characteristics of place to better understand their community and the world around them. The student is expected to:” **“identify and describe the physical characteristics of place such as landforms, bodies of water, Earth's resources, and weather”**

Auditor comment: This TEK was covered, but not in its entirety. Some resources, landforms, and bodies of water were discussed, but weather was not. Students are also asked to describe and not just identify.

6B: “The student understands how families meet basic human needs. The student is expected to:” **“describe similarities and differences in ways families meet basic human needs”**

Auditor comment: Venn Diagram of two different families. Compare the types of homes, meals, etc.

Not all basic needs were covered on the assessment, but clothing was covered.

12B: “The student understands characteristics of good citizenship as exemplified by historical figures and other individuals. The student is expected to:” **“identify historical figures and other individuals who have exemplified good citizenship such as Benjamin Franklin and Eleanor Roosevelt”**

Auditor comment: Ben Franklin and Eleanor Roosevelt were not directly discussed on this assessment, but are directly listed. Perhaps asking a question about each of their accomplishments would be beneficial.

13C: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“identify anthems and mottoes of Texas and the United States”**

Auditor comment: Only mottoes were identified on the exam.

15C: “The student identifies individuals who created or invented new technology and understands how technology affects daily life, past and present. The student is expected to:” **“identify the contributions of scientists and inventors such as Alexander Graham Bell, Thomas Edison, and Garrett Morgan”**

Auditor comment: Only Alexander Graham Bell was assessed.

C. items which might be covered by using the auditor's suggestions

TEKS: 1B, 2B, 4A, 5B, 6A, 7A, 8A & 8B, 10A, 11A, 13A, 13E, 14A, 14B, 15B, 16B, 17A.

1B: "The student understands the origins of customs, holidays, and celebrations. The student is expected to:" **"compare the observance of holidays and celebrations"**

Auditor comment: A Venn Diagram could be used to compare two different United States Holidays.

2B: "The student understands how historical figures helped shape the state and nation. The student is expected to:" **"compare the lives of historical figures who have influenced the state and nation"**

Auditor comment: A Venn Diagram could be used or a T chart could be used to describe show differences and similarities.

4A: "The student understands the purpose of geographic tools, including maps and globes. The student is expected to:" **"create and use simple maps such as maps of the home, classroom, school, and community"**

Auditor comment: Students could create a map of their home on the assessment. However, the TEK does state home, classroom, school and community.

5B: "The student understands physical and human characteristics of place to better understand their community and the world around them. The student is expected to:" **"identify and describe how geographic location influences the human characteristics of place such as shelter, clothing, food, and activities"**

Auditor comment: Bill lives in Antarctica, what type of clothing would Bill wear, why?

Susie lives near the ocean, what type of food do you think she eats and why?

Collin lives where there are tornadoes, what do you think Collin might have at his house to keep him safe?

What type of activities do you think kids that live near the ocean get to do that kids that don't live near water get to? Why?

6A: "The student understands how families meet basic human needs. The student is expected to:" **"describe ways that families meet basic human needs"**

Auditor comment: Students could draw a picture of what their home looks like, their favorite meal, and their favorite shirt.

7A: “The student understands the concepts of goods and services. The student is expected to:” **“identify examples of goods and services in the home, school, and community”**

Auditor comment: Which of these is an example of something you could buy at the grocery store?

Which of these is a job that is done in your town?

Which of these is a job you do at home?

8A: “The student understands the condition of not being able to have all the goods and services one wants. The student is expected to:” **“identify examples of people wanting more than they can have”**

8B: “The student understands the condition of not being able to have all the goods and services one wants. The student is expected to:” **“explain why wanting more than they can have requires that people make choices”**

Auditor comment (for both 8A & 8B): Bill wants to eat his lunch that his mom packed and pizza in the cafeteria. – Bill wants more than he needs, he needs to choose one meal.

Why does Bill need to choose one meal?

-It would not be a healthy choice for Bill to get 2 different meals at lunch.

10A: “The student understands the purpose of rules and laws. The student is expected to:” **“explain the purpose for rules and laws in the home, school, and community”**

Auditor comment: Students should explain why we have rules- What is 1 reason we have rules?

11A: “The student understands the role of authority figures and public officials. The student is expected to:” **“identify the responsibilities of authority figures in the home, school, and community”**

Auditor comment: What is a teacher’s job?

What is your parent’s job at home?

What do police officers do in your town?

13A: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“explain state and national patriotic symbols, including the United States and Texas flags, the Liberty Bell, the Statue of Liberty, and the Alamo”**

Auditor comment: Students are asked to explain national and state patriotic symbols.

The Alamo is a Texas symbol because....

What do the stars and stripes represent on the United States flag? The Texas flag? Match the symbol to its meaning.

13E: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“explain how patriotic customs and celebrations reflect American individualism and freedom”**

Auditor comment: We celebrate the 4th of July because... -This holiday represents the United States becoming its own country and giving its people freedom to be himself or herself.

14A: “The student understands the importance of family and community beliefs, language, and traditions. The student is expected to:” **“describe and explain the importance of beliefs, language, and traditions of families and communities”**

Auditor comment: Students could listen to a short description and compare how two different families have different language, beliefs and traditions. Students could identify how the affect the community.

14B: “The student understands the importance of family and community beliefs, language, and traditions. The student is expected to:” **“explain the way folktales and legends reflect beliefs, language, and traditions of communities”**

Auditor comment: Why is _____ folktale important?

15B: “The student identifies individuals who created or invented new technology and understands how technology affects daily life, past and present. The student is expected to:” **“describe how technology has affected communication, transportation, and recreation”**

Auditor comment: How have computers made learning easier?

How have cars made it easier to travel?

Compare games kids used to play to video games now. How have things changed?

16B: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” **“sequence and categorize information”**

Auditor comment: Students listen to a short story and sequence the events.

17A: “The student communicates in oral, visual, and written forms. The student is expected to:” **“use a simple timeline to distinguish among past, present, and future”**

Auditor comment: Look at the timeline. What happened in the past? What is happening now in the present, and what will happen later in the future?

ELEM SOCS 2 – Social Studies, Grade 2

Comments provided for the following TEKS: 1A, 2A, 2B, 3A, 4A, 4B, 5A, 5B, 6B, 8B, 9A, 9B, 9C, 9D, 10A, 10B, 10C, 11A, 11C, 11D, 12A, 12B, 13A, 13B, 14, 15A, 15B, 16A, 16B, 16E, 16F, 17.

The auditor’s comments fall into three general areas:

- A. items which cannot be tested on a written and/or multiple-choice exam
- B. items which are partially covered on the exam
- C. items which might be covered by using the auditor’s suggestions

Specific comments for each area follow, with each TEKS item quoted for reference.

A. items which cannot be tested on a written and/or multiple-choice exam

TEKS: 2B, 9A, 11A, 15A, 16E, 16F, 17.

2B: “The student understands how historical figures helped shape the community, state, and nation. The student is expected to:” **“describe how people and events have influenced local community history”**

Auditor comment: Cannot be assessed due to the nature of the item (not conventionally testable) and time limitations.

9A: “The student understands the role of public officials. The student is expected to:” **“name current public officials, including mayor, governor, and president”**

Auditor comment: If students are from different cities, assessing each student’s mayor may not be possible. However, students can name the president.

11A: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“recite the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag”**

Auditor comment: Not assessable on a standard CBE due to the nature of the item (not conventionally testable)

15A: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” **“gather information about a topic using a variety of valid oral and visual sources such as interviews, music, pictures, maps, and artifacts”**

Auditor comment: Not assessable on a standard CBE due to nature of the item and time restraints. Information can be gathered from visual sources on a CBE and applied to questions on the exam.

16E: “The student communicates in written, oral, and visual forms. The student is expected to:”
“express ideas orally based on knowledge and experiences”

Auditor comment: Cannot be assessed on a standard CBE due to the nature of the item and time limitations.

16F: “The student communicates in written, oral, and visual forms. The student is expected to:”
“create written and visual material such as stories, maps, and graphic organizers to express ideas”

Auditor comment: Students could create maps and graphic organizers, however stories would not be conventionally testable.

17: “The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to **use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.**”

Auditor comment: Pieces of this TEK can be assessed, however this TEK is not assessable on a standard CBE due to time limitations, and pieces of this TEK are not conventionally testable.

B. items which are partially covered on the exam

TEKS: 1A, 3A, 4A, 4B, 5A, 6B, 8B, 10A, 10B, 11D, 13A, 13B, 14, 15B, 16B.

1A: “The student understands the historical significance of landmarks and celebrations in the community, state, and nation. The student is expected to:” **“explain the significance of various community, state, and national celebrations such as Veterans Day, Memorial Day, Independence Day, and Thanksgiving”**

Auditor comment: Not every holiday listed was covered in the exam.

3A: “The student uses simple geographic tools, including maps and globes. The student is expected to:” **“identify and use information on maps and globes using basic map elements such as title, cardinal directions, and legend”**

Auditor comment: Title and legend were not used on the assessment.

4A: “The student understands the location of places in their community, state, country, and the world. The student is expected to:” **“identify major landforms and bodies of water, including each of the seven continents and each of the oceans, on maps and globes”**

Auditor comment: Students are asked to identify the 7 continents and oceans on maps and globes.

4B: “The student understands the location of places in their community, state, country, and the world. The student is expected to:” **“locate places, including the local community, Texas, the United States, the state capital, the U.S. capital, and the bordering countries of Canada and Mexico on maps and globes”**

Auditor comment: Each element of this TEK was not identified on maps and globes in the assessment. One map could be used and students could identify each piece by matching the letters.

5A: “The student understands how humans use and modify the physical environment. The student is expected to:” **“identify ways in which people have modified the physical environment such as clearing land, building roads, using land for agriculture, and drilling for oil”**

Auditor comment: Clearing land by cutting down trees was identified, but not the other elements included in the TEKs.

6B: “The student understands the value of work. The student is expected to:” **“explain the choices people can make about earning, spending, and saving money”**

Auditor comment: Explain choices for earning and saving, not only spending money.

8B: “The student understands the purpose of governments. The student is expected to:” **“identify governmental services in the community such as police and fire protection, libraries, schools, and parks and explain their value to the community”**

Auditor comment: Not all governmental services in the TEK were covered on the assessment—fire protection, libraries, and police officers were.

10A: “The student understands characteristics of good citizenship as exemplified by historical figures and other individuals. The student is expected to:” **“identify characteristics of good citizenship, including truthfulness, justice, equality, respect for oneself and others, responsibility in daily life, and participation in government by educating oneself about the issues, respectfully holding public officials to their word, and voting”**

Auditor comment: Each of the characteristics mentioned in the TEK were not assessed. However, each of them could be. Perhaps by asking students to circle all the ways one could be a good citizen and cross out the ways to not.

10B: “The student understands characteristics of good citizenship as exemplified by historical figures and other individuals. The student is expected to:” **“identify historical figures and other individuals who have exemplified good citizenship such as Paul Revere, Abigail Adams, World War II Women Airforce Service Pilots (WASPs), Navajo Code Talkers, and Sojourner Truth”**

Auditor comment: Each individual in the TEK was not identified on the assessment, but could be included in a matching activity.

11D: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“identify how selected symbols, customs, and celebrations reflect an American love of individualism, inventiveness, and freedom”**

Auditor comment: Freedom was discussed.

Many Americans invented many different types of technology. Why do you think this happened? –Americans love to create new things.

Question 51 could also apply to individualism

13A: “The student understands how science and technology have affected life, past and present. The student is expected to:” **“describe how science and technology have affected communication, transportation, and recreation”**

Auditor comment: Communication was discussed. Add transportation and recreation in order to fulfill the entire TEK.

13B: “The student understands how science and technology have affected life, past and present. The student is expected to:” **“explain how science and technology have affected the ways in which people meet basic needs”**

Auditor comment: Question 54 compares modern times, but perhaps add how technology has changed this experience.

14: “The student identifies individuals who exhibited individualism and inventiveness. The student is expected to **identify individuals who have exhibited individualism and inventiveness such as Amelia Earhart and George Washington Carver.**”

Auditor comment: Each individual listed in the TEK was not covered in the exam.

15B: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” **“interpret oral, visual, and print material by sequencing, categorizing, identifying the main idea, predicting, comparing, and contrasting”**

Auditor comment: Some elements of this TEK were covered on the exam, but each piece was not covered.

16B: “The student communicates in written, oral, and visual forms. The student is expected to:” **“apply vocabulary related to chronology, including past, present, and future”**

Auditor comment: “Present” was not a term that was assessed, future and past were.

C. items which might be covered by using the auditor’s suggestions

TEKS: 2A, 5B, 9B, 9C, 9D, 10C, 11C, 12A, 12B, 16A.

2A: “The student understands how historical figures helped shape the community, state, and nation. The student is expected to:” **“identify contributions of historical figures, including Thurgood Marshall, Irma Rangel, and Theodore Roosevelt, who have influenced the state and nation”**

Auditor comment: Students could match the person to their contribution.

5B: “The student understands how humans use and modify the physical environment. The student is expected to:” **“identify consequences of human modification of the physical environment”**

Auditor comment: Venn Diagram of a farmer and someone at the grocery store buying vegetables.

9B: “The student understands the role of public officials. The student is expected to:” **“compare the roles of public officials, including mayor, governor, and president”**

Auditor comment: What is something that the mayor, governor and president all do, even though they each are different?

9C: “The student understands the role of public officials. The student is expected to:” **“identify ways that public officials are selected, including election and appointment to office”**

Auditor comment: What does it mean to be appointed to an office? What does it mean to be elected to an office?

9D: “The student understands the role of public officials. The student is expected to:” **“identify how citizens participate in their own governance through staying informed of what public officials are doing, providing input to them, and volunteering to participate in government functions”**

Auditor comment: Circle all of the ways that citizens can participate in their own government.

10C: “The student understands characteristics of good citizenship as exemplified by historical figures and other individuals. The student is expected to:” **“identify ways to actively practice good citizenship, including involvement in community service”**

Auditor comment: Bill went with a group of friends to pick up trash at the park. Bill was participating in community service in order to benefit his community, True or False?

11C: “The student understands important symbols, customs, and celebrations that represent American beliefs and principles that contribute to our national identity. The student is expected to:” **“identify symbols such as state and national birds and flowers and Uncle Sam”**

Auditor comment: Circle each of the symbols. Cross out the ones that are not state or national symbols.

12A: “The student understands ethnic and/or cultural celebrations. The student is expected to:”
“**identify the significance of various ethnic and/or cultural celebrations**”

Auditor comment: Why is ___ holiday important? What is being celebrated?

12B: “The student understands ethnic and/or cultural celebrations. The student is expected to:”
“**compare ethnic and/or cultural celebrations**”

Auditor comment: Venn Diagram of 2 separate celebrations.

16A: “The student communicates in written, oral, and visual forms. The student is expected to:”
“**describe the order of events by using designations of time periods such as historical and present times**”

Auditor comment: Students could draw lines to events that occur in “historical” or “present” times.

ELEM SOCS 3 – Social Studies, Grade 3

Comments provided for the following TEKS: 1A, 1C, 2A, 2B, 3A, 3B, 3C, 4A, 4C, 6A, 6B, 6D, 7A, 7B, 7C, 8A, 9A, 9B, 9C, 10A, 10B, 11A, 11B, 12, 13A, 13B, 14A, 14B, 14C, 15C, 15D, 15E, 16.

The auditor’s comments fall into three general areas:

- A. items which cannot be tested on a written and/or multiple-choice exam
- B. items which are partially covered on the exam
- C. items which might be covered by using the auditor’s suggestions

Specific comments for each area follow, with each TEKS item quoted for reference.

A. items which cannot be tested on a written and/or multiple-choice exam

TEKS: 14A, 14B, 15D, 16.

14A: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” “**gather information, including historical and current events and geographic data, about the community using a variety of resources**”

Auditor comment: Not assessable on standard CBE due to the nature of the item and time.

14B: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” “**interpret oral,**

visual, and print material by sequencing, categorizing, identifying the main idea, distinguishing between fact and opinion, identifying cause and effect, comparing, and contrasting”

Auditor comment: Aspects of this TEK are not conventionally testable. However, students can interpret print and visual material. Students participated in sequencing, main idea, and compare and contrast. Not all aspects of the TEK were assessed.

15D: “The student communicates in written, oral, and visual forms. The student is expected to:” **“express ideas orally based on knowledge and experiences”**

Auditor comment: This TEK is not assessable on a standard CBE due to the nature of the item and time.

16: “The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to **use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution.**”

Auditor comment: This TEK is not conventionally assessable due to the nature of the item and time- students do not work with a partner on the assessment. Pieces of this TEK are assessable, but some aspects require time.

B. items which are partially covered on the exam

TEKS: 2A, 3B, 4C, 6B, 6D, 7B, 7C, 9A, 9B, 12, 13A, 13B, 14C.

2A: “The student understands common characteristics of communities, past and present. The student is expected to:” **“identify reasons people have formed communities, including a need for security and laws, religious freedom, and material well-being”**

Auditor comment: Each reason for forming a community was not assessed. Question 48 discussed why the 13 Colonies were formed.

3B: “The student understands how humans adapt to and/or modify the physical environment. The student is expected to:” **“identify and compare how people in different communities adapt to or modify the physical environment in which they live such as deserts, mountains, wetlands, and plains”**

Auditor comment: Mountains were discussed, but not other aspects of the physical environment.

4C: “The student understands the concepts of location, distance, and direction on maps and globes. The student is expected to:” **“identify, create, and interpret maps of places that contain map elements, including a title, compass rose, legend, scale, and grid system”**

Auditor comment: Grid system was not addressed.

6B: "The student understands the concept of the free enterprise system and how businesses operate in the U.S. free enterprise system. The student is expected to:" **"define and identify examples of scarcity"**

Auditor comment: Define scarcity

6D: "The student understands the concept of the free enterprise system and how businesses operate in the U.S. free enterprise system. The student is expected to:" **"identify individuals, past and present, such as Henry Ford and Sam Walton who have started new businesses"**

Auditor comment: Sam Walton was not assessed.

7B: "The student understands the basic structure and functions of various levels of government. The student is expected to:" **"identify local, state, and national government officials and explain how they are chosen"**

Auditor comment: Elected officials were not identified.

7C: "The student understands the basic structure and functions of various levels of government. The student is expected to:" **"identify services commonly provided by local, state, and national governments"**

Auditor comment: Services provided by the local government were identified.

9A: "The student understands characteristics of good citizenship as exemplified by historical and contemporary figures and organizations. The student is expected to:" **"identify characteristics of good citizenship, including truthfulness, justice, equality, respect for oneself and others, responsibility in daily life, and participation in government by educating oneself about the issues, respectfully holding public officials to their word, and voting"**

Auditor comment: Several aspects of good citizenship were discussed, but each aspect was not assessed.

9B: "The student understands characteristics of good citizenship as exemplified by historical and contemporary figures and organizations. The student is expected to:" **"identify figures such as Helen Keller, Clara Barton, and Ruby Bridges who exemplify good citizenship"**

Auditor comment: Ruby bridges and Clara Barton were not assessed.

12: "The student understands the importance of writers and artists to the cultural heritage of communities. The student is expected to **identify how various writers and artists such as Kadir Nelson, Tomie dePaola, Carmen Lomas Garza, and Laura Ingalls Wilder and their stories, poems, statues, and paintings contribute to the cultural heritage of communities."**

Auditor comment: Statues were identified, but the writers and artists in the TEK were not discussed.

13A: “The student understands how individuals have created or invented new technology and affected life in various communities, past and present. The student is expected to:” **“identify individuals who have discovered scientific breakthroughs or created or invented new technology such as Jonas Salk, Cyrus McCormick, Bill Gates, Louis Pasteur, and others”**

Auditor comment: Jonas Silk was discussed, but the others listed in the TEK were not identified.

13B: “The student understands how individuals have created or invented new technology and affected life in various communities, past and present. The student is expected to:” **“describe the impact of scientific breakthroughs and new technology in computers, pasteurization, and medical vaccines on various communities”**

Auditor comment: Vaccines were discussed.

What did pasteurization do to improve your life today?

Without computers, what is something we would not be able to do?

14C: “The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:” **“interpret and create visuals, including graphs, charts, tables, timelines, illustrations, and maps”**

Auditor comment: Illustrations were not assessed.

C. items which might be covered by using the auditor’s suggestions

TEKS: 1A, 1C, 2B, 3A, 3C, 4A, 6A, 7A, 8A, 9C, 10A, 10B, 11A, 11B, 15C, 15E.

1A: “The student understands how individuals, events, and ideas have influenced the history of various communities. The student is expected to:” **“describe how individuals, events, and ideas have changed communities, past and present”**

Auditor comment: Students could write a list to describe ways that someone could impact the community.

Students could match the event, ideas, and individual to the impact or change that was made.

1C: “The student understands how individuals, events, and ideas have influenced the history of various communities. The student is expected to:” **“describe how individuals, including Daniel Boone and the Founding Fathers have contributed to the expansion of existing communities or to the creation of new communities”**

Auditor comment: What did Daniel Boone do to help Texas?

Match the Founding Father to their accomplishment.

2B: “The student understands common characteristics of communities, past and present. The student is expected to:” **“compare ways in which people in the local community and other communities meet their needs for government, education, communication, transportation, and recreation”**

Auditor comment: A Venn Diagram could be made comparing two communities.

3A: “The student understands how humans adapt to and/or modify the physical environment. The student is expected to:” **“describe similarities and differences in the physical environment, including climate, landforms, natural resources, and natural hazards”**

Auditor comment: Provide a list or photo of two different places. Students could list what is similar and different about the two places. Students could create Venn Diagram.

3C: “The student understands how humans adapt to and/or modify the physical environment. The student is expected to:” **“describe the effects of human processes such as building new homes, conservation, and pollution in shaping the landscape”**

Auditor comment: Using the photo above, describe how these things affect the world.

How is conservation helpful?

4A: “The student understands the concepts of location, distance, and direction on maps and globes. The student is expected to:” **“use cardinal and intermediate directions to locate places on maps and globes in relation to the local community”**

Auditor comment: Give a list of directions to locate a place on the map in relation to the local community.

Students identified information, interpreted and created a map. However, title, compass, legend, scale and grid were not included with each.

6A: “The student understands the concept of the free enterprise system and how businesses operate in the U.S. free enterprise system. The student is expected to:” **“explain how supply and demand affect the price of a good or service”**

Auditor comment: Apples are a delicious snack and many people love to eat them. There is a shortage of apples, and many people still want them. What will happen to the price of apples?

7A: “The student understands the basic structure and functions of various levels of government. The student is expected to:” **“describe the basic structure of government in the local community, state, and nation”**

Auditor comment: Complete the chart with the basic structure of government in the community, state, nation

8A: "The student understands important ideas in historical documents at various levels of government. The student is expected to:" **"identify the purposes of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights"**

Auditor comment: Identify the purposes of the Declaration of Independence, Constitution and Bill of Rights

9C: "The student understands characteristics of good citizenship as exemplified by historical and contemporary figures and organizations. The student is expected to:" **"identify and describe individual acts of civic responsibility, including obeying laws, serving and improving the community, serving on a jury, and voting"**

Auditor comment: Fill in the chart of ways to have civic responsibility.

10A: "The student understands ethnic and/or cultural celebrations of the local community and other communities. The student is expected to:" **"explain the significance of various ethnic and/or cultural celebrations in the local community and other communities"**

Auditor comment: Why is _____ celebration important?

10B: "The student understands ethnic and/or cultural celebrations of the local community and other communities. The student is expected to:" **"compare ethnic and/or cultural celebrations in the local community with other communities"**

Auditor comment: Students read two scenarios with two different cities' celebrations and students complete a chart.

11A: "The student understands the role of heroes in shaping the culture of communities, the state, and the nation. The student is expected to:" **"identify and describe the heroic deeds of state and national heroes and military and first responders such as Hector P. Garcia, James A. Lovell, and the Four Chaplains"**

Auditor comment: Match the hero to their deed.

11B: "The student understands the role of heroes in shaping the culture of communities, the state, and the nation. The student is expected to:" **"identify and describe the heroic deeds of individuals such as Harriet Tubman, Todd Beamer, and other contemporary heroes"**

Auditor comment: Harriet Tubman is famous for _____

Todd Beamer is famous for _____

How did these heroes help others?

15C: "The student communicates in written, oral, and visual forms. The student is expected to:" **"apply the terms year, decade, and century to describe historical times"**

Auditor comment: Students could read a small story and apply these terms based on the story.

15E: “The student communicates in written, oral, and visual forms. The student is expected to:”
“create written and visual material such as stories, pictures, maps, and graphic organizers to express ideas”

Auditor comment: Each of these items in the TEK could be used on the assessment to assess knowledge. Create a map, picture, chart, or short story...

HIGH SPAN 1A – Spanish, Level I, first semester

HIGH SPAN 1B – Spanish, Level I, second semester

HIGH SPAN 2A – Spanish, Level II, first semester

HIGH SPAN 2B – Spanish, Level II, second semester

HIGH SPAN 3A – Spanish, Level III, first semester

HIGH SPAN 3B – Spanish, Level III, second semester

Comments provided for the following TEKS: 2A, 2B, 2C, 2D.

Overall comments follow, with each TEKS item quoted for reference.

2: “The student comprehends sentence-length information from culturally authentic print, digital, audio, and audiovisual materials as appropriate within highly contextualized situations and sources. The student uses the interpretive mode in communication with appropriate and applicable grammatical structures and processes at the specified proficiency levels. The student is expected to:”

2A: “demonstrate an understanding of culturally authentic print, digital, audio, and audiovisual materials in everyday contexts”

2B: “identify key words and details from fiction and nonfiction texts and audio and audiovisual materials”

2C: “infer meaning of unfamiliar words or phrases in highly contextualized texts, audio, and audiovisual materials”

2D: “identify cultural practices from authentic print, digital, audio, and audiovisual materials”

Auditor comment: These exams are appropriate for CBE (Credit by Exam). They all cover the main components of Spanish levels I, II and III. All the questions on the exam are aligned with the Texas Essential Knowledge and Skills (TEKS). The questions on the exam have an appropriate

breadth of coverage and rigor. However, TEKS 2(A-D) are absent on these exams since is not a conventional assessment.

My recommendation to target TEKS 2(A-D) would be to add a cultural reading passage. Then have comprehension questions where students can identify the main idea of the passage, answer questions and identify key words and details from the reading.



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Kelsey Kling
Program Coordinator, Enrichment Education
Curriculum Standards Division
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701

RE: 2020-21 Credit by Examination Audit

Please find attached a list of the most recent Credit by Examination (CBE) audits for the 2020-21 school year. There are 24 CBEs included in this audit, which represent about 20% of our active examinations. Our selections focused on examinations that have not been audited in the past four years.

Maddy Dart, Madeline Wheeler, Robert Ryan, Jeff Bixby, Jeffrey Rasp, and Daniel Jaramillo, all Texas-certified instructors and highly qualified in their area of audit, performed this year's audits. None are employees of the University of Texas at Austin High School.

All changes suggested by auditors to better meet the Texas Essential Knowledge and Skills were considered and implemented in these Credit by Exams. Ongoing dialogue occurred regularly between curriculum developers and auditors to ensure complete coverage while maintaining the integrity and rigor of the exams.

If you have any questions regarding these CBEs or our audit process, please do not hesitate to contact me at (512) 232-8328 or by email at kristina.huff@austin.utexas.edu.

Thank you,

Kristina Huff
Curriculum Coordinator
kristina.huff@austin.utexas.edu
512-232-8328



**UT High School Credit by Exam Audit
 2020-21**

CBE Title	Results	Detailed Summary of Auditor Responses
Algebra 1A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 17 and 18 to fully meet the TEKS.
Algebra 1A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 12, 14, 24, 26, 27, 46, 49, 51, and 55 to fully meet the TEKS.
Algebra 1B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Algebra 1B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 12 and 24 to fully meet the TEKS.
Geometry A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 15 and 51 to fully meet the TEKS.
Geometry A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 47 to fully meet the TEKS.
Geometry B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 27 to fully meet the TEKS.
Geometry B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Algebra 2A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 9 to fully meet the TEKS.
Algebra 2A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 3, 17, 19, 34, 35, and 39 to fully meet the TEKS.



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Algebra 2B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 62 to fully meet the TEKS.
Algebra 2B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 29 and 38 to fully meet the TEKS.
Precalculus A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Precalculus A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Precalculus B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Precalculus B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
World Geography A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 5, 10, 11, 14, 15, 23, 34, and 46 to fully meet the TEKS.
World Geography A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 6, 11, 15, 26, 27, 36, 37, 47, 50, 57, and 61 to fully meet the TEKS.
World Geography B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 6, 13, 19, 29, 35, 44, 47, and 63 to fully meet the TEKS.
World Geography B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 7, 14, 16, 29, 30, 33, 34, 36, 38, 39, 51, and 63 to fully meet the TEKS.
World History A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 6, 8, 12, 19, 23, 24, 29, 30, 31, 32, 37, 38, 39, 48, 49, 55, 57, 60, 61, 62, 63, 69, 72, 75, 77, 78, 85, 87, 89, 92, 93, 94, 95, 96, 97, 98, 100, 101, and 102 to fully meet the TEKS.
World History A, Form B	-Aligned with TEKS -Contains appropriate	Revised question(s) 1, 6, 7, 15, 16, 23, 24, 29, 30, 32, 35, 38, 39, 42, 43, 46, 48, 51, 52,



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	breadth of coverage of TEKS with changes	53, 54, 58, 61, 62, 65, 68, 72, 73, 74, 76, 78, 79, 81, 82, 83, 85, 86, 87, 88, 89, 93, 94, 98, 100, and 102 to fully meet the TEKS.
World History B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 9, 10, 12, 20, 25, 26, 27, 29, 30, 37, 39, 40, 42, 43, 59, 63, 80, 85, 88, 97, and E1 to fully meet the TEKS.
World History B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 7, 20, 24, 25, 26, 27, 29, 56, 67, 72, and 83 to fully meet the TEKS.
US History A, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 3, 4, 5, 8, 11, 12, 15, 16, 20, 25, 26, 27, 29, 30, 35, 36, 38, 40, 41, 42, 44, 47, 49, 51, 53, 56, 57, 64, 71, 81, 83, 88, 90, 92, 93, 94, 96, 98, 99, 100, 101, and 102 to fully meet the TEKS.
US History A, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 2, 8, 9, 14, 16, 17, 18, 19, 20, 21, 23, 27, 29, 30, 36, 38, 39, 40, 52, 53, 56, 57, 59, 64, 65, 66, 69, 72, 74, 78, 84, 86, 88, 89, 90, 92, 93, 94, 97, 98, 101, and 102 to fully meet the TEKS.
US History B, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 1, 4, 6, 9, 10, 12, 14, 15, 19, 20, 21, 24, 25, 28, 32, 33, 35, 36, 43, 44, 46, 47, 49, 50, 53, 54, 56, 59, 64, 65, 66, 70, 73, 75, 77, 78, 79, 80, 82, 87, 93, 96, 97, 98, 99, 101, and 102 to fully meet the TEKS.
US History B, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 4, 6, 14, 15, 16, 17, 19, 21, 25, 30, 31, 43, 44, 55, 61, 62, 65, 78, 95, 96, 101, and 102 to fully meet the TEKS.
US Government, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 4, 5, 16, 18, 30, 33, 38, and 80 to fully meet the TEKS.
US Government, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 2, 11, 29, 30, and 31 to fully meet the TEKS.
Economics, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 34, 52, and 63 fully meet the TEKS.
Economics, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 35, 44, 55, 63, 67, 68, 70, and 72 to fully meet the TEKS.



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Health 1, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 38, 40, 44, and 58 to fully meet the TEKS.
Health 1, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 31 and 71 to fully meet the TEKS.
Foundations of Personal Fitness, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 13 and 36 to fully meet the TEKS.
Foundations of Personal Fitness, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 30 to fully meet the TEKS.
Individual Sports-Bowling and Cycling, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Bowling and Cycling, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Bowling and Racquetball, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Bowling and Racquetball, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Bowling and Golf, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 23 to fully meet the TEKS.
Individual Sports-Bowling and Golf, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Cycling and Golf, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Cycling and Golf, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.



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Individual Sports- Cycling and Racquetball, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports- Cycling and Racquetball, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports-Golf and Racquetball, Form A	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	No revisions required.
Individual Sports- Golf and Racquetball, Form B	-Aligned with TEKS -Contains appropriate breadth of coverage of TEKS with changes	Revised question(s) 40 to fully meet the TEKS.

**Texas Essential Knowledge and Skills
Algebra I Credit by Examination
Final Report from Auditor**

I, Maddy Dart, confirm that I have thoroughly reviewed Algebra I, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Algebra I as detailed in the Texas Administration Code, Chapter 111, Subchapter C, §111.39 Algebra I (c), 1A – 12E.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Algebra I A, Form A, questions 17 and 18

Algebra I A, Form B, questions 12, 14, 24, 26, 27, 46, 49, 51, 55

Algebra I B, Form B, questions 12, 24

Signature: 

Date: 3/25/21

**Texas Essential Knowledge and Skills
Geometry Credit by Examination
Final Report from Auditor**

I, Maddy Dart, confirm that I have thoroughly reviewed Geometry, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Geometry as detailed in the Texas Administration Code, Chapter 111, Subchapter C, §111.41 Geometry (c), 1A – 13E.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Geometry A, Form A, questions 15 and 51

Geometry A, Form B, questions 47

Geometry B, Form A, question 27

Signature:

MDDart

Date:

3/25/21

Texas Essential Knowledge and Skills
Algebra II Credit by Examination
Final Report from Auditor

I, Madeline Wheeler, confirm that I have thoroughly reviewed Algebra II, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Algebra II as detailed in the Texas Administration Code, Chapter 111, Subchapter C, §111.40 Algebra II (c), 1A – 8C.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Algebra II A, Form A, question 9

Algebra II A, Form B, questions 3, 17, 19, 34, 35, 39

Algebra II B, Form A, question 62

Algebra II B, Form B, questions 29, 38

Signature:

Date:



Texas Essential Knowledge and Skills
Precalculus Credit by Examination
Final Report from Auditor

I, Madeline Wheeler, confirm that I have thoroughly reviewed Precalculus, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Precalculus as detailed in the Texas Administration Code, Chapter 111, Subchapter C, §111.42 Precalculus (c), 1A – 5N.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

No revisions required

Signature: 

Date: *3/26/21*

**Texas Essential Knowledge and Skills
World Geography Credit by Examination
Final Report from Auditor**

I, Jeff Bixby, confirm that I have thoroughly reviewed World Geography, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for World Geography as detailed in the Texas Administration Code, Chapter 113, Subchapter C, §113.43 World Geography (c), 1A – 23C.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

World Geography A, Form A, questions 5, 10, 11, 14, 15, 23, 34, 46

World Geography A, Form B, questions 6, 11, 15, 26, 27, 36, 37, 47, 50, 57, 61

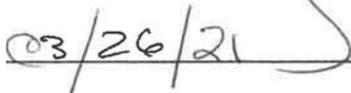
World Geography B, Form A, questions 6, 13, 19, 29, 35, 44, 47, 63

World Geography B, Form B, questions 7, 14, 16, 29, 30, 33, 34, 36, 38, 39, 51, 63

Signature:



Date:



**Texas Essential Knowledge and Skills
World History Credit by Examination
Final Report from Auditor**

I, Jeffrey Rasp, confirm that I have thoroughly reviewed World History, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for World History as detailed in the Texas Administration Code, Chapter 113, Subchapter C, §113.42 World History (c), 1A – 31.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

World History A, Form A, questions 6, 8, 12, 19, 23, 24, 29, 30, 31, 32, 37, 38, 39, 48, 49, 55, 57, 60, 61, 62, 63, 69, 72, 75, 77, 78, 85, 87, 89, 92, 93, 94, 95, 96, 97, 98, 100, 101, and 102

World History A, Form B, questions 1, 6, 7, 15, 16, 23, 24, 29, 30, 32, 35, 38, 39, 42, 43, 46, 48, 51, 52, 53, 54, 58, 61, 62, 65, 68, 72, 73, 74, 76, 78, 79, 81, 82, 83, 85, 86, 87, 88, 89, 93, 94, 98, 100, 102

World History B, Form A, questions 9, 10, 12, 20, 25, 26, 27, 29, 30, 37, 39, 40, 42, 43, 59, 63, 80, 85, 88, 97, E1

World History B, Form B, questions 7, 20, 24, 25, 26, 27, 29, 56, 67, 72, 83

Signature: 

Date: 1/14/21

**Texas Essential Knowledge and Skills
United States History Credit by Examination
Final Report from Auditor**

I, Jeff Rasp, confirm that I have thoroughly reviewed United States History, Semesters A and B, Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for United States History as detailed in the Texas Administration Code, Chapter 113, Subchapter C, §113.41 United States History (c), 1A – 31.

Summary of Changes:

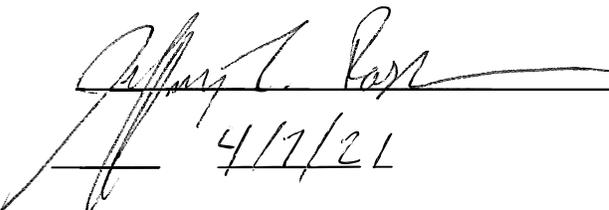
I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

United States History A, Form A, questions 3, 4, 5, 8, 11, 12, 15, 16, 20, 25, 26, 27, 29, 30, 35, 36, 38, 40, 41, 42,

*United States History A, Form B, questions 2, 8, 9, 14, 16, 17, 18, 19, 20, 21, 23, 27, 29, 30, 36, 38, 39, 40, 52,
53, 56, 57, 59, 64, 65, 66, 69, 72, 74, 78, 84, 86, 88, 89, 90, 92, 93, 94, 97, 98, 101, and 102*

*United States History B, Form A, questions 1, 4, 6, 9, 10, 12, 14, 15, 19, 20, 21, 24, 25, 28, 32, 33, 35, 36, 43, 44,
46, 47, 49, 50, 53, 54, 56, 59, 64, 65, 66, 70, 73, 75, 77, 78, 79, 80, 82, 87, 93, 96, 97, 98, 99, 101, 102*

*United States History B, Form B, questions 4, 6, 14, 15, 16, 17, 19, 21, 25, 30, 31, 43, 44, 55, 61, 62, 65, 78, 95,
96, 101, and 102*

Signature: 
Date: 4/7/21

Texas Essential Knowledge and Skills
United States Government Credit by Examination
Final Report from Auditor

I, Daniel Jaramillo, confirm that I have thoroughly reviewed United States Government Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for United States Government as detailed in the Texas Administration Code, Chapter 113, Subchapter C, §113.44 United States Government (c), 1A – 21.

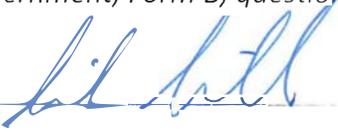
Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

United States Government, Form A, questions 4, 5, 16, 18, 30, 33, 38, 80

United States Government, Form B, questions 2, 11, 29, 30, 31

Signature:


04/06/21

Texas Essential Knowledge and Skills
Health 1 Credit by Examination
Final Report from Auditor

I, Robert Ryan, confirm that I have thoroughly reviewed Health 1 Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Health 1 as detailed in the Texas Administration Code, Chapter 115, Subchapter C, §115.32 Health 1 (c), 1A – 18C.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Health 1, Form A, questions 38, 40, 44, 58

Health 1, Form B, questions 31, 71

Signature:


3/16/21

Date:

Texas Essential Knowledge and Skills
Foundations of Personal Fitness Credit by Examination
Final Report from Auditor

I, Robert Ryan, confirm that I have thoroughly reviewed Foundations of Personal Fitness Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Foundations of Personal Fitness as detailed in the Texas Administration Code, Chapter 116, Subchapter C, §116.52 Foundations of Personal Fitness (c), 1A – 5G.

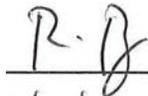
Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Foundations of Personal Fitness, Form A, questions 13, 36

Foundations of Personal Fitness, Form B, question 30

Signature:



Date:

3/6/21

**Texas Essential Knowledge and Skills
Individual Sports Credit by Examination
Final Report from Auditor**

I, Robert Ryan, confirm that I have thoroughly reviewed Individual Sports Credit by Examination and affirm that the exams align with the Texas Essential Knowledge and Skills for Individual Sports as detailed in the Texas Administration Code, Chapter 116, Subchapter C, §116.55 Individual Sports (c), 1A – 6E.

Summary of Changes:

I recommend revisions to the following questions to better align TEKS to the content or to better balance overall TEKS coverage:

Individual Sports-Bowling and Golf, Form A, question 23

Individual Sports- Golf and Racquetball, Form B, question 40

Signature:

R. B.

Date:

3/16/21



The University of Texas at Austin UT High School

Credit by Exam Audit Five-Year Plan

Updated: 10/2/18

2019	2020	2021	2022	2023
German 1 (2 semesters) German 2 (2 semesters) Integrated Physics and Chemistry (2 semesters) Biology (2 semesters) Chemistry (2 semesters) Physics (2 semesters) Environmental Systems (2 semesters) K-8 Math (9 exams)	K-8 Social Studies (9 exams) Japanese 1 (full year) Japanese 2 (full year) Korean 1 (full year) Korean 2 (full year) Vietnamese 1 (2 semesters) Vietnamese 2 (2 semesters) Art 1 (2 semesters)	Health 1 (One Semester) Foundations of Personal Fitness (One Semester) PE 1B (One Semester, total 6 exams) Algebra 1 (2 semesters) Algebra 2 (2 semesters) Geometry (2 semesters) Precalculus (2 semesters) US History (2 semesters) Economics (1 semester) US Government (1 semester) World Geography (2 semesters) World History (2 semesters)	K-8 Science (9 exams) K-8 English (9 exams) Spanish 1 (2 semesters) Spanish 2 (2 semesters) Spanish 3 (2 semesters)	Business Information Management (2 semesters) French 1 (2 semesters) French 2 (2 semesters) Chinese 1, traditional (full year) Chinese 1, simplified (full year) Chinese 2, traditional (full year) Chinese 2, simplified (full year) Communication Applications (1 semester) 9-12 English (8 semesters)
23	19	24	24	19

Proposed Repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings
(First Reading and Filing Authorization)

June 25, 2021

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings. The proposed repeals would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to instructional arrangements in special education.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§48.102\(e\)](#) and [\(g\)](#), as amended and redesignated by HB 3, 86th Texas Legislature, 2019.

TEC, [§48.102\(e\)](#), as amended and redesignated by HB 3, 86th Texas Legislature, 2019, requires the commissioner of education by rule to prescribe the qualifications and instructional arrangements that must be met in order to be funded as a particular instructional arrangement under TEC, [§48.102](#).

TEC, [§48.102\(g\)](#), as amended and redesignated by HB 3, 86th Texas Legislature, 2019, requires the commissioner of education to adopt rules governing contracts for residential placement of special education students.

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

EFFECTIVE DATE: The proposed effective date of the proposed repeals is 20 days after filing as adopted with the Texas Register. Under TEC, [§7.102\(f\)](#), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will remove rules whose statutory authority no longer exists as soon as possible.

PREVIOUS BOARD ACTION: A discussion item on the proposed repeals was presented to the Committee on School Initiatives at the January 2021 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 89.61 allows a school district to contract for residential placement of a student when the student's admission, review, and dismissal (ARD) committee determines that a residential placement is necessary in order for the student to receive a free appropriate public education (FAPE). Section 89.63 allows a school district to provide services through special education personnel to students with disabilities in order to meet the special needs of those students, defines the regular school day as the period of time determined appropriate by the ARD committee, defines special education instructional arrangements/settings, and requires that the instructional arrangements/settings be based on the individual needs and individualized education programs of eligible students receiving special education.

HB 3, 86th Texas Legislature, 2019, redesignated TEC, §42.151, as TEC, §48.102, and amended the statute to transfer rulemaking authority related to residential placements and instructional arrangements from the SBOE to the commissioner of education. New 19 TAC §89.1005, Instructional Arrangements and Settings, and §89.1092, Contracting for Residential Educational Placements for Students with Disabilities, were adopted under the commissioner's rulemaking authority effective March 14, 2021. The repeal of 19 TAC §89.61 and §89.63 is necessary as statutory authority for the rules no longer exists.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing §89.61 and §89.63 since the statutory authority for the rules no longer exists.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would remove rules whose statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins July 23, 2021, and ends at 5:00 p.m. on August 27, 2021. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 July 23, 2021.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings.

Staff Members Responsible:

Justin Porter, Director, Special Education Programs

Tebbi Bowman, Manager, Dispute Resolution and Strategic Supports

Attachment:

Text of Proposed Repeal of 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter D, Special Education Services and Settings, §89.61, Contracting for Residential Educational Placements for Students with Disabilities, and §89.63, Instructional Arrangements and Settings

ATTACHMENT
Text of Proposed Repeal of 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter D. Special Education Services and Settings

~~§89.61. Contracting for Residential Educational Placements for Students with Disabilities.~~

- ~~(a) Residential placement. A school district may contract for residential placement of a student when the student's admission, review, and dismissal (ARD) committee determines that a residential placement is necessary in order for the student to receive a free appropriate public education (FAPE).~~
- ~~(1) A school district may contract for a residential placement of a student only with either public or private residential facilities which maintain current and valid licensure by the Texas Department of Aging and Disability Services, Texas Department of Family and Protective Services, or Department of State Health Services for the particular disabling condition and age of the student. A school district may contract for an out-of-state residential placement in accordance with the provisions of subsection (c)(3) of this section.~~
- ~~(2) Subject to subsections (b) and (c) of this section, the district may contract with a residential facility to provide some or all of the special education services listed in the contracted student's individualized education program (IEP). If the facility provides any educational services listed in the student's IEP, the facility's education program must be approved by the commissioner of education in accordance with subsection (c) of this section.~~
- ~~(3) A school district which intends to contract for residential placement of a student with a residential facility under this section shall notify the Texas Education Agency (TEA) of its intent to contract for the residential placement through the residential application process described in subsection (b) of this section.~~
- ~~(4) The school district has the following responsibilities when making a residential placement:~~
- ~~(A) Before the school district places a student with a disability in, or refers a student to, a residential facility, the district shall initiate and conduct a meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 Code of Federal Regulations, §§300.320-300.325, state statutes, and commissioner of education rules.~~
- ~~(B) For each student, the services which the school district is unable to provide and which the facility will provide shall be listed in the student's IEP.~~
- ~~(C) For each student, the ARD committee shall establish, in writing, criteria and estimated timelines for the student's return to the school district.~~
- ~~(D) The appropriateness of the facility for each student residentially placed shall be documented in the IEP. General screening by a regional education service center is not sufficient to meet the requirements of this subsection.~~
- ~~(E) The school district shall make an initial and an annual on-site visit to verify that the residential facility can, and will, provide the services listed in the student's IEP which the facility has agreed to provide to the student.~~
- ~~(F) For each student placed in a residential facility (both initial and continuing placements), the school district shall verify, during the initial residential placement ARD committee meeting and each subsequent annual ARD committee meeting, that:~~
- ~~(i) the facility meets minimum standards for health and safety;~~
- ~~(ii) residential placement is needed and is documented in the IEP; and~~
- ~~(iii) the educational program provided at the residential facility is appropriate and the placement is the least restrictive environment for the student.~~

- ~~(G) — The placement of more than one student, in the same residential facility, may be considered in the same on-site visit to a facility; however, the IEP of each student must be individually reviewed and a determination of appropriateness of placement and service must be made for each student.~~
- ~~(H) — When a student who is residentially placed by a school district changes his residence to another Texas school district, and the student continues in the contracted placement, the school district which negotiated the contract shall be responsible for the residential contract for the remainder of the school year.~~
- ~~(b) — Application approval process. Requests for approval of state and federal funding for residentially placed students shall be negotiated on an individual student basis through a residential application submitted by the school district to the TEA.~~
- ~~(1) — A residential application may be submitted for educational purposes only. The residential application shall not be approved if the application indicates that the:~~
- ~~(A) — placement is due primarily to the student's medical problems;~~
- ~~(B) — placement is due primarily to problems in the student's home;~~
- ~~(C) — district does not have a plan, including timelines and criteria, for the student's return to the local school program;~~
- ~~(D) — district did not attempt to implement lesser restrictive placements prior to residential placement (except in emergency situations as documented by the student's ARD committee);~~
- ~~(E) — placement is not cost effective when compared with other alternative placements; and/or~~
- ~~(F) — residential facility provides unfundable/unapprovable services.~~
- ~~(2) — The residential placement, if approved by the TEA, shall be funded as follows:~~
- ~~(A) — the education cost of residential contracts shall be funded with state funds on the same basis as nonpublic day school contract costs according to Texas Education Code, §42.151;~~
- ~~(B) — related services and residential costs for residential contract students shall be funded from a combination of fund sources. After expending any other available funds, the district must expend its local tax share per average daily attendance and 25% of its Individuals with Disabilities Education Act, Part B, (IDEA B) formula tentative entitlement (or an equivalent amount of state and/or local funds) for related services and residential costs. If this is not sufficient to cover all costs of the residential placement, the district through the residential application process may receive additional IDEA B discretionary funds to pay the balance of the residential contract placement(s) costs; and~~
- ~~(C) — funds generated by the formula for residential costs described in subsection (b)(2)(B) of this section shall not exceed the daily rate recommended by the Texas Department of Family and Protective Services for the specific level of care in which the student is placed.~~
- ~~(c) — Approval of the education program for facilities which provide educational services. Residential facilities which provide educational services must have their educational programs approved for contracting purposes by the commissioner of education.~~
- ~~(1) — If the education program of a residential facility which is not approved by the commissioner of education is being considered for a residential placement by a local school district, the school district should notify the TEA in writing of its intent to place a student at the facility. The TEA shall begin approval procedures and conduct an on-site visit to the facility within 30 calendar days after the TEA has been notified by the local school district. Approval of the education program of a residential facility may be for one, two, or three years.~~

- ~~(2) The commissioner of education shall renew approvals and issue new approvals only for those facilities which have contract students already placed or which have a pending request for residential placement from a school district. This approval does not apply to residential facilities which only provide related services or residential facilities in which the local accredited school district where the facility is located provides the educational program.~~
- ~~(3) School districts which contract for out of state residential placement shall do so in accordance with the rules for in state residential placement in this section, except that the facility must be approved by the appropriate agency in the state in which the facility is located, rather than by the commissioner of education in Texas.]~~

[§89.63. Instructional Arrangements and Settings.]

- ~~(a) Each local school district shall be able to provide services with special education personnel to students with disabilities in order to meet the special needs of those students in accordance with 34 Code of Federal Regulations, §§300.114-300.118.~~
- ~~(b) Subject to §89.1075(e) of this title (relating to General Program Requirements and Local District Procedures) for the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee.~~
- ~~(c) Instructional arrangements/settings shall be based on the individual needs and individualized education programs (IEPs) of eligible students receiving special education services and shall include the following:~~
- ~~(1) Mainstream. This instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student, and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP. Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, education aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.~~
- ~~(2) Homebound. This instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.~~
- ~~(A) Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local district policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in subsection (b) of this section.~~
- ~~(B) Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3-5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee. This arrangement/setting also applies to school districts described in Texas Education Code, §29.014.~~

- ~~(3) Hospital class. This instructional arrangement/setting is for providing special education instruction in a classroom, in a hospital facility, or a residential care and treatment facility not operated by the school district. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class.~~
- ~~(4) Speech therapy. This instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.~~
- ~~(5) Resource room/services. This instructional arrangement/setting is for providing special education and related services to a student in a setting other than regular education for less than 50% of the regular school day.~~
- ~~(6) Self-contained (mild, moderate, or severe) regular campus. This instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for 50% or more of the regular school day on a regular school campus.~~
- ~~(7) Off home campus. This instructional arrangement/setting is for providing special education and related services to the following, including, but not limited to, students at South Texas Independent School District and Windham Independent School District:~~
- ~~(A) a student who is one of a group of students from more than one school district served in a single location when a free appropriate public education is not available in the respective sending district;~~
- ~~(B) a student in a community setting or environment (not operated by a school district) that prepares the student for postsecondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including a student with regularly scheduled instruction or direct involvement provided by school district personnel, or a student in a facility not operated by a school district (other than a nonpublic day school) with instruction provided by school district personnel; or~~
- ~~(C) a student in a self-contained program at a separate campus operated by the school district that provides only special education and related services.~~
- ~~(8) Nonpublic day school. This instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education.~~
- ~~(9) Vocational adjustment class/program. This instructional arrangement/setting is for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's individual transition goals and only after the school district's career and technical education classes have been considered and determined inappropriate for the student.~~
- ~~(10) Residential care and treatment facility (not school district resident). This instructional arrangement/setting is for providing special education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the school district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a school district campus. If the instruction is provided at the facility, rather than on a school district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.~~

- ~~(11) State supported living center. This instructional arrangement/setting is for providing special education and related services to a student who resides at a state supported living center when the services are provided at the state supported living center location. If services are provided on a local school district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting.~~
- ~~(d) The appropriate instructional arrangement for students from birth through the age of two with visual and/or auditory impairments shall be determined in accordance with the IFSP, current attendance guidelines, and the agreement memorandum between the Texas Education Agency (TEA) and the Department of Assistive and Rehabilitative Services (DARS) Early Childhood Intervention (ECI) Services.~~
- ~~(e) For nonpublic day school placements, the school district or shared service arrangement shall submit information to the TEA indicating the students' identification numbers, initial dates of placement, and the names of the facilities with which the school district or shared service arrangement is contracting. The school district or shared service arrangement shall not count contract students' average daily attendance as eligible. The TEA shall determine the number of contract students reported in full-time equivalents and pay state funds to the district according to the formula prescribed in law.~~
- ~~(f) Other program options which may be considered for the delivery of special education and related services to a student may include the following:~~
- ~~(1) contracts with other school districts; and~~
 - ~~(2) other program options as approved by the TEA.]~~

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C,
Other Provisions, §74.28, Students with Dyslexia and Related Disorders
(First Reading and Filing Authorization)**

June 25, 2021

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

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to student evaluation and the required dyslexia screening for students in Kindergarten and Grade 1.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(28) and §38.003(a) and (c).

TEC, §7.102(c)(28), requires the State Board of Education (SBOE) to approve a program for testing students for dyslexia and related disorders.

TEC, §38.003(a), requires that students enrolling in public schools be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in Kindergarten and each student in Grade 1.

TEC, §38.003(c), requires the SBOE to adopt any rules and standards necessary to administer TEC, §38.003, Screening and Treatment for Dyslexia and Related Disorders.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted §74.28 effective September 1, 1996. The SBOE amended §74.28 effective August 27, 2018, to align the rule with legislative changes made by House Bill 1886, 85th Texas Legislature, Regular Session, 2017. In February 2018, the SBOE adopted an amendment to §74.28 effective March 13, 2019. The SBOE adopted an amendment to §74.28 effective December 25, 2019. A discussion item regarding §74.28 was presented to the Committee on Instruction at the April 2021 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 74.28 provides guidance to school districts and open-enrollment charter schools for identifying students with dyslexia or related disorders and providing appropriate services to those students.

The 85th Texas Legislature, Regular Session, 2017, passed HB 1886, amending TEC, §38.003, to specify that a student enrolled in public school must be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The legislation required that the program include screening at the end of the school year for all students in Kindergarten and Grade 1. An amendment to §74.28 to align the rule with HB 1886 was approved for second reading and final adoption at the June 2018 SBOE meeting with an effective date of August 27, 2018.

Section 74.28 was amended effective March 13, 2019, to adopt the *Dyslexia Handbook* in rule as Figure: 19 TAC §74.28(c).

The section was amended again effective December 25, 2019, to require school districts and open-enrollment charter schools to report to the Texas Education Agency (TEA) through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of screening for dyslexia and related disorders required at the end of the school year for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

This item provides the committee with an opportunity to consider updates to the *Dyslexia Handbook* that would clarify requirements related to student evaluation and dyslexia screening for students in Kindergarten and Grade 1.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by clarifying requirements related to student evaluation and the required dyslexia screening for students in Kindergarten and Grade 1.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would clarify requirements related to student evaluation and the required dyslexia screening for students in Kindergarten and Grade 1. 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 July 23, 2021, and ends at 5:00 p.m. on August 27, 2021. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 July 23, 2021.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders.

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders

Separate Exhibit:

Dyslexia Handbook

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.28. Students with Dyslexia and Related Disorders.

- (a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.
- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district.
- (c) A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders " provided in this subsection. The handbook is a set of guidelines for school districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state.

Figure: 19 TAC §74.28(c) [Figure: 19 TAC §74.28(e)]

- (d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.
- (e) A school district or open-enrollment charter school shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders. " The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies.
- (f) At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:
 - (1) a reasonable description of the evaluation procedure to be used with the individual student;
 - (2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;
 - (3) an estimated time frame within which the evaluation will be completed; and
 - (4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.
- (g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to

the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:

- (1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;
 - (2) an opportunity to give written consent for the evaluation; and
 - (3) a copy of information required under Texas Education Code (TEC), §26.0081.
- (h) Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.
- (i) Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
- (j) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.
- (k) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).
- (l) Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include:
- (1) awareness and characteristics of dyslexia and related disorders;
 - (2) information on testing and diagnosis of dyslexia and related disorders;
 - (3) information on effective strategies for teaching students with dyslexia and related disorders;
 - (4) information on qualifications of those delivering services to students with dyslexia and related disorders;
 - (5) awareness of information on accommodations and modifications, especially those allowed for standardized testing;
 - (6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and
 - (7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.
- (m) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."
- (n) School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section. School districts and open-enrollment charter schools will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by TEC, §38.003(c-1).

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

Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection
(Second Reading and Final Adoption)

June 25, 2021

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

SUMMARY: This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to the definitions of tax levy and tax collection for the Foundation School Program (FSP). No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §48.004, as transferred, redesignated, and amended by HB 3, 86th Texas Legislature, 2019.

TEC, §48.004, as transferred, redesignated, and amended by HB 3, 86th Texas Legislature, 2019, requires the commissioner to adopt rules, take actions, and require reports necessary to implement and administer the FSP.

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

EFFECTIVE DATE: The proposed effective date of the proposed repeal is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will implement legislation in a timely manner by removing provisions for which statutory authority no longer exists.

PREVIOUS BOARD ACTION: The SBOE adopted §105.1 effective September 1, 1996, and last amended the section effective October 15, 2017. The SBOE approved for first reading and filing authorization the proposed repeal of §105.1 at the April 2021 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 105.1 defines tax levy and tax collection for purposes of administering the FSP. The section was adopted effective September 1, 1996, under the authority of TEC, §42.004.

HB 3, 86th Texas Legislature, 2019, renumbered TEC, §42.004, to §48.004. The renumbered statute was amended to transfer rulemaking authority related to definition of tax levy and tax collection for the FSP from the SBOE to the commissioner of education. The repeal of the rule is necessary since statutory authority no longer exists.

No changes are recommended since approved for first reading.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would repeal an existing regulation. Section 105.1 would be repealed to implement HB 3, 86th Texas Legislature, 2019, which removed the SBOE's rulemaking authority related to definition for tax levy and tax collection for the FSP.

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

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

The proposal would implement legislation by removing rules for which statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: 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 April 2021 SBOE meeting, notice of the proposed repeal of §105.1 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began May 14, 2021, and ended at 5:00 p.m. on June 18, 2021. One comment had been received at the time this item was prepared. A summary of any additional comments received will be provided to the SBOE during the June 2021 meeting. The SBOE will also take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comment received and the corresponding response.

Comment: A Texas educator commented that the repeal would eliminate or reduce checks and balances.

Response: The SBOE provides the following clarification. HB 3, 86th Texas Legislature, 2019, transferred authority for the definition of tax levy and tax collection from the SBOE to the commissioner of education. Therefore, the repeal is necessary to remove a rule for which statutory authority no longer exists.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection; and

Make an affirmative finding that immediate adoption of the proposed repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. (*Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.*)

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance
Amy Copeland, Director, State Funding

Attachment:

Text of Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection

ATTACHMENT
Text of Proposed Repeal of 19 TAC

Chapter 105. Foundation School Program

Subchapter A. Definitions

§105.1. Rules for the Definition of Tax Levy and Tax Collection.

- ~~(a) General provisions. For the purpose of determining state aid under the Texas Education Code, Chapter 42 and Chapter 46, and in implementing the wealth equalizing provisions of the Texas Education Code, Chapter 41, calculations that include tax collections as a data element shall reference subsection (b) of this section.~~
- ~~(b) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.~~
- ~~(1) Total levy. The sum of the maintenance and operation and debt service levies generated by applying a district's adopted tax rates to its locally assessed valuation of property for the current tax year.~~
- ~~(2) Tax collection.~~
- ~~(A) For districts with a fiscal year that begins on July 1, total taxes collected between July 1 and June 30 for the current and all prior years' levies.~~
- ~~(B) For districts with a fiscal year that begins on September 1, total taxes collected between September 1 and August 31 for the current and all prior years' levies.~~
- ~~(C) For a district that has been awarded a property value adjustment for a major taxpayer protest pursuant to Texas Education Code, §42.2531, the district may petition the commissioner to attribute taxes that had been withheld due to the protest of valuation to the year in which the taxes were originally levied.~~
- ~~(3) Types of tax collections.~~
- ~~(A) Maintenance and operations taxes are those taxes collected during the fiscal year that are associated with the levy of local maintenance and operations tax rates, including current and delinquent taxes and any delinquent taxes related to former county education districts, but not including penalties and interest that accrue on delinquent maintenance and operations tax levies or the tax credits authorized by the Texas Tax Code, Chapter 313.~~
- ~~(B) Interest and sinking fund taxes are those associated with the levy of local interest and sinking fund taxes, not including penalties and interest that accrue on delinquent interest and sinking funds tax levies.]~~

Per Capita Apportionment Rate for the 2020-2021 School Year

June 24, 2021

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

SUMMARY: A per capita apportionment rate for each school year is set based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2020–2021 per capita apportionment rate of \$411.574 was set in September 2020. A final per capita apportionment rate is set by the commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2020–2021 school year at the June 2021 meeting of the Committee on School Finance/Permanent School Fund (PSF).

STATUTORY AUTHORITY: Texas Education Code (TEC), §§48.004, 48.251(c), and 43.001(b).

TEC, §48.004, requires the commissioner of education to implement and administer the Foundation School Program (FSP).

TEC, §48.251(c), requires the FSP to be financed with state available school funds distributed in accordance with the law.

TEC, §43.001(b), describes the appropriations that make up the ASF.

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

PREVIOUS BOARD ACTION: A preliminary 2020–2021 per capita apportionment rate of \$411.574 was established in September 2020.

BACKGROUND INFORMATION AND JUSTIFICATION: House Bill 1, the General Appropriations Bill enacted by the 86th Texas Legislature, 2019, contains an estimate of the amount that will be available for expenditures from the ASF for the 2020-2021 school year. The per capita apportionment will include distributions from the PSF and funds from state occupation taxes and from the Motor Fuels Tax. The preliminary per capita apportionment rate set by the commissioner of education is based on an estimate of the funds available for expenditure. A final rate is established later in the school year by the commissioner of education based on actual funds available for expenditure.

FISCAL IMPACT: The per capita apportionment rate finances part of the cost of the FSP. State aid comes from the ASF and the Foundation School Fund (FSF). The per capita apportionment rate determines how much of each district's total state aid is paid from the ASF. The part that is not financed by the ASF must be paid from the FSF.

Staff Members Responsible:

Leo Lopez, Associate Commissioner, School Finance
Amy Copeland, Director, State Funding

Separate Exhibit:

Final Per Capita Apportionment Rate for 2020-2021
(to be provided at the June 2021 SBOE meeting)

**Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing,
Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education
Program Reporting and Auditing System
(First Reading and Filing Authorization)**

June 25, 2021

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

SUMMARY: This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System. The proposed amendment would update references to statutory citations that were renumbered by House Bill (HB) 3, 86th Texas Legislature, 2019.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§48.104](#), as redesignated and amended by HB 3, 86th Texas Legislature, 2019.

TEC, [§48.104](#), as redesignated and amended by HB 3, 86th Texas Legislature, 2019, requires the State Board of Education (SBOE) to adopt rules requiring a report on the use of compensatory education funds as part of the annual audit and develop minimum requirements for that report.

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

EFFECTIVE DATE: The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, [§7.102\(f\)](#), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will update references to statute as soon as possible.

PREVIOUS BOARD ACTION: A discussion item on the proposed amendment was presented to the Committee on School Finance/Permanent School Fund at the April 2021 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 109.25 addresses the requirement for each school district and charter school to report financial information relating to the expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA).

Changes to [§109.25](#) are recommended as a result of the statutorily required rule review of 19 TAC Chapter 109. The proposed amendment would replace TEC, [§42.152\(c\)](#), with [§48.104\(k\)](#) and TEC, [§42.152\(q\)](#), with [§48.104\(o\)](#) to reflect the renumbering of statute by HB 3, 86th Texas Legislature, 2019.

The attachment to this item reflects the text of the proposed amendment to [§109.25](#) for consideration by the SBOE for first reading and filing authorization.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would 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: The proposal would ensure the rule contains updated references to statute. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins July 23, 2021, and ends at 5:00 p.m. on August 27, 2021. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 July 23, 2021.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System.

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter B. Texas Education Agency Audit Functions

§109.25. State Compensatory Education Program Reporting and Auditing System.

- (a) Each school district and charter school shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA). Each school district and charter school shall report the information according to standards for financial accounting provided in §109.41 of this title (relating to Financial Accountability System Resource Guide.) The financial data will be reported annually through the Public Education Information Management System. The commissioner of education shall ensure that districts follow guidelines contained in the "Financial Accountability System Resource Guide" in attributing supplemental direct costs to state compensatory education and accelerated instruction programs and services. Costs charged to state compensatory education shall be for programs and services that supplement the regular education program.
- (b) Each school district and charter school shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. Each school district and charter school shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. School districts and charter schools must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Texas Education Code (TEC), §29.081.
- (c) The TEA shall conduct risk assessment and desk audit processes to identify the school districts, charter schools, or campuses most at risk of inappropriate allocation and/or underexpenditure of the compensatory education allotment. In the risk assessment and desk audit processes, the TEA shall consider the following factors:
 - (1) aggregate performance of students in at-risk situations on the state assessment instruments that is below the standards for the "acceptable" rating, as defined in the state accountability system;
 - (2) the financial management of compensatory education funds; and/or
 - (3) the quality of data related to compensatory education submitted by a school district or charter school.
- (d) The TEA shall use the results of risk assessment and desk audit processes to prioritize school districts or charter schools for the purpose of on-site visits and may conduct on-site visits.
- (e) The TEA shall issue a preliminary report resulting from a desk audit or an on-site visit before submitting a final report to the school district or charter school. After issuance of a preliminary report, a school district or charter school must file with the TEA the following:
 - (1) a response to the preliminary report within 20 calendar days from the date of the preliminary report outlining steps the school district or charter school will take to resolve the issues identified in the preliminary report; and
 - (2) a corrective action plan within 60 calendar days from the date of the preliminary report if the school district's or charter school's response to the preliminary report does not resolve issues identified in the preliminary report.
- (f) The TEA shall issue a final report that indicates whether the school district or charter school has resolved the findings in the preliminary report and whether the corrective action plan filed under subsection (e)(2) of this section is adequate.
 - (1) If the final report contains a finding of noncompliance with TEC, §48.104(k) [~~§42.152(e)~~] , the report shall include a financial penalty authorized under TEC, §48.104(o) [~~§42.152(q)~~] .

- (2) If the school district or charter school responds with an appropriate corrective action plan, the TEA shall rescind the financial penalty and release the amount of the penalty to the school district or charter school.
- (g) The TEA may conduct an on-site visit to verify the implementation of a school district's or charter school's corrective action plan.

Review of Permanent School Fund Securities Transactions and the Investment Portfolio

June 24, 2021

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 March and April 2021 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.

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

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

BACKGROUND INFORMATION AND JUSTIFICATION: 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 of March and April 2021**

June 25, 2021

**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 (PSF) for the months of March and April 2021.

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

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

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

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

PREVIOUS BOARD ACTION: At the April 2021 meeting, the board approved purchases in the amount of \$1,807,953,391 and sales in the amount of \$1,851,830,304 conducted in the investment portfolio of the PSF for the months of December 2020, January 2021, and February 2021.

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

Staff Member Responsible:

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

Report on the Permanent School Fund Liquid Account

June 25, 2021

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

SUMMARY: This item provides an opportunity for the committee and board to receive a status update report on the liquid account and ratify transactions.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Natural Resources Code ([NRC](#)), [§51.414](#); and 19 Texas Administrative Code (TAC) Chapter 33.

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

NRC, §51.414, created the Liquid Account within the Permanent School Fund to be managed by the SBOE.

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

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

PREVIOUS BOARD ACTION: At the April 2021 meeting, the board approved purchases in the amount of \$684,875,077 and sales in the amount of \$204,950,145 for the Permanent School Fund Liquid Account for the period December 1, 2020 through February 28, 2021.

BACKGROUND INFORMATION AND JUSTIFICATION: None.

Staff Member Responsible:

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

Review of the Bond Guarantee Program Charter Capacity

June 25, 2021

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 presentation on the bond guarantee program's charter capacity.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC), [§45.0532](#); 19 Texas Administrative Code (TAC) Chapter 33.

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

TEC §45.0532 provides limitations on charter district bonds that may be guaranteed under the bond guarantee program.

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 September 2017 meeting, the SBOE increased the charter guarantee capacity, and began the process to move management of the reserve fund to the SBOE. The SBOE established for fiscal year 2018 the capacity of the bond guarantee program for charter district bonds at the full twenty percent (20%) allowed by law. At the June 2018, June 2019, and July 2020 meetings, the SBOE affirmed the annual implementation schedule as referenced in 19 TAC §33.67(d)(2) and took no additional action.

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Member Responsible:

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

First Quarter 2021 Permanent School Fund Performance Report

June 24, 2021

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

SUMMARY: The performance measurement consultant to the Permanent School Fund (PSF), BNY Mellon Asset Servicing, will report on the investment performance during the first calendar quarter of 2021 and the cumulative investment performance of various portfolios of the PSF. This item provides the opportunity for the committee to discuss in depth, various issues related to portfolio management such as risk characteristics of portfolios and portfolio attributes.

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

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

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

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

BACKGROUND INFORMATION AND JUSTIFICATION: An in-depth performance review at the committee level is intended to allow committee members to review not only total return information for each managed portfolio, but to gain a more thorough understanding of the risk characteristics, portfolio attributes, and portfolio structures of each portfolio that all contribute to a return.

Staff Member Responsible:

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

Review of the Permanent School Fund Real Estate Asset Class and Real Estate Policy and Tactical Plan

June 25, 2021

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

SUMMARY: This item provides an opportunity for the committee and board to review the real estate asset class and the real estate policy and annual tactical plan. The committee may take an action based on this information.

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 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 adopted revisions to the real estate annual tactical plan.

BACKGROUND INFORMATION AND JUSTIFICATION: The real estate annual tactical plan was approved at the September 2020 SBOE meeting.

Staff Member Responsible:

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

**Selection of Qualified Respondents to the Request for Qualification for Outside Counsel for the
State Board of Education and the Texas Permanent School Fund Fiduciary, Investment
Contracting, Real Estate, Tax and Disclosure Counsel**

June 25, 2021

**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 approve a list of qualified candidates who responded to the request for qualification (RFQ) 701-21-004 for outside legal counsel for the State Board of Education (SBOE) and the Texas Permanent School Fund fiduciary, investment contracting, real estate, tax and disclosure counsel.

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

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

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

PREVIOUS BOARD ACTION: At the November 2020 meeting, the board approved the issuance of a RFQ for fiduciary, investment contracting, real estate, tax and disclosure counsel.

BACKGROUND INFORMATION AND JUSTIFICATION: At the June 2017 meeting, the SBOE approved the list of qualified respondents available for contracting. 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

Approval of the Selection of a Firm(s) to Provide Services Related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund and the State Board of Education as outlined in Request for Proposal 701-21-002 and Authorization for Contract Execution by the Commissioner of Education

June 25, 2021

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

SUMMARY: This item provides an opportunity for the committee and board to approve the selection of a firm(s) to provide services related to U.S. High Yield Fixed Income Discretionary Investment Managers for the Texas Permanent School Fund (PSF) and the State Board of Education (SBOE) as outlined in request for proposal (RFP) 701-21-002 and authorization for contract execution by the commissioner of education.

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

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

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

PREVIOUS BOARD ACTION: At the November 2020 meeting, the SBOE authorized the issuance of the RFP for U.S. High Yield Fixed Income Discretionary Investment Managers for the PSF.

BACKGROUND INFORMATION AND JUSTIFICATION: The RFP was posted on December 11, 2020 and responses were due on February 25, 2021.

Staff Member Responsible:

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

Selection of State Board Member Nominees for Statewide Board Positions

June 25, 2021

**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 select state board member nominees for statewide board positions.

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

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

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

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

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**

June 24, 2021

**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.

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

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

BACKGROUND INFORMATION AND JUSTIFICATION: None

Staff Member Responsible:

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

COMMITTEE ON SCHOOL INITIATIVES

**Recommendation for Reappointment to the
Boys Ranch Independent School District Board of Trustees**

June 25, 2021

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

SUMMARY: This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for ISDs created under its authority to establish school districts. Trustees so appointed hold office until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley's Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumes and other documents verifying that individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Dan Adams, president and CEO of Cal Farley's Boys Ranch, has notified the commissioner of one upcoming vacancy on the board of trustees of the Boys Ranch ISD. The vacancy is due to the expiration of the term of Jacque Branch. The CEO has requested that Ms. Jacque Branch be reappointed for another two-year term. Supporting documentation for the recommended candidate is attached.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Mr. Dan Adams' recommendation, approve the reappointment of Ms. Jacque Branch to serve a two-year term of office from June 25, 2021 to June 25, 2023, on the Boys Ranch ISD Board of Trustees.

Staff Members Responsible:

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability
Morris Lyon, Senior Governance Advisor, Governance and Accountability

Attachment:

Correspondence from Mr. Dan Adams, president and chief executive officer of Cal Farley's Boys Ranch that includes biographical information and supporting material for the nominee



BOYS RANCH
FOUNDED BY CAL FARLEY

April 21, 2021

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 June 2021 meeting, reappoint **Ms. Jacque Branch** to the Boys Ranch Independent School District (BRISD) Board of Trustees. Ms. Branch is qualified under Texas law and meets all requirements.

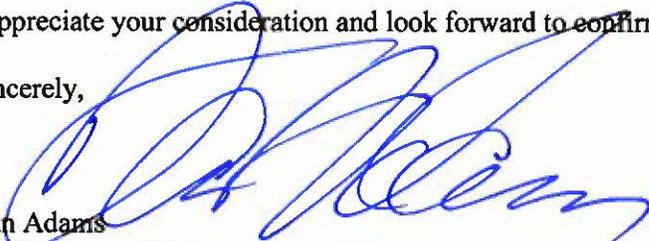
Ms. Branch's resume is enclosed, along with a signed statement expressing her willingness to accept the appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct. Current background check information 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,

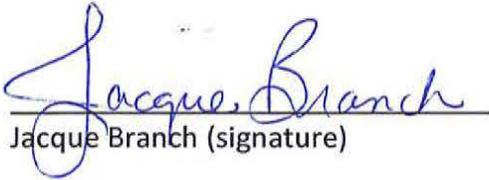

Dan Adams
President and Chief Executive Officer

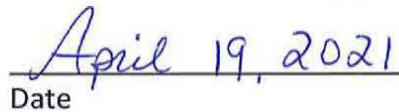
Enclosures

DA:sjs

STATEMENT TO ACCOMPANY
BOYS RANCH INDEPENDENT SCHOOL DISTRICT
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST
FOR
Jacque Branch

I, Jacque Branch, 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.


Jacque Branch (signature)


Date

Jacque Branch

Vice President & Trust Officer, Amarillo National Bank

Professional Designation

Certified Trust & Financial Advisor

Education

B.B.A. in Finance, West Texas State University, 1989

Texas Bankers Association Texas Trust School II, 2001

Cannon Financial Institute Trust School I, May 2002

Cannon Financial Institute Trust School II, January 2003

Cannon Financial Institute Trust School III, October 2003

Experience

Amarillo National Bank, 1989 to Present:

Currently responsible for fiduciary administration of estates, trusts and investment management accounts. Assist clients with estate planning, tax planning, retirement planning and financial planning.

Vice President and Trust Officer, 2005 - present

Assistant Vice President and Trust Officer, 2001 - 2005

Trust Officer, Assistant Operations Manager, 1998 - 2001

Investment Assistant, 1994 - 1998

Personal Trust Assistant, 1990 - 1994

Credit Analyst, 1989 - 1990

Community Involvement

Member and Past President Amarillo Area Estate Planning Council

West Texas A&M University Foundation Professional Advisory Council

Prior involvement with United Way of Amarillo, Canyon –

Community Investment Committee



TEXAS
Health and Human Services

09/18/2020

Michelle Maikoetter
PO BOX 5
BOYS RANCH, Texas 79010-0005

Operation # 1639
Cal Farley's Boys Ranch

Dear Michelle Maikoetter:

Your operation requested a background check for **Jacque Ruth Branch**, born in 1967. The following alternate names for this person were also checked: Jacque Ruth Polk. The results of the check are based on the identification information that your operation submitted for this individual. It is your responsibility to ensure the accuracy of the identifying data by reviewing supporting documents.

Based on a review of the background check results, the Centralized Background Check Unit (CBCU) determined that this person is **ELIGIBLE** to be present at your operation in the role of **Frequent/Regular Visitor**.

All background check types required for this role have been completed, and no further action is required at this time. The CBCU will notify you if this person's background check determination changes.

The CBCU has conducted this background check in compliance with, and as required by Child Care Licensing minimum standards, rules, and other Texas and federal law.

NOTICE: If you decide not to hire this person, or if the person is no longer employed by, living at, or otherwise associated with your operation, you must inactivate this person on the Background Check History webpage of your online provider account. If you do not have an online provider account or are unable to access it, notify your CBCU representative of the change in status.

If this person continues to be associated with your operation, you must submit a renewal background check for this person on or before **08/31/2025**.

If you have questions, please contact your CBCU representative or visit the CBCU webpage at http://www.dfps.state.tx.us/Background_Checks. If you are unsure who your CBCU representative is, you may find this information on the CBCU webpage or contact the CBCU Support Line at: 1-800-645-7549.

For your information, our records indicate that the following child care operations have submitted a background check request on this person:

- Cal Farley's Boys Ranch on 08/31/2020
- Cal Farley's Boys Ranch on 09/13/2018

Thank you,

The Centralized Background Check Unit

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

June 25, 2021

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

SUMMARY: This item provides an opportunity for the board to consider one reappointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board, however, a majority must be civilians, and all may be civilians. When a vacancy occurs on one of these boards, the base commander notifies the commissioner of education of the vacancies in compliance with TEC, §11.352. Vacancies are widely advertised through base newspapers, email, and other electronic methods. Interested individuals submit resumes and other documents verifying that they are qualified to hold the position and would accept it if appointed.

The commanding officer appoints a nomination panel of at least three members who review the application packages, interview the candidates, and evaluate the candidates. The panel's recommendations are forwarded to the commanding officer for consideration. The commanding officer is required by 19 TAC §61.2 to provide at least one nomination to the SBOE. All nominees must be qualified under the general school laws of Texas and live or be employed on the military reservation.

Col. Shane R. Cuéllar, commander of the 502d Force Support Group, United States Army has notified the commissioner of a vacancy on the board of trustees of the Fort Sam Houston ISD due to the expiration of the term of office of one board member. Colonel Cuéllar recommends the reappointment of Ms. Lisa M. Brown to the Fort Sam Houston ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Col. Shane R. Cuéllar's recommendation, approve the reappointment of Ms. Lisa M. Brown to serve a term of office from June 25, 2021 through June 25, 2023, on the Fort Sam Houston ISD Board of Trustees.

Staff Members Responsible:

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

Morris Lyon, Senior Governance Advisor, Governance and Accountability

Attachment:

Correspondence from Col. Shane R. Cuéllar that includes biographical information and supporting materials for the nominee



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



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

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

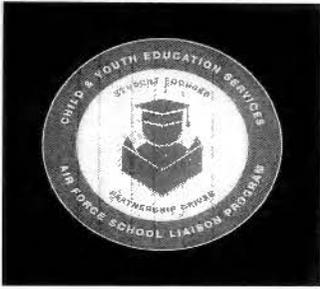
SUBJECT: The Appointment of Ms. Lisa M. Brown to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees

1. I would like to respectfully request appointment for Ms. Lisa M. Brown to the FSHISD Board of Trustees. Enclosed is the resume for the position, as required by Texas Administrative Code Section 61.2a (1), along with signed statement expressing her willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The nominee is qualified under the general school laws of Texas, and nominee either lives or works on Joint Base San Antonio-Fort Sam Houston. The nominee is well qualified and would be in full compliance with the provisions of the Texas Education code 11.352. Every avenue was used to reach the widest possible applicant pool. The membership composition of the board of trustees is in compliance with the provisions of Texas Code 11.28.
3. I recognize the power of the Board of Trustees to govern and manage the operations of FSHISD and recognize that my role as the commanding officer of 502d Force Support Group is limited only to the duty defined by the statute in the process for appointing the Board of Trustees.
4. Thank you for your support of our school district. If you have any questions, please contact Ms. Nita Ford-Hightower at (210) 221-2214 or nita.j.fordhightower.civ@mail.mil.

A handwritten signature in blue ink that reads "Shane R. Cuéllar".

SHANE R. CUÉLLAR, Colonel, USA
Commander, 502d Force Support Group

Attachment:
Ms. Lisa M. Brown



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: COL (Ret) Lisa M. Brown

Residential Address: 15223 Eaglebrook St.

San Antonio

TX

78232

Physical Address of Employer:

MED CoE, 3630 Stanley Rd., Aabel Hall, Room 104

JBSA Ft. Sam Houston

TX

78234

Board of Trustees Location Applying For: Ft. Sam Houston ISD

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

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

COL (Ret) Lisa M.
Brown

Digitally signed by COL (Ret) Lisa
M. Brown
Date: 2021.03.04 18:24:20 -08'00'

4 March 2021

Signature of Applicant

Date

COL (Ret) Lisa M. Brown

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.***

LISA M. BROWN

San Antonio, TX 78232 • (210) 771-2258 • brown-tx@msn.com • LinkedIn

SENIOR ADMINISTRATIVE MANAGEMENT EXECUTIVE

Operations / Human Resources / Administration

Respected executive with distinguished extensive experience leading operations, program management and public administration. Repeated success guiding sizeable, cross-functional teams in the design and implementation of enterprise-wide process redesign and restructure. Expert presenter, trainer and leader with a proven ability to develop and implement programs that result in a profitable and also compassionate culture.

Core competencies include:

- Strategic Business Planning
- Process Redesign & Change Management
- Program Management
- Performance Metrics
- Project Management
- Profit & Loss (P&L) Management
- Recruiting & Staffing Initiatives
- Team Building & Leadership
- Operational Functions
- Human Resource Management

PROFESSIONAL EXPERIENCE

Fort Sam Houston Independent School District **BOARD PRESIDENT / BOARD TRUSTEE (2019- June 2021)**

School Board President for 9 months. Board Trustee until term ends in June 2021. Provides a critical service for the education of the children of military family members on Joint Base San Antonio, Fort Sam Houston.

- Spends myriad hours meeting training requirements, adopting policies, hiring personnel, recognizing programs and staff, attending school events, all while focusing on student achievement.
- Directly involved with the District's "Limitless Learning" initiative and operations amid the COVID pandemic.
- Represented the district at several state and national School Conferences to gain information and work with state representatives to get funding for military students.

Order of Military Medical Merit, San Antonio, TX **ADMINISTRATOR (2016-PRESENT)**

Administrator for a private, non-profit 501(c) organization that recognizes the significant contributions that Army Medical Department individuals have made to Army Medicine.

- Utilize administrative, operational and financial expertise to manage the day-to-day functions of the Order.
- Provide timely information to over 13K Order members on a regular basis.
- Manage all financial transactions of the Order, and arrange for yearly audit and tax preparation from an impartial third party.
- Prepare for and conduct monthly boards, providing nominations and other relevant information to board members and the President in a timely manner.

...continued...

U.S. Army Medical Command, San Antonio, TX
DIRECTOR (2014 – 2016)

Successfully directed a staff of ten executives, provided strategic oversight and direction to incorporate equities in enterprise-wide policies and products.

Selected accomplishments:

- Utilized extensive administrative knowledge base to assist over 500 customers in the areas of human resources, resource management and training and education.
- Provided timely and relevant information and training to over 50 ombudsmen from 28 facilities located across the United States, Korea and Europe, resulting in better customer assistance.
- Co-chaired a transformation initiative to realign staff and infuse the enterprise culture with a vision to move from a Healthcare System to a System for Health.
- Utilized extensive knowledge and experience with Disability Evaluation System to identify a critical accountability issue, resulting in innovating a solution both honoring to the patients and in compliance with regulatory mandates.

U.S. Army Human Resources Command of Excellence, Fort Knox, KY
DEPUTY CHIEF ADMINISTRATOR (2011 – 2014)

Developed strategic vision and mission planning for a 25-person, executive-level staff. Successfully orchestrated and supervised organizational and operational functions such as budget oversight, human resources management and day-to-day operations.

Selected accomplishments:

- Decreased turnaround time of critical processes from 120 days to less than 3 days by implementing Lean Six Sigma processes.
- Implemented rigorous performance metrics to ensure essential functions were performed at required volumes throughout staff reductions.
- Increased assessment completion rates from 86% to 91% through effective program management.
- Provided expert input and information while engaging multiple outside agencies to achieve improvements in processes and policies concerning evaluations, placement and profile management of personnel.

U.S. Army Medical Department Center & School of Excellence, Joint Base San Antonio, TX
PERSONNEL PROPONENT PROGRAM MANAGER (2008 – 2011)

Successfully ensured a balanced and effective workforce through the utilization and analysis of objective force models to project future staffing and development requirements for four branches of the Army.

Selected accomplishments:

- Collaborated cross-functionally to identify and recommend training requirements and course attendance as well as potential critical personnel shortages.
- Proactively analyzed and provided action plans to increase a compromised organizational structure to meet future needs.

U.S. Army Medical Command, San Antonio, TX
CHIEF OPERATIONS OFFICER (2005 – 2008)

Significantly impacted corporate goals and objectives by successfully synchronizing multiple projects toward timely and efficient accomplishment. Provided exceptional customer service to a population of over 100,00 in areas of payroll, operations, and healthcare entitlements.

Selected accomplishments:

- Designed, implemented and maintained a database of reserve providers to offer personnel as a gesture of recognition and gratitude, which favorably impacted retention.
- Successfully coordinated and executed a 700-member breakout session to address retention.

Southeast Regional Medical Command, Fort Gordon, GA
PERSONNEL OPERATIONS OFFICER (2002 – 2005)

Meticulously collected, processed and maintained personnel data throughout multiple facilities, and expertly matched personnel needs to providers.

Selected accomplishments:

- Successfully maintained the fill rate for over 1,200 personnel requirements at 98% (exceeding 95% standard) for over three years.
- Provided exceptional administrative, operations and training support to a workforce of over 1,500 professionals to ensure mobilization readiness.

**** *** ****

Additional Experience as Assistant Controller, Assistant Director of Finance, Chief of Resource Management and Executive Officer

EDUCATION & CREDENTIALS

SYRACUSE UNIVERSITY, Syracuse, NY, **Masters in Business Administration**

EXECUTIVE MILITARY LEADERSHIP SCHOOL, Carlisle, PA, **Masters in Strategic Studies**

SPALDING UNIVERSITY, Louisville, KY, **Bachelor of Arts in Pre-Medicine/Biology**

**Recommendation for Appointments to the
Lackland Independent School District Board of Trustees**

June 25, 2021

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

SUMMARY: This item provides an opportunity for the board to consider three appointments to the board of trustees of Lackland Independent School District (ISD). The appointments are necessary due to the expiration of the terms of office of two board members and the retirement of one board member.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, and 19 Texas Administrative Code (TAC) §61.2.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board, however, a majority must be civilians, and all may be civilians. When a vacancy occurs on one of these boards, the base commander notifies the commissioner of education of the vacancies in compliance with TEC, §11.352. Vacancies are widely advertised through base newspapers, email, and other electronic methods. Interested individuals then submit resumes and other documents verifying that they are qualified to hold the position and would accept it if appointed.

The commanding officer appoints a nomination panel of at least three members who review the application packages, interview the candidates, and evaluate the candidates. The panel's recommendations are forwarded to the commanding officer for consideration. The commanding officer is required by 19 TAC §61.2 to provide at least one nomination to the SBOE. All nominees must be qualified under the general school laws of Texas and live or be employed on the military reservation.

Col. Steven A. Strain, commander of the 502d Installation Support Group, United States Air Force has notified the commissioner of three vacancies on the board of trustees of the Lackland ISD due to the expiration of the terms of office of two board members and the retirement of one board member. Colonel Strain recommends the appointments of Mr. John Sheehan and Mr. John K. Jackson, and the reappointment of Mrs. Jere M. Pace to the Lackland ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Col. Steven A. Strain's recommendation, approve the appointments of Mr. John Sheehan and Mr. John K. Jackson, and the reappointment of Mrs. Jere M. Pace to serve a term of office from June 25, 2021 through June 25, 2023, on the Lackland ISD Board of Trustees.

Staff Members Responsible:

Christopher Lucas, Director, Policy, Planning, and Operations, Governance and Accountability

Morris Lyon, Senior Governance Advisor, Governance and Accountability

Attachment:

Correspondence from Col. Steven A. Strain that includes biographical information and supporting materials for each nominee



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



MEMORANDUM FOR MR. MIKE MORATH
COMMISSIONER, TEXAS EDUCATION AGENCY
1701 NORTH CONGRESS AVENUE
AUSTIN, TX 78701

FROM: 502 ISG/CC
1980 Bong Ave Suite 102
JBSA-Lackland, TX 78236-5102

SUBJECT: Appointment of Mr. John Sheehan to the Lackland Independent School District
(LISD) Board of Trustees

1. I respectfully request the appointment of Mr. John Sheehan to the LISD Board of Trustees. Attached is his resume, as required by Texas Administrative Code Section 61.2a(1), along with a signed statement expressing his willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. Mr. John Sheehan is qualified under the general school laws of Texas and either live or work on JBSA-Lackland. The nominee is well qualified and the appointment of both of him 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 are in compliance with the provisions of Texas Code 11.28.
3. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
4. 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.

STRAIN.STEVEN.A. Digitally signed by
1047863267 STRAIN.STEVEN.A.1047863267
Date: 2021.05.19 12:25:40 -05'00'
STEVEN A. STRAIN, Colonel, USAF
Commander, 502d Installation Support Group

- 2 Attachments:
1. Lackland ISD Appointment Letter
 2. Mr. John Sheehan's Application Package



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO



MEMORANDUM FOR MR. MIKE MORATH
COMMISSIONER, TEXAS EDUCATION AGENCY
1701 NORTH CONGRESS AVENUE
AUSTIN, TX 78701

FROM: 502 ISG/CC
1980 Bong Ave. Suite 102
JBSA-Lackland TX 78236-5102

SUBJECT: Appointment of Mr. John K. Jackson and the Reappointment of Mrs. Jere M. Pace to the Lackland Independent School District (LISD) Board of Trustees

1. I respectfully request the appointment of Mr. John K. Jackson and reappointment of Mrs. Jere M. Pace to the LISD Board of Trustees. Attached are their resumes, 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. Mr. John K. Jackson and Mrs. Jere M. Pace are qualified under the general school laws of Texas and either live or work on JBSA-Lackland. The nominees are well qualified and the appointment of both 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.
3. I recognize the power of the Board of Trustees to govern and manage the operations of the LISD and recognize that my role as the commanding officer of JBSA-Lackland is limited only to the duty defined by statute in the process for appointing the Board of Trustees.
4. 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.

STRAIN.STEVEN.A.1047863267
Digitally signed by
STRAIN.STEVEN.A.1047863267
Date: 2021.05.07 15:06:19 -05'00'
STEVEN A. STRAIN, Colonel, USAF
Commander, 502d Installation Support Group

- 2 Attachments:
1. Mr. John K. Jackson's Application Package
 2. Mrs. Jere M. Pace's Application Package

Mission ~ Wingman ~ Partners



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: John A. Sheehan

Residential Address: 15131 Sirius Circle
San Antonio TX 78245

Physical Address of Employer: 3515 S. General McMullen Dr.
San Antonio TX 78226

Board of Trustees Location Applying For: Lackland ISD

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

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



Signature of Applicant

March 10, 2021

Date

John A. Sheehan

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.

JOHN A. SHEEHAN JR.

San Antonio, TX

John.a.sheehan.25@gmail.com

www.linkedin.com/in/johnsheehan25

(302) 222-7309

PROFESSIONAL SUMMARY

Energetic leader with 21 years of experience in diverse environments applying a unique mix of strategic analysis, operational management, personnel development and training skills. Able to analyze data and detect inefficient and ineffective processes, as well as identify and evaluate innovative counter-measures. Adept at distilling data and information into clear and concise messages to senior leaders. Skills include:

Program Development and Management – Policy Development – Data Mining and Analysis
Oral and Written Communication – Problem Solving – Training and Mentoring – Team Building

PROFESSIONAL HIGHLIGHTS

Air Force Inspection System Program Manager. Air Force Installation & Mission Support Center. March 2021 – Present

- Provides management controls over the Air Force Inspection System (AFIS), Commander's Inspection Program (CCIP), Management Internal Control Toolset (MICT) and Inspector General Evaluation Management System (IGEMS) in support of the Installation Support Directorate.

Force Protection Business Consultant w/ duties at the Air Force Security Forces Center. Defense Consulting Services. June 2020 – Feb 2021

- Provides higher headquarter strategy, governance, and future planning synchronization and integration within AFSFC lines of effort, objectives and processes. Supports the continual development and planning of the AFSFC Campaign Plan and execution of metrics development and analytics.
- Directly supports AF/A4SR for the processes of each phase of the Security Forces Deliberate Planning Framework, to include strategic guidance review and analysis, challenges, operational analysis, gap analysis, and solutions analysis.

Combat Arms Action Officer w/ duties at Air Force Security Force Center. Cherokee Federal. October 2019 – June 2020

- Managed 220 small arms ranges across the Installations & Mission Support (I&MS) enterprise; utilized metric/statistical analysis to prepare data, recommend, and brief the Small Arms Working Group/Board in support of senior leaders' decisions in investing, divesting and community partnering small arms ranges.

JOHN A. SHEEHAN JR.

- Monitored and advised on 3 Small Arms Ranges supporting AETC, USAFE, PACAF. Coordinated with AFCEC/COSC ensuring new range constructions meet facility and training requirements.

MAJCOM Functional Manager, Air Force Installations & Mission Support Center, USAF.
October 2017 – October 2019

- Managed 11K training seats and \$19.25M training budget; analyzed and distributed seats to over 120 organizations supporting 70K personnel across 24 career fields ensuring 103% utilization rate.
- Reviewed guidance, validated training requirements for 24K personnel and coordinated with HAF/A4SF, 2 AF, AFPC, AETC/A3, and 120 organizations.
- Validated manning requirements for 77 installations and distributed over 1K Overseas Returnees, Mandatory Movers and Technical Training Graduates to vacancies based on analysis, research, and mission requirements.

Functional Area Manager, Air Force Installations & Mission Support Center (AFIMSC), USAF.
April 2017 – October 2017

- Managed 35K personnel and equipment UTC for SECAF retained Agile Combat Support forces delivering Installations & Mission Support (I&MS) capabilities; advised/recommended posturing and execution of resources to ensure full spectrum operations in support of 6 COCOMS.
- Analyzed FY19 Agile Combat Support review; identified 533 unsourced requirements for 3K personnel verifying 100% accuracy for 77 installations to support global operations and special mission taskings.

AF COLS & Publication Program Manager, AFIMSC, USAF.
August 2015 – April 2017

- Conducted policy integration activities for 46K first responder community at over 77 bases affecting Fire Emergency Services, Explosive Ordnance Disposal, Emergency Management and Security Forces.
- Managed the initial genesis of Security Forces installation health metrics development; identified five critical areas to analyze affording senior leaders an accurate assessment of 77 installations to make risk-based decisions shaping \$96M in base operating support requirements.

Combat Arms Policy Action Officer, Headquarters-Directorate of Security Forces, USAF.
August 2014 – August 2015

- Air Force lead on Small Arms & Light Weapons policy, guidance, program management; provided guidance and technical assistance to HAF, Air Staff Functional Managers, 9 MAJCOMs, and 2 DRUs.

JOHN A. SHEEHAN JR.

- Oversaw three publications' revisions directing Air Force weapons qualifications and maintenance policies for fourteen weapon systems serving 500K personnel annually. Analyzed and identified 2,800 compliance statements and reduced redundancies by 81%.

Combat Arms NCOIC, 375 SFS, USAF.

July 2013 – August 2014

- Led a seven instructors shop providing weapons training/qualification on six weapons systems for 1K personnel annually and managed an ammo and weapon \$1.7M account.
- Managed 23 programs in coordination with Civil Engineer, Ground Safety, and Bio-Environmental; oversaw inspections of 130K weapons, identifying 297 deficiencies ensuring only operational weapons deployed.
- Facilitated Air Mobility Command Proficiency Fire event supporting 42 personnel across 16 installations/3 MAJCOMs; enabled high stress live-fire training and evaluation benchmarking best practices and techniques for Security Forces.

Flight Chief, 375 SFS, USAF.

May 2011 – July 2013

- Led 73 personnel securing \$3.2B in DoD assets; oversaw security and law enforcement operations providing immediate response for over 500 incidents annually. Managed section training program certifying 73 personnel with a 92% overall average score.
- Planned and executed 120 outside-the-wire missions, analyzed threat trends and recommended appropriate mission plans to the unit commander. Enabled 800 intelligence reports resulting in the capture, death, or neutralization of 37 insurgent personnel and coordinated 17 weapons caches disrupting insurgent network operations within the Bagram Air Base Security Zone.

Threat Working Group Action Officer, HQ AMC-Directorate of IM&S, USAF.

April 2010 – May 2011

- Analyzed security requirements for over 300 missions a week, adjudicated 2K overseas airfield assessments annually, and brief 34 airfield assessments to threat working group principals. Tasked aircraft security teams to support over 1K global mission and 5K sorties with zero security incidents.

Integrated Defense Security System Program Manager, HQ AMC-Directorate of IM&S, USAF.

June 2009 – April 2010

- Managed headquarters security equipment database tracking five installations' force protection capabilities; oversaw critical author Vindicator security system documents shaping memorandum of agreement supporting three security enhancement and force protection projects.

JOHN A. SHEEHAN JR.

EDUCATION and TRAINING

Masters of Science, Organizational Development and Leadership, University of Incarnate Word, San Antonio, TX. August 2020 (with Distinction)

Professional Manager Certification, Community College of the Air Force-Air University, Montgomery, AL. August 2017

Bachelor of Arts, Education Studies, Ashford University, San Diego, CA. August 2016 (Magna Cum Laude)

Associates Applied Science, Criminal Justice Community College of the Air Force-Air University, Montgomery, AL. April 2004



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: John K.Jackson

Residential Address: 3515 South Gen McMullen⁺

San Antonio

Texas

78226

Physical Address of Employer:

3515 South Gen McMullen⁺

San Antonio

Texas

78226

Board of Trustees Location Applying For: Lackland ISD

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

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

JACKSON.JOHN.K.112 Digitally signed by
1725637 JACKSON.JOHN.K.1121725637
Date: 2021.03.29 09:10:47 -05'00'

03/29/2021

Signature of Applicant

Date

John K. ackson

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.***



BIOGRAPHY

UNITED STATES AIR FORCE

Six Sixteenth Operations Center
Joint Base San Antonio-Lackland, Texas

DAY: (210) 395-0074
EVENING: (719) 339-1963

JOHN K. JACKSON

Mr. John K. Jackson is Deputy Director, Six Sixteenth Operations Center, Headquarters-Sixteenth Air Force, Joint Base San Antonio-Lackland, Texas. The Operations Center provides command and control of Air Force Cyber Forces on behalf of the Sixteenth Air Force Commander. The Operations Center also integrates, synchronizes, and coordinates Intelligence, Surveillance, and Reconnaissance (ISR), Electronic Warfare (EW), and Information Operations (IO) activities.



Mr. Jackson served as a commissioned officer in the U.S. Air Force from 1980 until he retired in 2003. While on active duty, he completed a variety of assignments as an Intelligence Officer in Italy, South Korea, Austin, San Antonio, The Pentagon, Hawaii, and Saudi Arabia. His active duty service culminated as Deputy Commander of an Information Operations Group in Colorado Springs. Mr. Jackson began his active duty military service as an enlisted Airman in the U.S Air Force.

Mr. Jackson entered Federal Civil Service in 2003 as the Intelligence, Surveillance and Reconnaissance Senior Analyst for General Defense Intelligence Programs, within the Directorate of Intelligence, Headquarters Air Force Space Command. Mr. Jackson previously served as Chief of the Strategy Division, Six Sixteenth Operations Center, Joint Base San Antonio-Lackland, Texas.

Formal Education

- Master of Arts Degree in Information Systems Management—Grambling State University
- Master of Arts Degree in Public Administration—Webster University
- Bachelor of Arts Degree in Political Science—Webster University

Professional Military Education

- Air War College
- Air Command and Staff College
- Squadron Officer School

Leadership Training

- Masters Leadership Program of Greater San Antonio
- Seminar for Executives on Legislative Operations
- Congress and the Intelligence Community Workshop
- Municipal Leadership Institute of San Antonio

Functional Training

- Imagery Intelligence Officer Course
- Contingency Wartime Planning Course
- Joint Information Operations Orientation Course
- Worldwide Joint Planning Orientation Course

Certifications

- Director of National Intelligence's *Intelligence Community Officer* (ICO)
- Intelligence Community Assignment Program (ICAP)—Joint Duty

Civic and Community

- Commissioner—City of San Antonio Planning Commission
- Member—Technical Advisory Committee, City of San Antonio Planning Commission
- Director—Project QUEST, Inc., Board of Directors
- Member—Programs and Operation Committee, Project QUEST, Inc.

Assignments

1. August 1980-February 1981, Student, Imagery Interpretation School, Lowry AFB, Colorado
2. April 1981-December 1984, Assistant Chief, Imagery Interpretation Section, 12th Tactical Reconnaissance Squadron, Bergstrom AFB, Texas
3. December 1984-December 1985, Chief, Target Materials and Radar Prediction Sections, 8th Tactical Fighter Wing, Kunsan AB, Republic of Korea
4. December 1985-January 1989, Chief, Ground Processing and Exploitation Systems Section, Headquarters Pacific Air Forces, Hickam AFB, Hawaii
5. January 1989-August 1992, Chief, Imagery Systems Section, Headquarters United States Air Force, Pentagon, Washington DC
6. August 1992-July 1996, Chief, Imagery Programs Division and Imagery Functional Manager, Air Intelligence Agency, Kelly AFB, Texas
7. July 1996-April 1997, Chief, Systems and Programs, 16th Air Force, Naples AB, Italy
8. April 1997-May 1999, Chief of Intelligence, 16th Air Force, Aviano AB, Italy
9. May 1999-January 2003, Dep Commander, 544th Info Operations Group, Peterson AFB, Colorado
10. September 2003-November 2005, Senior ISR Analyst, Directorate of Intelligence, Headquarters Air Force Space Command, Peterson AFB, Colorado
11. November 2005-January 2008, Chief, Special Information Operations Division and Geospatial-Intelligence Special Management Office, HQ Air Intelligence Agency (AIA), San Antonio, Texas
12. January 2008-March 2015, Chief, Readiness Division, HQ Air Force Intelligence, Surveillance and Reconnaissance Agency (AFISRA), San Antonio, Texas
13. March 2014-January 2020, Chief, Special Missions Division, Six Twenty-Fifth Operations Center, Joint Base San Antonio-Lackland, Texas
14. January 2020-Present, Chief, Strategy Division, Six Sixteenth Operations Center, Joint Base San Antonio-Lackland, Texas

Joint Assignments

1. Chief, Targets and Collection Management, Joint Task Force (JTF) NOBLE ANVIL, Operation ALLIED FORCE (Yugoslavia)
2. Chief, Intelligence, Surveillance and Reconnaissance Cell, Combined Air Operations Center, Operation JOINT GUARD (Bosnia/Herzegovina)
3. Chief, United States National Intelligence Cell, Operation JOINT GUARD (Bosnia/Herzegovina)
4. Chief, Joint Intelligence Center, JTF Southwest Asia, Operation SOUTHERN WATCH (Iraq)
5. Deputy Air Force Forces (AFFOR)/A2 (Forward), Combined Forces Air Component Command, Operation ENDURING FREEDOM (Afghanistan)

JOHN K. JACKSON

9511 Tioga Cove, San Antonio, TX 78251
Email: grambling1980@yahoo.com

Day: 210-395-0074
Evening: 719-339-1963

SUMMARY OF QUALIFICATIONS

- 30-plus years in intelligence and cyberspace leadership and managerial positions
- United States Air Force (USAF) senior civilian; retired USAF Officer
- Dual Master's Degrees
- Top Secret security clearance, with current access to sensitive compartmented information (SCI)

SUMMARY OF SKILLS AND ABILITIES

- Expert background in intelligence, surveillance, and reconnaissance (ISR) planning/operations
- Broad experience integrating Cyberspace and ISR into enterprise strategic planning processes
- Extensive background managing sensitive/compartmented USAF programs
- Accomplished administration of enterprise-level programs, projects, and budgets
- Demonstrated experience guiding matrixed and multi-functional organizations

EXPERIENCE

Deputy Director

June 2020 to Present—616th Operations Center (OC) / 16th Air Force, San Antonio, TX

- Integrates and synchronizes daily Information Warfare Operations
- Exercises command and control of Air Force Cyber Forces on behalf of the 16th AF Commander
- Plans, optimizes, and executes convergence effects of ISR, Cyber, and Information Operations (IO)
- Directs and monitors AF JWICS, data links, and associated systems to ensure mission integrity

Chief, Strategy Division

January 2020 to June 2020—616th Operations Center / 16th Air Force, San Antonio, TX

- Managed and directed both long-range and near-term planning activities
- Assessed Cyber, ISR, Electronic Warfare (EW), and Information Operations effectiveness
- Directed Special Technical Operations (STO), special-access, and support to Special Operations

Chief, Special Missions Division

January 2014 to January 2020—625th Operations Center / AF ISR Agency, San Antonio, TX

- Defined missions, objectives, requirements, expenditures, and priorities for the organization
- Led enterprise creation of a new Operations Center —control of 70k+ personnel, worldwide
- Directed Special Technical Operations, special-access, and support to Special Operations

Chief, Readiness Division

March 2013 to January 2014—AF Intelligence, Surveillance, and Reconnaissance Agency, San Antonio, TX

- Provided planning, direction, organization, and control of employees and assets
- Managed force readiness, exercise planning/support, risk management, and force integration
- Directed a multi-million dollar program integrating airborne and space operations

Chief, National-Technical Means Branch

January 2008 to March 2013—AF Intelligence, Surveillance, and Reconnaissance Agency, San Antonio, TX

- Provided oversight and direction of national intelligence activities—DoD and Air Force programs
- Provided leadership of staff operations and functional guidance to subordinate organizations
- Managed all scientific and technical collection and reporting operations

Chief, Combat Support Division and Special Management Office

July 2006 to January 2008—Air Intelligence Agency, San Antonio, TX

- Provided oversight of all geospatial-intelligence activities and programs
- Directed programming and budgeting activities to ensure delivery of services across the enterprise
- Conceived, initiated, and monitored national, service, and agency policy, programs, and projects

Chief, Special Information Operations Division

November 2005 to July 2006—Air Intelligence Agency, San Antonio, TX

- Directed staff activities for all special information operations, to include Special Technical Operations and other limited-access programs
- Led planning and coordination of special capabilities integration into Combatant Commander's warfighting strategies

Senior Intelligence Analyst

September 2003 to November 2005—Air Force Space Command, Colorado Springs, CO

- Senior advisor to the commander, Senior Intelligence Officer, and command intelligence staff
- Represented the command at inter-service and national-level forums
- Integral member of the Intelligence Community; integrated space and airborne intelligence into current and future defense acquisition programs

Deputy Commander

May 1999 to December 2002—544th Information Operations Group, Peterson Air Force Base, CO

- Led operations, training, policy and guidance for over 500 people at 12 worldwide locations, with a budget in excess of \$1.5 billion
- Led over 200 multi-national service members supporting combat operations, including computer administrators, security, and intelligence analysts—ensured the integrity of critical cyber systems
- Implemented major improvements in personal and physical security operations for over 3,500 personnel, across nine facilities, in four countries

Chief of Intelligence

July 1996 to May 1999—16th Air Force, Aviano Air Base, Italy

- Developed architectures, directed analytical production, formulated policy and guidance, and provided security oversight for activities at five locations
- Directed and prepared intelligence assessments, collection strategy, and targeting activities involving multi-national military and civilian personnel
- Conceived, secured funding, and equipped a new secure operating facility—\$200k savings

Chief, Imagery Division

October 1992 to July 1996—Air Intelligence Agency, Lackland Air Force Base TX

- Directed imagery policy for 14,000 personnel, at 104 worldwide locations; \$6B assets
- Solved a \$200K per year deficiency by developing and implementing new operating procedures
- Created a commercial imagery plan for military operations support—2000% increase in production

Chief, Intelligence Systems

December 1989 to October 1992—Headquarters, United States Air Force, Pentagon, Washington, DC

- Planned, programmed, and developed policy for \$1.5 billion Air Force imagery programs
- Led program formulation and execution for major Air Force imagery intelligence projects
- Air Force architect for consolidation of two airborne imagery programs, \$3.5B projects

EDUCATION AND TRAINING

Formal Education

Master of Arts Degree in Information Systems Management—Webster University

Master of Arts Degree in Public Administration—Webster University

Bachelor of Arts Degree in Political Science—Grambling State University

Professional Military Education

- Air War College
- Air Command and Staff College
- Squadron Officer School

Leadership

- Masters Leadership Program of Greater San Antonio
- Municipal Leadership Institute of San Antonio
- Seminar for Executives on Legislative Operations
- Congress and the Intelligence Community Workshop
- Driving Performance through Dialogue Workshop

Functional

- Civilian Personnel Management Course
- Contingency Wartime Planning Course
- Joint Information Operations Orientation Course
- Worldwide Joint Planning Orientation Course
- Imagery Intelligence Officer Course

Certifications

- Director of National Intelligence's *Intelligence Community Officer* (ICO)
- Intelligence Community Assignment Program (ICAP)—Joint Duty

CIVIC AND COMMUNITY

- Commissioner—City of San Antonio Planning Commission
- Member—Technical Advisory Committee, City of San Antonio Planning Commission
- Director—Project QUEST, Inc., Board of Directors
- Member—Programs and Operation Committee, Project QUEST, Inc.

MAJOR AWARDS AND HONORS

- Headquarters, USAF Intelligence Officer of the Year
- Meritorious Service Medal, with three oak leaf clusters
- Joint Service Commendation Medal, with two oak leaf clusters
- Air Force Commendation Medal
- National Defense Service Medal, with oak leaf cluster
- Armed Forces Expeditionary Medal
- Armed Forces Service Medal
- NATO Medal



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Jere M. Pace

Residential Address: 7914 Milton Favor, San Antonio, TX 78254

Physical Address of Employer: 102 Hall Boulevard, Suite 249, San Antonio, TX 78243

Board of Trustees Location Applying For: Lackland ISD

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

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

Jere M. Pace
Signature of Applicant

26 March 2021
Date

Jere M. Pace
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.

Jere M. Pace

7914 Milton Favor

San Antonio TX 78254

Home: (210) 589-3566; Office: (210) 977-6977, DSN 969-6977

Work E-mail: jere.pace.1@us.af.mil

Home E-mail: jerelazard@yahoo.com

OBJECTIVE: To ensure the Air Force is efficiently and effectively utilizing resources to fulfill mission and support requirements.

EMPLOYMENT HISTORY:

Individual Mobilization Augmentee (IMA) to 16th Air Force Section/CC May 2020 to Present

Employers: 16th Air Force and Air Force Reserves

Rank & AFSC: 2d Lt, 038F1

Supervisor: Maj Kyle Jones, DSN: 969-6889/COMM: (210) 977-6889, may be contacted

Serves as IMA to NAF Section Commander. Strategic advisor to the NAF Commander on any personnel-related tasks, policies, and/or procedure in accordance with AFI 1-2, and assist the NAF Commander in improve the unit and complete the mission responsibilities. Provides oversight to CSS personnel and ensures the execution of daily operations to include unit personnel and other commander directed programs.

Lead Manpower Analyst, GG-0343-13 December 2013 to Present

Employer: 16th Air Force

102 Hall Blvd, Suite 249, San Antonio, TX 78243

Supervisor: Renato Queza, (210) 977-6973 or DSN 969-6973, may be contacted

Serves as the Command and Air Force Service Cryptologic Element (AF/SCE) technical advisor regarding manpower requirements and organization management. When required, serves as 16 Manpower and Reserve Affairs Division Chief. The lead manpower expert on requirements management to include requirements development, measurement, validation, and utilization. Provides technical guidance and formulates recommendations on manpower requirements processes, manpower utilization, and manpower programmatic for the Intelligence Community (IC), ACC, other MAJCOMs, 16 AF Staff and subordinate units. Represents 16 AF/A1 while attending high-level planning and decision meetings held locally or via secure video teleconferences. Tracks changes to >40K military and civilian authorizations. Resolves a full range of complex requirements through knowledge of manpower policies and directives. Ensures all assigned Authorization Change Requests (ACRs) and Organization Change Requests (OCRs) are completed in accordance with AF instructions and policies. Provides leadership oversight on all ACRs/OCRs to include complex manpower issues and/or functions as the AO on highly sensitive or quick turn actions. Researches, fully coordinates and completes queries, assigned special projects, and taskers to meet designated commitments and suspenses. Organizes, builds, and leverages organizationally-appropriate collaborative networks of coworkers, peers, customers, stakeholders, and teams within an organization and/or across the Defense Intelligence Components and the IC. Trains and advises functional area managers and program

managers on UMD management, manpower policies, and functions. Maintains a working knowledge of personnel management, EEO, safety, and security regulations, practices, and procedures. Coordinates on resolution of AFPOM, Military Intelligence Program (MIP), and National Intelligence Program (NIP) manning issues. This supports 16 AF/A1's mission to deliver Manpower and Personnel services to organize, train, and equip global 16 AF Airmen across 9 wings and a center.

CCP Lead Manpower Analyst, GG-343-12 June 2011 to December 2013

Employer: AF Intelligence, Surveillance, and Reconnaissance Agency (AFISRA)

248 Kirknewton, Suite 317, San Antonio, TX 78243

Supervisor: Renato Queza, (210) 977-5394 or DSN 969-5934, may be contacted

Serves as the Command and Air Force Service Cryptologic (AF/SCE) technical advisor to the A1M Division Chief and the A1 Director regarding National Consolidated Cryptologic Program (CCP) manpower requirements management. The lead expert on National Security Agency/Central Security Service (NSA/CSS) and AF CCP manpower requirements management to include requirements development, measurement, validation, and utilization. Provides technical guidance and formulates recommendations on manpower requirements processes, manpower utilization, and AF/NSA manpower programmatic for NSA/CSS, SAF/AAR, HAF/A2, other MAJCOMs and AFISRA Staff and subordinate units. Serves as AFISRA/A1 subject matter expert for NSA-directed worldwide site reviews and translates findings into authorizations on the Unit Manpower Document (UMD) and in the Human Resource Management System (HRMS). Lead Manpower Analyst for Organization Change Requests (OCR) and Authorization Change Requests (ACR) impacting CCP-funded resources that are implemented for HQ AFISRA Staff, Wings/Centers, and subordinate units. Oversees manpower requirements validations in accordance with Air Force and NSA directives while identifying requirements and initiating requests for additional manpower. Primary AF/SCE advisor to NSA Manpower Management office (BF12) who chairs the Manpower Working Group (MWG). Represents AFISRA while attending high-level NSA-hosted planning and decision meetings held in the National Capital Region and via secure video teleconferences. Tracks AFISRA and 67 NWW changes to CCP assets to include military and civilians. Works directly with NSA Investment Portfolio (IP) Managers to define and present AF policy and guidance for AF manpower resources. Briefs and advises senior management on AF and NSA manpower issues and develops course of actions (COA). Provides AFISRA wings, centers and unit commanders guidance on the efficient use and application of AFISRA's manpower resources. Participates in the development of unique manpower standards in support of AFISRA's and NSA's specialized, complex mission requirements by leading associated workload studies, applying associated mission/manpower guidelines, and identifying/documenting unique manpower guidelines through expert analysis. Functions as the AFISRA and AF/SCE lead while participating in AF and NSA/CSS manpower requirements evaluations at worldwide locations within a national, multi-service and coalition environment to ensure AFISRA assets are effectively and equitably utilized. Manages the AFISRA's joint duty authorizations with the UMDs of two subordinate Wings. Advocates AFISRA requirements in the NSA/CSS and AFISRA corporate and staffing process. Possesses an extensive knowledge of the IC mission, roles, functions, organizational structures, management, and operation of the agency and national intelligence organizations for the purpose of providing guidance and conducting or participating in studies to determine the appropriate manning levels and organizational structures. Has an extensive knowledge of NSA and AF databases. Plans, organize, and develop studies or projects, and to negotiate effectively with management to accept and implement recommendations, where the

proposals involve substantial resources, and require extensive changes in established concepts and procedures. Trains and advises Functional Area Managers (FAM) on UMD management, manpower policies, and functions. Provide coordination between NSA, AFISRA, and 24 AF on resolution of CCP, AFPOM, and GDIP-related manning issues.

NCOIC, Requirements Branch March 2008 to June 2011

Employer: AF Intelligence, Surveillance, and Reconnaissance Agency (AFISRA)

248 Kirknewton, Suite 317, San Antonio, TX 78243

Salary: \$62,505 (MSgt/E-7)

Supervisor: Renato Queza, (210) 977-5394 or DSN 969-5934, may be contacted

Lead Manpower Analyst for OCR and ACR implementation for HQ AFISRA Staff, Wings/Centers, and subordinate units. Oversaw manpower requirements validations in accordance with Air Force, DIA, NGA, and NSA directives. Staffed Special Operations Forces (SOF), NASIC, and NSA issues to corresponding HHQs, AFISRA Staff Functions and subordinates, and 24 AF. Served as AFISRA/A1 subject matter expert for NSA-directed worldwide MMRTs and translated findings into authorizations on the UMD and in HRMS. Represented AFISRA while attending high-level NSA-hosted planning and decision meetings in the National Capital Region. Tracked AFISRA and 67 NWW changes to CCP assets to include military and civilians. Lead manpower representative during the activation of four ISR Groups, six squadrons, and 12 detachments/operating locations. Identified requirements and initiated requests for additional manpower. AFISRA/A1 representative for SOF working group. Briefed and advised senior management on AF and NSA manpower issues and developed COAs. Trained and advised FAMs on UMD management, manpower policies, and functions. Provided coordination between NSA, AFISRA, and 24 AF on resolution of CCP, AFPOM, and GDIP-related manning issues.

SECURITY CLEARANCE: TS/SCI with current Counterintelligence (CI) Polygraph

EDUCATION:

Community College of the Air Force, April 2008

Associate Degree, Human Resource Management

Park University, October 2012

B.S. Degree, Human Resource Management

Webster University, June 2017

M.A. Degree, Management and Leadership

TRAINING:

Total Force Officer Training, 8-weeks, Commissioned on 22 May 2020

Congressional Justification, Government Affair Institute at Georgetown University, 16 hrs, Jul 2019

Air Command and Staff College (ACSC) Distance Learning (DL) 6.0, 249 hrs, May 2019

Planning, Programming, Budgeting and Execution Basic Course, HAF/A8PE, 16 hrs, May 2019

Enhancing Human Capital 301 Facilitation, Profession of Arms Ctr of Excellence, 32 hrs, Nov 2018

Creating Culture of Performance/Accountability in Government Work Environment, 16 hrs, Oct 2017

Leadership Strategies for Effective Communication in the Workplace, 16 hrs, Aug 2017

AF Smart Operations 21 (AFSO21) Level 1, 40 hrs, May 2017

PROFESSIONAL MEMBERSHIPS:

Rotary Club of San Antonio Mission Trail, 2010 to Present

- Leverage professional expertise to oversee Club and District level operations and projects
- Serves on the Mission Trail Rotary Club Board Club Secretary
- Assistant Governor; oversees two Clubs across the District

Alumni Association, Leadership Federal Executive Board (FEB), Class of 2018

- Graduate of The Alamo FEB's 10-month leadership program
- Purpose is to foster activities and involvement within the greater San Antonio metropolitan area by "Giving Back to Our Community"

Board Secretary, Lackland ISD (LISD) Board of Trustees, 14 Jun 2019 to Present

- Govern and oversee the management of Lackland ISD
- Establish performance goals for the District and monitor progress toward those goals
- Adopt and file a budget for the succeeding fiscal year
- Ensures that the Superintendent of Schools implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of District operations
- Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community

Charter President, LISD Education Foundation, June 2020 to Present

- Serves as the chief executive officer for the foundation
- Maintain general charge of the business affairs of the foundation
- Presides at meeting of the Board of Directors

Approval of 2021-2025 Rule Review Plan for State Board of Education Rules

June 25, 2021

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

SUMMARY: This item presents for approval the 2021-2025 Rule Review Plan for State Board of Education (SBOE) Rules. Texas Government Code (TGC), §2001.039, requires an ongoing four-year rule review of existing state agency rules, including SBOE rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for initially adopting or readopting a rule continues to exist.

STATUTORY AUTHORITY: [TGC, §2001.039](#).

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

PREVIOUS BOARD ACTION: In response to statute, the SBOE conducted reviews of its rules in 1991-1993, 1995-1996, 1997-2001, 2001-2005, 2005-2009, 2009-2013, 2013-2017, and 2017-2021.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist. In order to implement and comply with the statutory rule review requirements, the SBOE adopted rule review plans for the 1997-2001, 2001-2005, 2005-2009, 2009-2013, 2013-2017, and 2017-2021 cycles.

The proposed 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review plan with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed or are scheduled to be presented for repeal. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the proposed 2021-2025 plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE designed to align the adoption of textbook proclamations with amendments to the TEKS.

Once approved by the SBOE, the rule review plan for SBOE rules will continue to appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will appear in the information pages of the SBOE agenda along with the ongoing report. The rule review plan will also be posted on the agency's website and updated if necessary.

Report on the 2017-2021 SBOE Rule Review Plan. An ongoing report on the 2017-2021 SBOE rule review plan has been included in the information pages of each agenda since its approval in 2016. The 2017-2021 reviews resulted in changes to some SBOE rules to update and clarify provisions and align the rules with current practice. Attachment III includes a report on the 2017-2021 SBOE rule review plan, including changes generated as a result of the reviews.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples. 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)	A discussion item is included in the agenda that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files the Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (action)	An action item is included in the agenda that presents a summary of comments received, if any, from the 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 the 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)	A discussion item is included in the agenda 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 the Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading and filing authorization)	Separate action items are included in the agenda: one that presents comments received, if any, from the Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments for first reading and filing authorization. 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 the proposed amendments. Staff also files 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 and final adoption)	An action item is included in the agenda that presents the proposed amendments for second reading and final adoption, which includes a summary of comments, if any, on the proposed amendments.
	Texas Register	After the SBOE meeting, staff files the adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee and Full SBOE (first reading and filing authorization)	An action item is included in the agenda that presents the proposed repeal of the rule for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files the proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading and final adoption)	An action item is included in the agenda that presents the proposed repeal of the rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files the adopted repeal.
END OF REPEAL PROCESS		

PUBLIC AND STUDENT BENEFIT: The ongoing rule review process will ensure that SBOE rules remain current and valid and that the reasons for adopting or readopting the rules continue to exist. This process also provides an opportunity for the public to comment on the SBOE rules under review.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the proposed 2021-2025 Rule Review Plan for State Board of Education Rules.

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking
Lynette Smith, Program Specialist, Rulemaking

Attachment I:

Proposed 2021-2025 Rule Review Plan for State Board of Education Rules

Attachment II:

Sample Notices of Proposed and Adopted Review

Attachment III:

Report on the 2017-2021 SBOE Rule Review Plan

Attachment I

Proposed 2021-2025 Rule Review Plan for State Board of Education Rules

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE.

Review Period: September 2021–August 2022			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 74. Curriculum Requirements	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
Chapter 89. Adaptations for Special Populations	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
Chapter 61. School Districts	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

Review Period: September 2022–August 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 129. Student Attendance	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
Chapter 157. Hearings and Appeals	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

Review Period: September 2023–August 2024			
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 2023
Chapter 66. State Adoption and Distribution of Instructional Materials	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
Chapter 100. Charters	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2024–August 2025			
Chapter Title	Subchapter Title	Topic	Begin Review
Chapter 30. Administration	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
Chapter 101. Assessment	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<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 2025
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

SAMPLES

Attachment II

Notice of Proposed Review (Intention to review)

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_on_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_on_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)
(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

Attachment III

**Report on the 2017-2021 SBOE Rule Review Plan
(as of May 2021)**

Chapter	Title	Review Approved by SBOE as Proposed	Review Approved by SBOE as Adopted	Rules Should Continue?	Changes Adopted in Response to Review
30	Administration	November 2020	January 2021	Yes	Updated the petition form.
33	Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund	September 2019	November 2019	Yes	None.
61	School Districts	April 2018	June 2018	Yes	Reduced the required number of nominees submitted to allow for greater flexibility.
66	State Adoption and Distribution of Instructional Materials	November 2019	January 2020	Yes	None.
74	Curriculum Requirements	September 2017	February 2018	Yes	Updated rules to align with legislation and changes to technology applications and career and technical education Texas Essential Knowledge and Skills.
89	Adaptations for Special Populations	January 2018	April 2018	Yes	None.
100	Charters	January 2020	April 2020	Yes	None.
101	Assessment	January 2021	April 2021	Yes	Future changes are anticipated to update statutory references in the rule.
105	Foundation School Program	November 2017	February 2018	Yes	None. However, Subchapter A is being repealed as a result of House Bill 3, 86th Texas Legislature, 2019.
109	Budgeting, Accounting, and Auditing	January 2021	April 2021	Yes	Future changes are anticipated to clarify terminology and update citations.
129	Student Attendance	January 2019	April 2019	Yes	Updated language to provide flexibility to school districts to designate when attendance will be taken.
157	Hearings and Appeals	January 2019	April 2019	Yes	Updated certification criteria for independent hearing examiners to align with state law.

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(amended January 26, 2021)

CHAPTER 1. BOARD ORGANIZATION

The statutory citation for this chapter is the Texas Education Code, §7.107.

§1.1. Officers of the Board.

(a) Selection.

- (1) The vice chair and secretary of the board shall be elected by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
- (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
- (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.

(b) Duties.

- (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
- (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
- (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

§1.2. Committees of the Board.

- (a) The standing committees of the board and their areas of oversight are:

Committee of the Full Board

1. Public testimony
2. Establishment of essential knowledge and skills (TEKS)
3. Instructional materials proclamations and adoption of instructional materials
4. Consideration of the Commissioner of Education's open-enrollment charter school proposals

Committee on Instruction

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/Texas School for the Deaf

Committee on School Finance/Permanent School Fund

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Community education funding
6. Oversight of the Bond Guarantee Program
7. Permanent School Fund management oversight, including audit responsibility, investment objectives, and investment decisions
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

Committee on School Initiatives

1. Long-range plans required by statute
 2. Educational technology and telecommunications
 3. Review and evaluation of charter school applications, revisions, and amendments the commissioner of education proposes to grant
 4. State Board for Educator Certification rules review
 5. School board member training policy
 6. Hearing examiners
 7. Military reservation and special purpose school districts
 8. Extracurricular activities
 9. Home-rule school district probation and revocation
- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.

- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall also consider seniority (total years of service), ethnicity balance, gender balance, racial diversity, geographic balance, and relevant qualifications specific to a committee assignment in making committee assignments. Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee.
- (f) Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (g) Occasionally, committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.

§1.3. Board Member Seating Selection.

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

CHAPTER 2. MEETINGS

The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.

§2.1. Regular Meetings of the Board.

In accordance with Texas Education Code, §7.106, four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

§2.2. Special Meetings of the Board.

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

§2.3. Open Meetings.

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

§2.4. Executive Sessions.

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

§2.5. Agendas.

- (a) The chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the

committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair place an item on the agenda of that chair's committee, other than the Committee of the Full Board, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination regarding whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.
- (e) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule listing item titles with short summaries of each item. Materials supplementing the agenda may be included. Official agendas will be available the day of the board meeting.

§2.6. Official Transaction of Business.

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via remote video or web conference. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) If a board member participates in a meeting virtually, the board member must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations without permission from the presiding chair.

§2.7. Rules of Order.

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (d) No applause, outburst or other demonstration by any spectator shall be permitted during the public testimony, public hearing or debate portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings.
- (e) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.

§2.8. Minutes.

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved, and which carry the original signature of the secretary of the board.

§2.9. Resolutions.

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the State Board of Education Support staff not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following a date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
 - (1) The resolution shall be submitted in compliance with subsection (a) of this section.

- (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(b).
- (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
- (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
 - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner.
 - (B) Instructional materials should promote citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears, should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.
 - (i) Instructional materials should present positive aspects of the United States and its heritage.
 - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
 - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
 - (C) Instructional materials should not include blatantly offensive language or illustrations.
 - (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.

- (i) Instructional materials should not encourage lifestyles deviating from generally accepted standards of society.
 - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
 - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
 - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
 - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
 - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
 - (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.

- (a) General Provisions.
 - (1) In accordance with Texas Education Code, §7.110, the board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
 - (2) Work session and ad hoc committee meetings are exempt from this requirement.
 - (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
 - (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.

- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
 - (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (b) Registration Procedures.
- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Thursday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at <https://tea.texas.gov/PublicTestimonySBOE/>, or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.
 - (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
 - (3) A person may register himself or herself, and one other person. Organizations may not register more than two persons per item.
 - (4) Those registering online will receive an email confirming the registration during the next business day.
 - (5) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
 - (6) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
 - (7) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
 - (8) All speakers shall provide twenty (20) collated or stapled copies of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide twenty (20) copies of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.
- (c) Oral Public Testimony to Committees.
- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.

- (2) In order to maximize the total number of testifiers who are able to provide oral testimony, two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
 - (3) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee.
 - (4) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (d) Oral Public Testimony to the General Meeting of the Board.
- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.
 - (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Three-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
 - (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, twenty (20) collated or stapled copies shall be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who were unable to attend or to testify at a committee or board meeting due to time constraints may provide twenty (20) collated or stapled copies of their testimony to agency staff for distribution to board members and agency executive staff.

§2.12. Public Hearings.

- (a) Types of Public Hearings.
 - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
 - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to adoption of Texas essential knowledge and skills and (TEKS) instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS review and revision process.
- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).
- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
 - (1) Providing for presentations from invited persons or an introduction from staff;
 - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
 - (3) Establishing time limits for speakers, generally two minutes each;
 - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing may bring twenty (20) collated or stapled copies of their testimony for distribution to board members and agency executive staff.
- (e) Persons who were unable to testify at a public hearing due to time constraints may provide twenty (20) members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments is 5:00 p.m. on Friday the week prior to the start of the board meeting. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

CHAPTER 3. TRAVEL AND EXPENSES

The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.

§3.1. Reimbursement of Expenses.

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
 - (1) public transportation (excluding receipts for bus, taxi, ride share services or limousine);
 - (2) car rental;
 - (3) lodging; and
 - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
 - (1) parking fees (including personal vehicles);
 - (3) notary fees for official documents; and
 - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
 - (1) laundry or other personal items;
 - (2) tips or gratuities of any kind; and
 - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
 - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
 - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.

- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.

- (1) An entity making a gift and/or grant under this section may not:
 - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
 - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
 - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
 - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
 - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
- (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
- (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
- (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.
- (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.

- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.

- (1) A charter may not be evaluated using funds under this section unless the commissioner has:

- (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
 - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
- (2) The commissioner shall receive, disburse and account for funds accepted by the board.
 - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
 - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
 - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
 - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
 - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
 - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.
- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
 - (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.

§4.1. Standards of Conduct and Conflicts of Interest.

- (a) Personal interest in board actions. Whenever a board member has a financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter.
- (b) The Permanent School Fund ethics policy governs the conduct of State Board of Education members with respect to the investment and management of the Permanent School Fund.

§4.2. Press and Public Relations.

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

§4.3. Disclosure of Campaign Contributions and Gifts.

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
 - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
 - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
 - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
 - (2) "contract, grant, or charter" means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open enrollment charter schools.
 - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
 - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
 - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

§4.4. Instructional Materials Submitted to the Texas Resource Review.

- (a) An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination.

CHAPTER 5. RULES AND THE RULEMAKING PROCESS

The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).

§5.1. State Board of Education Rules.

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as First Reading and Second Reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.
- (c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
 - (1) **First Reading and Filing Authorization.** The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
 - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
 - (3) **Withdrawal.** The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
 - (4) **Refiling.** The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
 - (1) the earlier effective date is a requirement of:
 - (A) a federal law, or
 - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
 - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements. The commissioner will provide a mark-up of any such corrections to the board.

§5.5. Rulemaking Authority.

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

§5.6. Review of the State Board of Education Rules.

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules

§5.7. Filing of Amendments.

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.

CHAPTER 6. ADVISORY GROUPS

The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.

§6.1. General Provisions.

- (a) The State Board of Education may establish a Committee of Investment Advisors (CIA) to the Permanent School Fund and approve all selected appointments. The CIA shall be composed of not more than 15 members, one appointed by each State Board of Education member, who each have considerable institutional investment expertise and are free from conflicts of interest. The CIA member will closely advise the individual State Board of Education member who appointed the member on all matters relative to the management of the Permanent School Fund as necessary. The CIA may meet in person or via conference call or telephone conference as needed. Duties and responsibilities of the CIA are within the *Texas Permanent School Fund - Investment Procedures Manual*, Section A.2.
- (b) If the board does not establish a CIA, nothing shall prevent a board member from selecting and working with an investment advisor in a manner consistent with federal and state laws and the Investment Procedures Manual.
- (c) Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.

§7.1. Gubernatorial Appointments.

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

§7.2. Timelines.

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and that proper criteria is applied by the State Board of Education.

§7.3. Nominee Selection.

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

§7.4. Teacher Retirement System.

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.5. School Land Board.

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are:
 - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
 - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
 - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
 - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

§7.6. Rules and Procedures.

The board may adopt additional rules and procedures related to these selection processes.

Texas Permanent School Fund
Asset Allocation Mix - SBOE
April 30, 2021

<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	\$ 1,477,252,214	5.15%	\$ 2,556,134,370	6.33%
	Domestic Large Cap	2,148,479,963	7.50%	5,904,898,364	14.63%
	Total Domestic Equity	3,625,732,177	12.65%	8,461,032,734	20.96%
	International Equity - Blackrock	4,147,147,293	14.47%	6,487,751,689	16.08%
	Emerging Market Equity - Navarro	820,737,541	2.86%	1,343,401,148	3.33%
	Total Public Market Equity	8,593,617,011	29.98%	16,292,185,571	40.37%
Fixed Income	Domestic Fixed Income	4,600,079,371	16.05%	4,635,053,961	11.49%
	Treasuries	1,330,769,117	4.64%	1,136,302,809	2.82%
	Investec Emerging Market Debt	1,209,471,922	4.22%	1,311,803,855	3.25%
	Ashmore Emerging Market Debt	1,209,880,217	4.22%	1,253,580,106	3.11%
	Total Emerging Market Debt	2,419,352,139	8.44%	2,565,383,961	6.36%
	Total Fixed Income	8,350,200,627	29.13%	8,336,740,731	20.67%
Absolute Return	Raven 1	660,468,021	2.30%	1,101,144,866	2.73%
	Raven 4	493,537,093	1.72%	947,481,307	2.35%
	Raven 6	309,735,089	1.08%	486,393,113	1.21%
	Raven 7	369,907,860	1.29%	567,679,105	1.41%
	Raven 8	439,965,869	1.53%	572,968,592	1.42%
	Total Absolute Return	2,273,613,932	7.92%	3,675,666,983	9.12%
Private Equity	Columbia NB Crossroads Fund L.P.	229,956,932	0.80%	280,421,971	0.69%
	Columbia NB Crossroads Fund II L.P.	313,005,790	1.09%	522,606,223	1.30%
	Columbia NB Crossroads Fund II Tranche C	752,825,318	2.63%	1,146,528,384	2.84%
	Columbia NB Crossroads Fund II Tranche D	642,059,936	2.24%	817,257,738	2.03%
	TPSF NB PE Program	863,625,614	3.01%	1,469,293,654	3.64%
	Private Equity Direct	1,452,000,671	5.07%	1,957,129,041	4.85%
	Total Private Equity	4,420,217,706	15.42%	6,462,265,469	16.02%
Real Estate	Direct Real Estate Investments	2,961,872,640	10.33%	3,491,909,746	8.65%
	Total Real Estate	2,961,872,640	10.33%	3,491,909,746	8.65%
Real Return	Real Return - TIPS	1,111,499,320	3.88%	1,187,868,021	2.94%
	Real Return Commodities - Terlingua 1	140,683,069	0.49%	115,532,456	0.29%
	Real Return Commodities - Terlingua 2	225,887,425	0.79%	179,821,001	0.45%
	Real Return Commodities - Terlingua 3	375,278,085	1.31%	401,582,860	1.00%
	Total Real Return	1,853,347,899	6.47%	1,884,804,338	4.68%
Total Unallocated Cash	211,144,411	0.73%	211,144,411	0.49%	
Fund Total	28,664,014,226	100.00%	40,354,717,249	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 8,781,344,964 21.76%
Total Real Estate Exposure and Percentage of Fund Total Fair Value 5,566,474,829 13.79%

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.

**Review of Annual Audit Plan of the Division of Financial Compliance
for 2021-2022 School Year**

June 25, 2021

STATE BOARD OF EDUCATION: INFORMATION

SUMMARY: This item covers the annual audit plan of the Division of Financial Compliance for the 2021-2022 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

BACKGROUND INFORMATION AND JUSTIFICATION: Title 19 Texas Administrative Code §109.21 requires the commissioner of education to annually submit, for review of the Committee on School Finance/Permanent School Fund, an audit plan for field and independent financial reviews. The commissioner may amend the plan as needed.

FISCAL IMPACT: None.

PROCEDURAL AND REPORTING IMPLICATIONS: None.

Staff Member Responsible:

David Marx, Director, Financial Compliance

[Attachment:](#)

Audit Plan of the Division of Financial Compliance for 2021-2022 School Year

Audit Plan for the 2021-2022 School Year

The commissioner of education shall submit an annual audit plan for field and independent audits for review of the designated committee of the State Board of Education. The plan may be amended as needed by the commissioner of education. The designated committee of the State Board of Education shall be informed at least annually by the commissioner of education on the progress of and amendments to the plan.

Texas Administrative Code §109.21; Texas Education Code, §44.001

This required audit plan is submitted by the Division of Financial Compliance. It includes the division's functional work responsibilities, which primarily are reviews of student attendance data, annual financial and compliance reports, fiscal management reviews, and certified public accountant work paper reviews.

Audit Plan Items:

- 1. Reviews of Student Attendance Data**
- 2. Reviews of Annual Financial and Compliance Reports**
- 3. Reviews of Certified Public Accountant Work Papers**
- 4. Follow-up and Fiscal Management Reviews**
- 5. Special Allotment Expenditure Reviews**
- 6. School Health and Related Services**
- 7. Additional Reviews**

Audit Plan

1. **Reviews of Student Attendance** – The Division of Financial Compliance will review the student attendance systems and processes of selected school districts and open-enrollment charter schools to determine compliance with the *Student Attendance Accounting Handbook* (SAAH).
 - a. Reviews will be based on a risk assessment and available resources.
 - b. The division will forward adjustments to Foundation School Program (FSP) funds to the State Funding Division for enforcement actions. The division will report issues of noncompliance to the appropriate division.
 - c. Projected Number of Reviews: 75–100

Primary Authorizing Rules:

Section 2.1 of the SAAH (adopted by reference in 19 Texas Administrative Code [TAC] §129.1025):

Your district must make available and provide to the Financial Compliance Division of the TEA copies of all required attendance records within 20 working days of written request by the agency.

19 TAC §129.21(a):

All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.

19 TAC §100.1029(a):

Agency authority. The Texas Education Agency (TEA) may conduct routine audits, monitoring, and other investigations of the charter school or charter holder to determine compliance with the terms of the open-enrollment charter, with the terms of federal or state grants, or as authorized in the Texas Education Code (TEC) or other law.

Additional Authorizing Rules:

19 TAC §129.21(d); Section 1.5 of the SAAH (19 TAC §129.1025)

2. **Reviews of Annual Financial and Compliance Reports (AFRs)** – The division will review the AFRs that all school districts, open-enrollment charter schools, and regional education service centers (local education agencies [LEAs]) are required to submit. The division will conduct reviews to verify that recipients (both LEAs and non-LEAs) of federal funds over a certain threshold have had an independent audit conducted, as required for compliance with Office of Management and Budget (OMB) Circular 2-Code of Federal Regulations (CFR) 200.
 - a. The division will review all independently audited AFRs, including associated reports such as single audits, reports on internal control over compliance, and electronically submitted information.
 - b. The division will:
 - i. report issues of noncompliance to the individual school district or charter school,
 - ii. report questioned costs noted by the independent auditor to the Division of Federal Fiscal Compliance and Reporting for enforcement action, and
 - iii. report issues of noncompliance noted by the independent auditor to the appropriate division or state or federal agency, if applicable.
 - c. Projected Number of Reviews: 1,200

Primary Authorizing Statutes and Rules:

TEC, §44.008(a) and (e) (excerpts):

- (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.
- (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.

Title 2 CFR §200.331(d):

- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

19 TAC §109.23(c) (excerpt):

Auditors from the Texas Education Agency must review independent audit reports.

Additional Authorizing Statutes and Rules: TEC, §§ 44.001, 44.007(d), 44.009(a), and 44.010; Sections 4.2.3 and 4.2.7 of the FASRG (19 TAC §109.41); 19 TAC §109.1 and §109.25(c)

3. **Reviews of Certified Public Accountant (CPA) Work Papers** – The division will review the work papers of independent auditors engaged by school districts, open-enrollment charter schools, and regional education service centers to determine whether the independent auditors complied with applicable standards.

- a. Reviews will be based on a risk assessment and available resources.
- b. The division will report issues of noncompliance to the Texas State Board of Public Accountancy.
- c. Projected Number of Reviews: 10–15

Primary Authorizing Statute:

TEC, §44.008(a) (excerpt):

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.

19 TAC §109.23(c) (excerpt):

Auditors from the Texas Education Agency must review independent audit reports.

19 TAC §109.23(e) (excerpt):

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers

Additional Authorizing Statutes and Rules:

TEC, §44.007(a) and §44.008(b); Sections 4.2.3 and 4.2.6 of the FASRG (19 TAC §109.41); 19 TAC §109.1(a) and §109.23(c).

4. **Follow-up and Fiscal Management and Compliance Reviews** – The division will review the business office procedures and internal controls of school districts and open-enrollment charter schools for compliance with the FASRG, generally accepted accounting principles, and best practices. Reviews will include verifying that school districts and charter schools have corrected problems that are identified in AFR findings and FIRST indicators.
- a. Reviews will be based on a risk assessment and available resources.
 - b. The division will report issues of noncompliance to the individual school district or charter school and the appropriate division or state or federal agency, if applicable.
 - c. Projected Number of Reviews: 20-30

Primary Authorizing Statute:

TEC, §44.008(a) (excerpt):

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.

TEC, §7.021(a)(13):

The agency shall review school district budgets, audit reports, and other fiscal reports as required under Sections 44.008 and 44.010 and prescribe forms for financial reports made by or for school districts to the commissioner or the agency as required under Section 44.009.

19 TAC §100.1029(a):

Agency authority. The Texas Education Agency (TEA) may conduct routine audits, monitoring, and other investigations of the charter school or charter holder to determine compliance with the terms of the open-enrollment charter, with the terms of federal or state grants, or as authorized in the Texas Education Code (TEC) or other law.

5. **Special Allotment Expenditure Reviews** - The division will review the expenditure levels for FSP programs, including special education, state compensatory education, bilingual education, gifted and talented education, career and technical education, and high school education, to determine whether a school district or charter school has complied with state laws and rules.
 - a. Reviews will be based on a risk assessment and available resources.
 - b. The division will report issues of noncompliance to the individual school district or charter school and to the appropriate division or state or federal agency, if applicable.
 - c. Projected Number of Reviews: 5

Primary Authorizing Statute:

TEC, §44.008(a) and (e) (excerpts):

- (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.
- (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.

19 TAC §109.25(a) (excerpt):

The commissioner of education shall ensure that districts follow guidelines contained in the "Financial Accountability System Resource Guide" in attributing supplemental direct costs to state compensatory education and accelerated instruction programs and services.

Additional Authorizing Statutes and Rules:

TEC, §§39.234, 48.102, 48.103, 48.104, 48.105, 48.106, 48.108, 48.110; 19 TAC §§109.23(b) and (c), and 109.25

6. **School Health and Related Services** – The division will review documentation that supports the submission by school districts and charter schools of certain costs for reimbursement by Medicaid that the school or charter school provided to students who have additional needs. Documentation also should show that the program is in compliance with federal and state law.
- a. The program is operated within a Memorandum of Understanding with Texas Health and Human Services Commission (HHSC).
 - b. Reviews will be based on a risk assessment that determines who receives a review.
 - c. The division reports its findings to both the district and HHSC.
 - d. Projected Number of Reviews: 0-5

Primary Authorizing Statute:

Texas Government Code §531.021(a) and (b) (excerpts):

- (a) The commission is the state agency to administer the federal Medicaid funds.
- (b) The commission shall: (1) plan and direct Medicaid in each agency that operates a portion of Medicaid, including the management of the Medicaid managed care system and the development, procurement, management, and monitoring of contracts necessary to implement the Medicaid managed care system

Memorandum of Understanding with HHSC Section III, Part F (excerpt):

F. TEA has the primary responsibility for program compliance monitoring. TEA will develop self-monitoring tools and procedures for providers, with HHSC input and approval. TEA agrees to conduct compliance monitoring desk reviews each quarter and onsite compliance reviews as necessary based on risk-based assessment. TEA will share the results of these desk reviews and onsite audits with HHSC.

7. **Additional Reviews Performed by the Division of Financial Compliance** – These reviews do not fall under the “field and independent audits” specified in 19 TAC §109.21.
- **Superintendent Severance Payments** – On receiving a school district’s disclosure of a severance payment to a superintendent, the division will review the superintendent’s contractual agreement and supporting documentation to determine any necessary adjustments to the district’s FSP payments. (TEC, §11.201[c]; 19 TAC §105.1021)
 - **Fiscal Year Changes** – The division will review and document receipt of the forms that school districts and open-enrollment charter schools must submit when changing the start and end dates of their fiscal year.
 - **Depository Contracts** – The division will document the information each school district and charter school is required to report each year regarding the school’s main depository bank account. (19 TAC §§100.1043[b], 109.51, and 109.52)
 - **New Charter School Visits** – The division will consult with all new charter schools in their first year of operations. Guidance provided will include guidance on student attendance accounting, business office organization, governance, and working with the division and agency.

- **Other types of reviews** – As a way of providing transparency for the public, the division is undertaking reviewing other types of projects for compliance with applicable laws and rules. Types of reviews the division is considering are procurement and construction projects, travel and reimbursement, transportation recording and reporting, and cash management and activity funds.

Throughout the year, the division will adjust this audit plan to accommodate the effects of unplanned and unscheduled work. Examples of unplanned and unscheduled work are: public information requests and production requests; record reviews; increased audit and examination activity from the United States Department of Education and other external partners and stakeholders; school consolidations and charter revocations; and resource allocation. In addition, this year will also be interrupted as we plan our reviews more virtually because of the COVID-19 pandemic.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

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SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

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SECTION 5

Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
- (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
- (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
- (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

NATURAL RESOURCES CODE
TITLE 2. PUBLIC DOMAIN
SUBTITLE D. DISPOSITION OF THE PUBLIC DOMAIN
CHAPTER 51. LAND, TIMBER, AND SURFACE RESOURCES
SUBCHAPTER I. ACQUISITION OF PUBLIC SCHOOL LAND

NRC, §51.414. PERMANENT SCHOOL FUND LIQUID ACCOUNT.

- (a) The permanent school fund liquid account is established as an account in the permanent school fund in the State Treasury to be used by the board and the State Board of Education as provided by this section.
- (b) Each quarter, the board shall hold a meeting and adopt a resolution to release from the real estate special fund account funds designated under Section [51.401](#) that are not being used for a purpose listed in Section [51.402](#)(a) and are not required for the board's anticipated cash needs for the 90-day period following the date of the meeting, to be deposited to the credit of the permanent school fund liquid account in the State Treasury.
- (c) The State Board of Education may invest funds in the permanent school fund liquid account. The investments may be made only in liquid assets, in the same manner that the permanent school fund is managed by the State Board of Education.
- (d) Investment income and realized capital gains derived from funds in the permanent school fund liquid account shall be deposited in the State Treasury to the credit of the State Board of Education for investment in the permanent school fund. This subsection does not require a deposit if the market value of the assets held in the permanent school fund liquid account is below cost.
- (e) The State Board of Education may use funds in the permanent school fund liquid account to pay for administrative costs associated with implementing this section, including costs associated with contracts for professional investment management, investment advisory services, or custodial services.
- (f) The board shall provide to the State Board of Education in each quarterly report required by Section [32.068](#) the board's anticipated cash needs for the six-month period following the date of the report, to allow the State Board of Education to ensure that the board's cash needs may be met as provided by Subsection (g).
- (g) Not later than the fifth business day after the date of a request of the board, the State Board of Education shall release from the permanent school fund liquid account funds to be deposited to the credit of the real estate special fund account in the State Treasury in an amount requested by the board.

Added by Acts 2019, 86th Leg., R.S., Ch. 493 (H.B. [4388](#)), Sec. 4, eff. September 1, 2019.

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 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.

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
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.023. CREDIT BY EXAMINATION.

- (a) Using guidelines established by the State Board of Education, a school district shall develop or select for review by the district board of trustees examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education guidelines. The examinations approved by the board of trustees must include:
 - (1) advanced placement examinations developed by the College Board; and
 - (2) examinations administered through the College-Level Examination Program.
- (b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of an examination for acceleration approved by the board of trustees under Subsection (a) if:
 - (1) the student scores in the 80th percentile or above on each section of the examination;
 - (2) a district representative recommends that the student be advanced; and
 - (3) the student's parent or guardian gives written approval of the advancement.
- (c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.
- (c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

- (1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or
 - (2) a scaled score of 50 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.
- (d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer than four times each year, at times to be determined by the State Board of Education.
- (e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.
- (f) A student may not attempt more than two times to receive credit for a particular subject on the basis of an examination for credit in that subject.
- (g) If a student fails to achieve the designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.
- (h) This subsection applies only to a school district surrounded by a school district described by Section 11.065(a). Notwithstanding any other provision of this section, a school district's board of trustees may establish a minimum required score for each section of an examination for acceleration or an examination for credit approved by the board under Subsection (a) that is higher than the minimum required scores under Subsections (b) and (c), respectively. A minimum required score established by a board of trustees under this subsection:
- (1) may be no greater than a score in the 90th percentile;
 - (2) must be established before the beginning of a school year for examinations to be administered in the school year; and
 - (3) must apply for at least the entire school year.

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].~~]

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TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.003. RULES.

The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

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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
SUBTITLE G. SAFE SCHOOLS
CHAPTER 38. HEALTH AND SAFETY
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS.

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.
- (c) Subject to Subsection (c-1), the State Board of Education shall adopt any rules and standards necessary to administer this section.
- (c-1) The agency by rule shall develop procedures designed to allow the agency to:
 - (1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
 - (2) identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section; and
 - (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.
- (d) In this section:
 - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
 - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

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CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
SUBCHAPTER B. ASSESSMENT OF ACADEMIC SKILLS

TEC, §39.021. ESSENTIAL SKILLS AND KNOWLEDGE.

The State Board of Education by rule shall establish the essential skills and knowledge that all students should learn to achieve the goals provided under Section [4.002](#).

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TEC, §39.022. ASSESSMENT PROGRAM.

- (a) The State Board of Education by rule shall create and implement a statewide assessment program that is knowledge- and skills-based to ensure school accountability for student achievement that achieves the goals provided under Section [4.002](#). After adopting rules under this section, the State Board of Education shall consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules.
- (b) It is the policy of this state that the statewide assessment program be designed to:
 - (1) provide assessment instruments that are as short as practicable; and
 - (2) minimize the disruption to the educational program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 397, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1315 (H.B. [3906](#)), Sec. 1, eff. June 14, 2019.

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TEC, §39.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS.

Text of subsection effective until September 01, 2021

- (a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (1) or exempted under Section [39.027](#), shall be assessed in:
- (1) mathematics, annually in grades three through eight;
 - (2) reading, annually in grades three through eight;
 - (3) writing, including spelling and grammar, in grades four and seven;
 - (4) social studies, in grade eight;
 - (5) science, in grades five and eight; and
 - (6) any other subject and grade required by federal law.

Text of subsection effective on September 01, 2021

- (a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (1) or exempted under Section [39.027](#), shall be assessed in:
- (1) mathematics, annually in grades three through eight;
 - (2) reading, annually in grades three through eight;
 - (3) social studies, in grade eight;
 - (4) science, in grades five and eight; and
 - (5) any other subject and grade required by federal law.
- (a-1) The agency shall develop assessment instruments required under Subsection (a) in a manner that allows, to the extent practicable:
- (1) the score a student receives to provide reliable information relating to a student's satisfactory performance for each performance standard under Section [39.0241](#); and
 - (2) an appropriate range of performances to serve as a valid indication of growth in student achievement.
- (a-2) Except as required by federal law, a student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

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- (1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or
 - (2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.
- (a-3) The agency may not adopt or develop a criterion-referenced assessment instrument under this section based on common core state standards as defined by Section [28.002](#)(b-1). This subsection does not prohibit the use of college advanced placement tests or international baccalaureate examinations as those terms are defined by Section [28.051](#).
- (a-4) For purposes of Subsection (a)(1), the State Board of Education by rule may designate sections of a mathematics assessment instrument for a grade level that:
- (1) may be completed with the aid of technology; and
 - (2) must be completed without the aid of technology.
- (a-5)-(a-10) Expired.
- (a-11) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.
- (a-12) An assessment instrument adopted or developed under Subsection (a) may not have more than three parts. A part of an assessment instrument must be designed so that:
- (1) if administered to students in grades three and four, 85 percent of students will be able to complete that part within 60 minutes; and
 - (2) if administered to students in grades five through eight, 85 percent of students will be able to complete that part within 75 minutes.
- (a-13) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur in multiple parts over more than one day.
- (a-14) Subsections (a-12) and (a-13) do not apply to the administration of assessment instruments for a grade level if, as a result of the time restriction imposed, the assessment instrument no longer:
- (1) complies with federal law; or
 - (2) is valid and reliable, based on findings and recommendations made by the advisory committees established under Section [39.02302](#).

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- (a-15) Subsections (a-12) and (a-13) do not apply to a classroom portfolio method used to assess writing performance.
- (a-16) An assessment instrument under this section may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program as provided under this code.
- (b) The agency shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program under Subchapter [A](#), Chapter [29](#), for whom an assessment instrument adopted under Subsection (a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee, including assessment instruments approved by the commissioner that measure growth. The assessment instruments developed or adopted under this subsection, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students under this subsection. The agency may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's admission, review, and dismissal committee.
 - (b-1) The agency, in conjunction with appropriate interested persons, shall redevelop assessment instruments adopted or developed under Subsection (b) for administration to significantly cognitively disabled students in a manner consistent with federal law. An assessment instrument under this subsection may not require a teacher to prepare tasks or materials for a student who will be administered such an assessment instrument. A classroom portfolio method used to assess writing performance may require a teacher to prepare tasks and materials.
- (c) The agency shall also adopt end-of-course assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I end-of-course assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II end-of-course assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A school district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this subsection. If a student is in a special education program under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The State Board of Education shall administer the assessment instruments. An end-of-course assessment instrument may be administered in multiple parts over more than one day. The State Board of Education shall adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3).
 - (c-1) The agency shall develop any assessment instrument required under this section in a manner that allows for the measurement of annual improvement in student achievement as required by Sections [39.034](#)(c) and (d).

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- (c-2) The agency may adopt end-of-course assessment instruments for courses not listed in Subsection (c). A student's performance on an end-of-course assessment instrument adopted under this subsection is not subject to the performance requirements established under Subsection (c) or Section [39.025](#).
- (c-3) Except as provided by Subsection (c-7), in adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall ensure that assessment instruments administered under Subsection (a) or (c) are not administered on the first instructional day of a week.
- (c-4) To the extent practicable and subject to Section [39.024](#), the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:
 - (1) developed in a manner that measures a student's performance under the college readiness standards established under Section [28.008](#); and
 - (2) validated by national postsecondary education experts for college readiness content and performance standards.
- (c-5) A student's performance on an end-of-course assessment instrument required under Subsection (c) must be included in the student's academic achievement record.
- (c-6) In adopting an end-of-course assessment instrument under this section, the agency shall consider the use of an existing assessment instrument that is currently available. The agency may use an existing assessment instrument that is currently available only if the assessment instrument:
 - (1) is aligned with the essential knowledge and skills of the subject being assessed; and
 - (2) allows for the measurement of annual improvement in student achievement as provided by Subsection (c-1).

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 1282 (H.B. [1244](#)), Sec. 1

- (c-7) The United States history end-of-course assessment instrument adopted under Subsection (c) must include 10 questions randomly selected by the agency from the civics test administered by the United States Citizenship and Immigration Services as part of the naturalization process under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.). The agency shall:
 - (1) ensure that the questions included in the assessment instrument align with the essential knowledge and skills adopted for the United States history course for which the instrument is administered; and
 - (2) annually issue a report:
 - (A) providing the questions included in the assessment instrument under this subsection and the answers to those questions; and
 - (B) detailing student performance on the questions included in the assessment instrument under this subsection, both statewide and disaggregated by school

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district and campus.

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 1315 (H.B. [3906](#)), Sec. 3

- (c-7) Subsection (c-3) does not apply to a classroom portfolio method used to assess writing performance if student performance under that method is less than 50 percent of a student's overall assessed performance in writing.
- (c-8) Beginning with the 2022-2023 school year, an assessment instrument developed under Subsection (a) or (c) may not present more than 75 percent of the questions in a multiple choice format.
- (d) The commissioner may participate in multistate efforts to develop voluntary standardized end-of-course assessment instruments. The commissioner by rule may require a school district to administer an end-of-course assessment instrument developed through the multistate efforts. The admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether any allowable modification is necessary in administering to the student an end-of-course assessment instrument.
- (e) Under rules adopted by the State Board of Education, every third year, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), (d), or (l), excluding any assessment instrument administered to a student for the purpose of retaking the assessment instrument, after the last time the instrument is administered for that school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score. During the 2014-2015 and 2015-2016 school years, the agency shall release the questions and answer keys to assessment instruments as described by this subsection each year.
- (e-1) The agency may defer releasing assessment instrument questions and answer keys as required by Subsection (e) to the extent necessary to develop additional assessment instruments.
- (f) The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.
- (g) The State Board of Education may adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring. If adopted, a norm-referenced assessment instrument must be a secured test. The state may pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner.
- (h) The agency shall notify school districts and campuses of the results of assessment instruments administered under this section not later than the 21st day after the date the assessment instrument is administered. The school district shall disclose to each district teacher the results of assessment

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instruments administered to students taught by the teacher in the subject for the school year in which the assessment instrument is administered.

- (i) The provisions of this section, except Subsection (d), are subject to modification by rules adopted under Section [39.022](#). Each assessment instrument adopted under those rules and each assessment instrument required under Subsection (d) must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.
- (j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1312, Sec. 18, eff. September 1, 2007.
- (l) The State Board of Education shall adopt rules for the administration of the assessment instruments adopted under Subsection (a) in Spanish to students in grades three through five who are of limited English proficiency, as defined by Section [29.052](#), whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument under Section [39.027](#)(a)(1) or (2). Each student of limited English proficiency whose primary language is Spanish, other than a student to whom Subsection (b) applies, may be assessed using assessment instruments in Spanish under this subsection for up to three years or assessment instruments in English under Subsection (a). The language proficiency assessment committee established under Section [29.063](#) shall determine which students are administered assessment instruments in Spanish under this subsection.
- (m) The commissioner by rule shall develop procedures under which the language proficiency assessment committee established under Section [29.063](#) shall determine which students are exempt from the administration of the assessment instruments under Section [39.027](#)(a)(1) or (2). The rules adopted under this subsection shall ensure that the language proficiency assessment committee provides that the exempted students are administered the assessment instruments under Subsections (a) and (c) at the earliest practical date.
- (n) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).
- (o) The agency shall adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section. A school district may not be required to administer interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:
 - (1) must be:

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- (A) predictive of the assessment instrument for the applicable subject or course for that grade level required under this section; and
- (B) administered electronically; and
- (2) may not be used for accountability purposes.
- (p) On or before September 1 of each year, the commissioner shall make the following information available on the agency's Internet website for each assessment instrument administered under Subsection (a), (c), or (l):
 - (1) the number of questions on the assessment instrument;
 - (2) the number of questions that must be answered correctly to achieve satisfactory performance as determined by the commissioner under Section [39.0241](#)(a);
 - (3) the number of questions that must be answered correctly to achieve satisfactory performance under the college readiness performance standard as provided by Section [39.0241](#); and
 - (4) the corresponding scale scores.

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TEC, §39.025. SECONDARY-LEVEL PERFORMANCE REQUIRED.

- (a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section [28.025](#) to be administered an end-of-course assessment instrument listed in Section [39.023](#)(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section [39.0241](#)(a), on each end-of-course assessment instrument administered to the student. For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.
- (a-1) A student enrolled in a college preparatory mathematics or English language arts course under Section [28.014](#) who satisfies the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section [51.334](#) on an assessment instrument designated by the coordinating board under that section administered at the end of the college preparatory mathematics or English language arts course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Section [39.023](#)(c), even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument designated by the coordinating board under Section [51.334](#) administered as provided by this subsection may retake that assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument.
- (a-2) The commissioner shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the assessment instrument shall be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a). The commissioner shall determine a method by which a student's satisfactory performance on the PSAT or the ACT-Plan shall be used to satisfy the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection.
- (a-3) A student who, after retaking an end-of-course assessment instrument for Algebra I or English II, has failed to perform satisfactorily as required by Subsection (a), but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject for which the student failed to perform satisfactorily on the end-of-course assessment

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instrument satisfies the requirement concerning the Algebra I or English II end-of-course assessment, as applicable. This subsection expires September 1, 2023.

- (a-4) The admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.
- (a-5) Notwithstanding Subsection (a), a student who has failed to perform satisfactorily on end-of-course assessment instruments in the manner provided under this section may receive a high school diploma if the student has qualified for graduation under Section [28.0258](#). This subsection expires September 1, 2023.
- (b) Each time an end-of-course assessment instrument adopted under Section [39.023](#)(c) is administered, a student who failed to achieve a score requirement under Subsection (a) may retake the assessment instrument. A student is not required to retake a course as a condition of retaking an end-of-course assessment instrument.
- (b-1) A school district shall provide each student who fails to perform satisfactorily as determined by the commissioner under Section [39.0241](#)(a) on an end-of-course assessment instrument with accelerated instruction in the subject assessed by the assessment instrument.
- (b-2) Repealed by Acts 2015, 84th Leg., R.S., Ch. 934 , Sec. 5(3), eff. June 18, 2015.
- (c) A student who has been denied a high school diploma under this section and who subsequently performs at the level necessary to comply with the requirements of this section shall be issued a high school diploma.
- (c-1) A school district may not administer an assessment instrument required for graduation administered under this section as this section existed:
 - (1) before September 1, 1999; or
 - (2) before amendment by Chapter 1312 (S.B. 1031), Acts of the 80th Legislature, Regular Session, 2007.
- (c-2) A school district may administer to a student who failed to perform satisfactorily on an assessment instrument described by Subsection (c-1) an alternate assessment instrument designated by the commissioner. The commissioner shall determine the level of performance considered to be satisfactory on an alternate assessment instrument. The district may not administer to the student an assessment instrument or a part of an assessment instrument that assesses a subject that was not assessed in an assessment instrument applicable to the student described by Subsection (c-1). The commissioner shall make available to districts information necessary to administer the alternate assessment instrument authorized by this subsection. The commissioner's determination regarding designation of an appropriate alternate assessment instrument under this subsection and the performance required on the assessment instrument is final and may not be appealed.
- (d) Notwithstanding Subsection (a), the commissioner by rule shall adopt one or more alternative nationally recognized norm referenced assessment instruments under this section to administer to

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a student to qualify for a high school diploma if the student enrolls after January 1 of the school year in which the student is otherwise eligible to graduate:

- (1) for the first time in a public school in this state; or
 - (2) after an absence of at least four years from any public school in this state.
- (e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a).
- (e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section [39.023\(c\)](#) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.
- (f) The commissioner shall by rule adopt a transition plan to implement the amendments made by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007, replacing general subject assessment instruments administered at the high school level with end-of-course assessment instruments. The rules must provide for the end-of-course assessment instruments adopted under Section [39.023\(c\)](#) to be administered beginning with students enrolled in the ninth grade for the first time during the 2011-2012 school year. During the period under which the transition to end-of-course assessment instruments is made:
- (1) for students entering a grade above the ninth grade during the 2011-2012 school year or students repeating ninth grade during the 2011-2012 school year, the commissioner shall retain, administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section [39.023\(a\)](#) or (c), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007; and
 - (2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, or the current assessment instrument or instruments administered for graduation purposes as provided by Subsection (f-1) or on each required assessment instrument administered under Section [39.023\(c\)](#), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007.
- (f-1) The commissioner shall establish satisfactory performance levels for the SAT, the ACT, the Texas Success Initiative (TSI) diagnostic assessment, and the current assessment instrument or instruments administered for graduation purposes that are equivalent in rigor to the performance level required to be met under Subsection (a), as that subsection existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular Session, 2007, that qualify a student subject to Subsection (f)(1) to receive a high school diploma. Notwithstanding Subsection (f), the commissioner is not required after September 1, 2017, to maintain and administer assessment instruments administered under Section [39.023\(c\)](#), as that section existed before amendment by Chapter 1312 (S.B. No. 1031), Acts of the 80th Legislature, Regular

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- (f-2) A school district shall determine which assessment or assessments described by Subsection (f-1) qualify a student subject to Subsection (f)(1) to receive a high school diploma from the district.
- (g) Rules adopted under Subsection (f) must require that each student who will be subject to the requirements of Subsection (a) is entitled to notice of the specific requirements applicable to the student. Notice under this subsection must be provided not later than the date the student enters the eighth grade.

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TEC, §39.032. ASSESSMENT INSTRUMENT STANDARDS; CIVIL PENALTY.

- (a) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1210, Sec. 2, eff. June 19, 2009.
- (b) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1210, Sec. 2, eff. June 19, 2009.
- (c) State and national norms of averages shall be computed using data that are not more than eight years old at the time the assessment instrument is administered and that are representative of the group of students to whom the assessment instrument is administered.
- (c-1) The standardization norms computed under Subsection (c) shall be:
 - (1) based on a national probability sample that meets accepted standards for educational and psychological testing; and
 - (2) updated at least every eight years using proven psychometric procedures approved by the State Board of Education.
- (c-2) The eight-year limitation on data to compute norms under this section does not apply if only data older than eight years is available for an assessment instrument. The commissioner by rule may limit the exception created by this subsection based on the type of assessment instrument.
- (d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1210, Sec. 2, eff. June 19, 2009.
- (e) The State Board of Education shall adopt rules for the implementation of this section and for the maintenance of the security of the contents of all assessment instruments.
- (f) In this section, "assessment instrument" means a group-administered achievement test.

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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.

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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](#).

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CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS.

- (a) In addition to the general limitation under Section [45.053](#), the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the charter capacity of the guaranteed bond program.
- (a-1) The commissioner may not approve charter district refunding or refinanced bonds for guarantee under this subchapter in a total amount that exceeds one-half of the charter capacity.
- (b) For purposes of this section, the charter capacity of the guaranteed bond program is the percentage of the total capacity of the guaranteed bond program established by the board under Sections [45.053](#)(d) and [45.0531](#) that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner. Each time the board increases the limit under Section [45.053](#)(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).
- (b-1) The charter capacity provided by Subsection (b) applies beginning with the state fiscal year that begins September 1, 2021. Subject to Subsections (b-2) and (b-3), the board shall establish a charter capacity for the preceding state fiscal years by increasing the total limitation on the amount of charter district bonds that could be guaranteed under the law in effect on January 1, 2017, by the following amount:
 - (1) for the state fiscal year that begins September 1, 2017, 20 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (2) for the state fiscal year that begins September 1, 2018, 40 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017;
 - (3) for the state fiscal year that begins September 1, 2019, 60 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017; and
 - (4) for the state fiscal year that begins September 1, 2020, 80 percent of the difference between the charter capacity provided by Subsection (b) and the charter capacity in effect on January 1, 2017.
- (b-2) For any year, the board may increase the charter capacity by less than the amount provided by Subsection (b-1) or may decline to increase the charter capacity by any amount if:
 - (1) the board determines that increasing the charter capacity by the amount provided by Subsection (b-1) would likely result in a negative impact on the bond ratings

provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter; or

- (2) one or more charter districts default on payment of maturing or matured principal or interest on a guaranteed bond, resulting in a negative impact on the bond ratings provided by one or more nationally recognized investment rating firms for school district or charter district bonds for which a guarantee is requested under this subchapter.
- (b-3) If the board makes a determination described by Subsection (b-2) for any year and modifies the schedule provided by Subsection (b-1) for that year, the board may also make appropriate adjustments to the schedule for subsequent years to reflect the modification, provided that the charter capacity for any year may not exceed the limit provided for that year by the schedule.
- (b-4) Subsections (b-1), (b-2), and (b-3) and this subsection expire September 1, 2022.
- (c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.
- (d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.
- (e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

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TEC, §45.0533. COMMUNICATION WITH NATIONALLY RECOGNIZED INVESTMENT RATING FIRM.

Information obtained from a nationally recognized investment rating firm relating to Section [45.053](#), [45.0531](#), or [45.0532](#) that concerns a hypothetical or actual scenario relating to the credit rating of the permanent school fund or the bond guarantee program of the permanent school fund, and any communications from, or information generated by, the agency, the board, the commissioner, or their employees relating to that information, is confidential and not subject to disclosure under Chapter [552](#), Government Code .

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CHAPTER ~~48~~ [42]. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §48.004 [~~42.004~~]. ADMINISTRATION OF THE PROGRAM.

The commissioner, [~~in accordance with the rules of the State Board of Education,~~] shall adopt rules and take [~~such~~] action and require [~~such~~] reports consistent with this chapter as [~~may be~~] necessary to implement and administer the Foundation School Program.

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TEC, §48.102. SPECIAL EDUCATION.

- a) For each student in average daily attendance in a special education program under Subchapter [A](#), Chapter [29](#), in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section [48.101](#) to which the district is entitled, multiplied by 1.15. For each full-time equivalent student in average daily attendance in a special education program under Subchapter [A](#), Chapter [29](#), in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section [48.101](#) to which the district is entitled, multiplied by a weight determined according to instructional arrangement as follows:

Homebound	5.0
Hospital class	3.0
Speech therapy	5.0
Resource room	3.0
Self-contained, mild and moderate, regular campus	3.0
Self-contained, severe, regular campus	3.0
Off home campus	2.7
Nonpublic day school	1.7
Vocational adjustment class	2.3

- (b) A special instructional arrangement for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services shall be established by commissioner rule. The funding weight for this arrangement shall be 4.0 for those students who receive their education service on a local school district campus. A special instructional arrangement for students with disabilities residing in state schools shall be established by commissioner rule with a funding weight of 2.8.
- (c) For funding purposes, the number of contact hours credited per day for each student in the off home campus instructional arrangement may not exceed the contact hours credited per day for the multidistrict class instructional arrangement in the 1992-1993 school year.
- (d) For funding purposes the contact hours credited per day for each student in the resource room; self-contained, mild and moderate; and self-contained, severe, instructional arrangements may not exceed the average of the statewide total contact hours credited per day for those three instructional arrangements in the 1992-1993 school year.

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- (e) The commissioner by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under this section. In prescribing the qualifications that a mainstream instructional arrangement must meet, the commissioner shall establish requirements that students with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable student success.
- (f) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.
- (g) The commissioner shall adopt rules and procedures governing contracts for residential placement of special education students. The legislature shall provide by appropriation for the state's share of the costs of those placements.
- (h) At least 55 percent of the funds allocated under this section must be used in the special education program under Subchapter [A](#), Chapter [29](#).
- (i) The agency shall encourage the placement of students in special education programs, including students in residential instructional arrangements, in the least restrictive environment appropriate for their educational needs.
- (j) A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section [48.101](#) to which the district is entitled for each full-time equivalent student in average daily attendance, multiplied by the amount designated for the student's instructional arrangement under this section, for each day the program is provided divided by the number of days in the minimum school year. The total amount of state funding for extended year services under this section may not exceed \$10 million per year. A school district may use funds received under this section only in providing an extended year program.
- (k) From the total amount of funds appropriated for special education under this section, the commissioner shall withhold an amount specified in the General Appropriations Act, and distribute that amount to school districts for programs under Section [29.014](#). The program established under that section is required only in school districts in which the program is financed by funds distributed under this subsection and any other funds available for the program. After deducting the amount withheld under this subsection from the total amount appropriated for special education, the commissioner shall reduce each district's allotment proportionately and shall allocate funds to each district accordingly.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 545, Sec. 1, eff. Sept. 1, 2003.

Amended by: Acts 2011, 82nd Leg., R.S., Ch. 494 (H.B. [1130](#)), Sec. 1, eff. September 1, 2011.

Transferred, redesignated and amended from Education Code, Section 42.151 by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.025, eff. September 1, 2019.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

TEC, §48.104. COMPENSATORY EDUCATION ALLOTMENT.

- (a) For each student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.2 or, if the student is educationally disadvantaged, 0.275. For each full-time equivalent student who is in a remedial and support program under Section [29.081](#) because the student is pregnant, a district is entitled to an annual allotment equal to the basic allotment multiplied by 2.41.
- (b) For each student who is educationally disadvantaged and resides in an economically disadvantaged census block group as determined by the commissioner under Subsection (c), a district is entitled to an annual allotment equal to the basic allotment multiplied by the weight assigned to the student's census block group under Subsection (d).
- (c) For purposes of the allotment under Subsection (b), the commissioner shall establish an index for economically disadvantaged census block groups in the state that provides criteria for determining which census block groups are economically disadvantaged and categorizes economically disadvantaged census block groups in five tiers according to relative severity of economic disadvantage. In determining the severity of economic disadvantage in a census block group, the commissioner shall consider:
 - (1) the median household income;
 - (2) the average educational attainment of the population;
 - (3) the percentage of single-parent households;
 - (4) the rate of homeownership; and
 - (5) other economic criteria the commissioner determines likely to disadvantage a student's preparedness and ability to learn.
- (d) The weights assigned to the five tiers of the index established under Subsection (c) are, from least to most severe economic disadvantage, 0.225, 0.2375, 0.25, 0.2625, and 0.275.
- (e) If insufficient data is available for any school year to evaluate the level of economic disadvantage in a census block group, a school district is entitled to an annual allotment equal to the basic allotment multiplied by 0.225 for each student who is educationally disadvantaged and resides in that census block group.
- (f) A student receiving a full-time virtual education through the state virtual school network may be included in determining the number of students who are educationally disadvantaged and reside in an economically disadvantaged census block group under Subsection (b) or (e), as applicable, if the school district submits to the commissioner a plan detailing the enhanced services that will be provided to the student and the commissioner approves the plan.
- (g) Not later than March 1 of each year, the commissioner shall:
 - (1) review and, if necessary, update the index established under Subsection (c) to be used for the following school year, based on the most recent estimates published by the United States Census Bureau; and
 - (2) notify each school district of any changes to the index.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

- (h) The state demographer, the Department of Agriculture, and any other state agency with relevant information shall assist the commissioner in performing the commissioner's duties under this section.
- (i) On a schedule determined by the commissioner, each school district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. The agency shall provide to school districts a resource for use in determining the census block group in which a student resides.
- (j) The commissioner shall adopt rules for the method of determining the number of students who qualify for an allotment under this section at a campus that participates in the Community Eligibility Provision administered by the United States Department of Agriculture, as provided by the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. No. 111-296).
- (j-1) In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:
 - (1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section [29.081](#)(d)(5); or
 - (2) pay the costs associated with services provided through a life skills program in accordance with Sections [29.085](#)(b)(1) and (3)-(7).
- (k) At least 55 percent of the funds allocated under this section must be used to:
 - (1) fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter [B](#), Chapter [39](#), or disparity in the rates of high school completion between:
 - (A) students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - (B) students at risk of dropping out of school, as defined by Section [29.081](#), and all other students; or
 - (2) support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act.
- (l) The commissioner shall adopt rules regarding the use of funds described by Subsection (k). The rules:
 - (1) must:
 - (A) permit a school district to use those funds for programs and services that reflect the needs of students at each campus in the district; and
 - (B) provide for streamlined reporting on the use of those funds; and
 - (2) may not prohibit the use of those funds for any purpose for which the use of those funds was authorized under former Section 42.152 as that section existed on September 1, 2018.
- (m) The State Board of Education shall adopt rules requiring a report on the use of funds under Subsection (k) as part of the annual audit under Section [44.008](#) and shall develop minimum

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

requirements for that report.

- (n) The commissioner annually shall review each report required under Subsection (m) for the preceding school year and:
 - (1) identify each school district that was not in compliance with Subsection (k) during that school year; and
 - (2) provide each district identified under Subdivision (1) a reasonable opportunity to comply with Subsection (k).

- (o) The commissioner, in the year following a determination under Subsection (n) that a school district was not in compliance with Subsection (k) for the 2021-2022 school year or a subsequent school year, shall withhold from the district's foundation school fund payment an amount equal to the amount of compensatory education funds the commissioner determines were not used in compliance with Subsection (k). The commissioner shall release to a district funds withheld under this subsection when the district provides to the commissioner a detailed plan to spend those funds in compliance with Subsection (k). In determining whether a school district is subject to the withholding of funding required under this subsection, the commissioner may consider the district's average use of funds for the three preceding school years.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER F. FINANCING THE PROGRAM

TEC, §48.251. FINANCING; GENERAL RULE.

- (a) The cost of the Foundation School Program for a school district is the total sum of:
 - (1) the sum of the tier one allotments and other funding as follows:
 - (A) the basic allotment under Subchapter B;
 - (B) the student-based allotments under Subchapter C; and
 - (C) the additional funding under Subchapter D; and
 - (2) the tier two allotment under Subchapter E.
- (b) The sum of the Foundation School Program maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the Foundation School Program.
- (c) The program shall be financed by:
 - (1) state available school funds distributed in accordance with the law;
 - (2) ad valorem tax revenue generated by local school district effort; and
 - (3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.

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.

MINUTES

STATE BOARD OF EDUCATION

APRIL 2021

Minutes

State Board of Education

April 16, 2021

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

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

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

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

Board Members

LAWRENCE ALLEN, JR., Houston
District 4

WILL HICKMAN, Houston
District 6

REBECCA BELL-METEREAU, San Marcos
District 5

TOM MAYNARD, Florence
District 10

RUBEN CORTEZ, JR., Brownsville
District 2

SUE MELTON-MALONE, Robinson
District 14

AICHA DAVIS, Dallas
District 13

MARISA PEREZ-DIAZ, Converse
District 3

JAY JOHNSON, Pampa
District 15

MATT ROBINSON, Friendswood
District 7

PATRICIA HARDY, Fort Worth
District 11

AUDREY YOUNG, Apple Springs
District 8

Committees of the State Board of Education

INSTRUCTION

Sue Melton-Malone
Rebecca Bell-Metereau
Pam Little
Georgina Pérez
Audrey Young

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard
Lawrence Allen, Jr.
Keven Ellis
Pat Hardy
Marisa Perez-Diaz

SCHOOL INITIATIVES

Matt Robinson
Ruben Cortez, Jr.
Aicha Davis
Will Hickman
Jay Johnson

Minutes
State Board of Education
April 16, 2021

The State Board of Education met at 9:05 a.m. on Friday, April 16, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Pat Hardy; Will Hickman (virtual); Jay Johnson; Pam Little vice-chair; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez, secretary; Marisa B. Perez-Diaz; Matt Robinson; Audrey Young

Student Performance

Student performances were provided virtually by the DeSoto Early College High School Literary Scholars and Grand Prairie High School.

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, January 26 and 29, 2021

MOTION AND VOTE: *The State Board of Education unanimously approved the Minutes of the January 26 and 29, 2021, meetings of the State Board of Education, as printed.*

1. Resolutions

National Blue Ribbon Schools

The State Board of Education, by unanimous consent, adopted a resolution congratulating Early College High School in Carrollton-Farmers Branch Independent School District (ISD); Early Childhood Development Center and Windsor Park G/T Elementary School in Corpus Christi ISD; Dr. Wright L. Lassiter Jr. Early College High School and Henry W. Longfellow Career Exploration Academy in Dallas ISD; Maude Mae Kirchner Elementary School in Eagle Pass ISD; Transmountain Early College High School in El Paso ISD; Texas Academy of Biomedical Sciences in Fort Worth ISD; High School for Law and Justice and Young Women's College Preparatory Academy in Houston ISD; Heights Elementary School in Laredo ISD; Langham Elementary School in Nederland ISD; Windthorst Elementary School in Windthorst ISD; as Exemplary High Performing Schools; and Alvarado Elementary South School in Alvarado ISD; Reilly Elementary School in Austin ISD; Edward Titche Elementary School in Dallas ISD; Milam Elementary School in El Paso ISD; Hobbs Williams Elementary School in Grand Prairie ISD; Memorial Elementary School in Houston ISD; West Main Elementary School in Lancaster ISD; John Z. Leyendecker Elementary School in Laredo ISD; Kelly-Pharr Elementary School in Pharr-San Juan-Alamo ISD; Redwater Junior High School in Redwater ISD; Edward Roberson Middle School in Spring ISD; Vista Academy of Austin-Mueller in Texas College Preparatory Academies; Desertaire Elementary School in Ysleta ISD; as Exemplary Achievement Gap Closing Schools.

(ATTACHMENT 1, page 11)

Public Testimony

Public Testimony was provided by the following individuals:

NAME: Stephanie Wang
AFFILIATION: Individual

2. Approval of Consent Agenda

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda.

By unanimous consent, the State Board of Education approved the following items on the consent agenda.

(1) Ratification of Amendments to Proclamation 2022 of the State Board of Education Advertising for Bids on Instructional Materials
(Board agenda I-32)

The State Board of Education ratified changes to the schedule of adoption procedures in *Proclamation 2022* of the State Board of Education Advertising for Bids for Instructional Materials.

(2) Ratification of Texas Essential Knowledge and Skills and Texas Prekindergarten Guidelines Coverage in Materials Submitted for the Texas Resource Review
(Board agenda I-35)

The State Board of Education ratified the report of the commissioner of education regarding TEKS and TPG alignment in instructional materials submitted to Texas Resource Review (TRR).

(3) Adoption of Review of 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, Subchapter B, Implementation of Assessments, and Subchapter C, Local Option
(Adoption of Review)
(Board agenda I-50)

The State Board of Education adopted the review of 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, Subchapter B, Implementation of Assessments, and Subchapter C, Local Option.

(4) Approval of Update to Instructional Materials for EDUSPARK, Inc
(Board agenda II-11)

The State Board of Education approved the request from EDUSPARK, Inc. to update content in its adopted products *EDUSPARK PreK System* (English) and *Sistema EDUSPARK PreK* (Spanish).

- (5) Approval of Substitution of Instructional Materials for Cheng & Tsui Co., Inc.**
(Board agenda II-12)

The State Board of Education approved the request from Cheng & Tsui Co, Inc. to substitute an updated version of the *Integrated Chinese, Level I* product adopted in November 2016 under *Proclamation 2017*.

- (6) Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2020, January 2021, and February 2021**
(Board agenda III-67)

The State Board of Education ratified the purchases and sales for the months of December 2020, January 2021 and February 2021, in the amounts of \$1,807,953,391 and \$1,851,830,304 respectively (ATTACHMENT 2, page 13).

- (7) Report on the Permanent School Fund Liquid Account**
(Board agenda III-68)

The State Board of Education ratified the purchases and sales of the Permanent School Fund Liquid Account for the period of December 1, 2020 through February 28, 2021 in the amounts of \$684,875,077 and \$204,950,145, respectively (ATTACHMENT 3, page 15).

- (8) Adoption of an Annual Report on the Status of the Bond Guarantee Program**
(Board agenda III-69)

The State Board of Education removed this item from the consent agenda.

- (9) Approval of the Selection of a Firm(s) to Provide Investment Management 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 as outlined in Request for Proposal 701-21-001 and Authorization for Contract Execution by the Commissioner of Education**
(Board agenda III-72)

The State Board of Education removed this item from the consent agenda.

- (10) Review the Processes That Consider Board Member Nominees for State Board Positions**
(Board agenda III-73)

The State Board of Education removed this item from the consent agenda.

- (11) Recommendation for Reappointments to the Randolph Field Independent School District Board of Trustees**
(Board agenda IV-1)

The State Board of Education approved the reappointments of Mr. Patrick Luna and Lieutenant Colonel Peter Duffy to serve terms of office from April 16, 2021, through April 16, 2023, on the Randolph Field Independent School District Board of Trustees.

- (12) **Adoption of Review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts, Subchapter B, Texas Education Agency Audit Functions, Subchapter C, Adoptions by Reference, and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract**
(Board agenda page III-11)

The State Board of Education adopted the review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts, Subchapter B, Texas Education Agency Audit Functions, Subchapter C, Adoptions by Reference, and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract.

- (13) **Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection**
(Board agenda page III-61)

The State Board of Education suspended the board operating procedures in accordance with 5.2(a) to allow consideration at first reading and filing authorization and approved for first reading and filing authorization the proposed repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection.

COMMITTEE OF THE FULL BOARD

3. **Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.46-112.51**
(First Reading and Filing Authorization)
(Board agenda page I-6)

MOTION: *It was moved by Mrs. Little 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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit), as amended and recommended by the Committee of the Full Board.*

MOTION AND VOTE: *It was moved by Mrs. Little and carried unanimously to amend §112.46(a) and (d) to replace references to 2023-2024 with 2024-2025 and to amend §112.46(c) to replace a reference to 2022 with 2023.*

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 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit), as amended and recommended by the Committee of the Full Board, as amended. The motion carried unanimously.*

4. **Update on Texas Essential Knowledge and Skills (TEKS) Review**
(Board agenda page I-45)

MOTION AND VOTE: *It was moved by Mrs. Little and carried unanimously that the State Board of Education approve the updated TEKS and Instructional Materials Review and Adoption Schedule and Projected Adoption Cycle–April 2021, as recommended by the Committee of the Full Board. (ATTACHMENT 4, page 17).*

5. **Texas Certificate of High School Equivalency**
(Board agenda page I-48)

MOTION AND VOTE: *It was moved by Mrs. Little and carried unanimously that the State Board of Education approve awarding a contract for the Texas Certification of High School Equivalency test provider to GED Testing Service, as recommended by the Committee of the Full Board.*

COMMITTEE ON INSTRUCTION

6. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript)**
(Second Reading and Final Adoption)
(Board agenda page II-1)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), is necessary and shall have an effective date of August 1, 2021, as recommended by the Committee on Instruction. (ATTACHMENT 5, page 21)

7. **Proposed Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §§111.56-111.59**
(First Reading and Filing Authorization)
(Board agenda page II-7)

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone and carried unanimously that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits), as recommended by the Committee on Instruction.*

COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND

8. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

(Second Reading and Final Adoption)

(Board agenda page III-1)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Finance/Permanent School Fund (ATTACHMENT 6, page 23).

(Dr. Bell-Metereau was absent for the vote.)

9. Adoption of an Annual Report on the Status of the Bond Guarantee Program

(Board agenda III-69)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education adopt the annual report on the status of the Bond Guarantee Program as of August 31, 2020, as recommended by the Committee on School Finance/Permanent School Fund.*

(Dr. Bell-Metereau, Dr. Johnson, and Mrs. Little were absent for the vote.)

10. Approval of the Selection of a Firm(s) to Provide Investment Management 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 as outlined in Request for Proposal 701-21-001 and Authorization for Contract Execution by the Commissioner of Education

(Board agenda III-72)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried unanimously that the State Board of Education approve execution of agreement(s) with Neuberger Berman Alternative Advisors, necessary to make an investment commitment of up to \$300 million for Investment Management Services for a Private Equity Emerging Manager program for the Texas Permanent School Fund and Authorization for Contract Execution by the Commissioner of Education; and,*

Approve execution of agreement(s) with GCM Grosvenor, necessary to make an investment commitment of up to \$150 million for Investment Management Services for a Private Real Estate Emerging Manager program for the Texas Permanent School Fund and Authorization for Contract Execution by the Commissioner of Education, as recommended by the Committee on School Finance/Permanent School Fund.

(Dr. Bell-Metereau was absent for the vote.)

11. Review the Processes That Consider Board Member Nominees for State Board Positions
(Board agenda III-73)

MOTION: *It was moved by Mr. Maynard that the State Board of Education approve the procedure for selecting nominees to be sent to the Governor for membership on the School Land Board and the Teacher Retirement System Board as presented by staff and recommended by the Committee on School Finance/Permanent School Fund.*

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education divide the question and consider documents for membership on the School Land Board and the Teacher Retirement System Board separately.*

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend item c. of the Procedures for Selecting Nominees to be sent to the Governor for Membership on the School Land Board to read:*

“Each board member shall be entitled to submit ~~two~~ **one** eligible **Texans for each position up for appointment** as applicants from anywhere in the state for consideration as nominees provided that all submissions are made by deadlines prescribed by the board chair and that all related documents are completed and submitted within the timelines Nominees without a resume and/or biographical information will not be considered. Late submissions may be accepted at the discretion of the board chair.

(Mr. Allen, Dr. Bell-Metereau, and Ms. Hardy were absent for the vote.)

VOTE: *A vote was taken on the original motion to approve the procedure for selecting nominees to be sent to the Governor for membership on the School Land Board, as amended. The motion carried unanimously.*

(Mr. Allen, Dr. Bell-Metereau, and Ms. Hardy were absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Maynard and carried that the State Board of Education amend item c. of the Procedures for Selecting Nominees to be sent to the Governor for the Teacher Retirement System Board to strike “two” and replace it with “one.”*
(Mr. Allen, Dr. Bell-Metereau, and Ms. Hardy were absent for the vote.)

(Mr. Allen and Dr. Bell-Metereau were absent for the vote.)

VOTE: *A vote was taken on the original motion to approve the procedure for selecting nominees to be sent to the Governor for membership on the Teacher Retirement System Board, as amended. The motion carried unanimously.*

(Mr. Allen and Dr. Bell-Metereau were absent for the vote.)

COMMITTEE ON SCHOOL INITIATIVES

- 12. Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111, Applicability of State Law to Boys Ranch Independent School District (Second Reading and Final Adoption)**
(Board agenda page IV-13)

MOTION AND VOTE: *It was moved by Dr. Robinson and carried unanimously that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111, Applicability of State Law to Boys Ranch Independent School District; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC, Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111 Applicability of State Law to Boys Ranch Independent School District, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Initiatives.
(ATTACHMENT 7, page 25)

(Dr. Bell-Metereau was absent for the vote.)

- 13. Proposed Amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes (Second Reading and Final Adoption)**
(Board agenda page IV-17)

MOTION AND VOTE: *It was moved by Dr. Robinson and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register, as recommended by the Committee on School Initiatives.
(ATTACHMENT 8, page 27)

(Dr. Bell-Metereau was absent for the vote.)

- 14. Review of Proposed Amendments to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions**
(Board agenda page IV-25)

MOTION AND VOTE: *It was moved by Dr. Robinson and carried unanimously that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions, as recommended by the Committee on School Initiatives.*

(Dr. Bell-Metereau was absent for the vote.)

REGARDING AGENDA ITEMS POSTED FOR DISCUSSION ON COMMITTEE AGENDAS

Committee on Instruction

Mrs. Melton-Malone reported that the Committee on Instruction discussed updates to the Dyslexia Handbook to provide clarification regarding screening and evaluation of students. Staff recommended placing an action item on the June agenda for the committee to consider proposed updates. If the board is ready to take action in June, the proposal will be posted for public comment and final action would be scheduled for the September meeting. If the board is not ready to take action, the item will be postponed to September and final action would be scheduled for the November meeting.

Committee on School Finance/Permanent School Fund

Mr. Maynard did not report on the Committee on School Finance/Permanent School Fund.

Committee on School Initiatives

Dr. Robinson did not report on the Committee on School Initiatives.

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

Dr. Ellis gave board members an opportunity to provide information regarding agenda items or other relevant information about public education.

The meeting adjourned at 10:47 a.m.

Georgina C. Pérez, Secretary

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RESOLUTION

WHEREAS the *National Blue Ribbon Schools* program recognizes elementary, middle, and high schools where educational excellence is achieved;

WHEREAS a *National Blue Ribbon Schools* flag overhead is a mark of exemplary teaching and learning;

WHEREAS in 2020, Texas nominated 26 schools to be recognized for their students' achievement; and

WHEREAS Twenty-six of these schools were named *2020 National Blue Ribbon Schools* by the United States Department of Education; now, therefore, be it

RESOLVED, That the State Board of Education does hereby extend its congratulations to Early College High School in Carrollton-Farmers Branch Independent School District (ISD); Early Childhood Development Center and Windsor Park G/T Elementary School in Corpus Christi ISD; Dr. Wright L. Lassiter Jr. Early College High School and Henry W. Longfellow Career Exploration Academy in Dallas ISD; Maude Mae Kirchner Elementary School in Eagle Pass ISD; Transmountain Early College High School in El Paso ISD; Texas Academy of Biomedical Sciences in Fort Worth ISD; High School for Law and Justice and Young Women's College Preparatory Academy in Houston ISD; Heights Elementary School in Laredo ISD; Langham Elementary School in Nederland ISD; Windthorst Elementary School in Windthorst ISD; as Exemplary High Performing Schools; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations to Alvarado Elementary South School in Alvarado ISD; Reilly Elementary School in Austin ISD; Edward Titche Elementary School in Dallas ISD; Milam Elementary School in El Paso ISD; Hobbs Williams Elementary School in Grand Prairie ISD; Memorial Elementary School in Houston ISD; West Main Elementary School in Lancaster ISD; John Z. Leyendecker Elementary School in Laredo ISD; Kelly-Pharr Elementary School in Pharr-San Juan-Alamo ISD; Redwater Junior High School in Redwater ISD; Edward Roberson Middle School in Spring ISD; Vista Academy of Austin-Mueller in Texas College Preparatory Academies; Desertaire Elementary School in Ysleta ISD; as Exemplary Achievement Gap Closing Schools; and be it further

RESOLVED, That this resolution be presented to the principals of the aforementioned schools for being recognized for excellence through the *National Blue Ribbon Schools* program and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this sixteenth day of April two thousand twenty-one in Austin, Texas.

Keven Ellis, Chair

Georgina C. Pérez, Secretary

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**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For December 1, 2020 through February 28, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 771,813,330
Public Market Equities	328,760,370
Alternative Investments	<u>707,379,691</u>
 TOTAL	 <u><u>\$ 1,807,953,391</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 251,975,711
Public Market Equities	666,840,117
Alternative Investments	<u>933,014,476</u>
 TOTAL	 <u><u>\$ 1,851,830,304</u></u>

General Land Office Contributions:

FY 2020 Cumulative February 2020	FY 2021 Cumulative February 2021
\$5,000,000	\$22,500,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$5,000,000 through February 2020 for fiscal year 2020 versus \$22,500,000 through February 2021 for fiscal year 2021, 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 December 2020, January 2021, and February 2021 Permanent School Fund portfolio purchases of \$1,807,953,391 and sales of \$1,851,830,304.

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**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
FOR PSF LIQUID ACCOUNTS
For December 1, 2020 through February 28, 2021**

<u>Purchases:</u>		
Fixed Income	\$	162,688,482
Public Market Equities		522,186,595
TOTAL	\$	684,875,077
 <u>Sales:</u>		
Fixed Income	\$	164,785,928
Public Market Equities		40,164,217
TOTAL	\$	204,950,145

Based on the above information provided by staff and the recommendation of the Executive Administrator and Chief Investment officer and the Commissioner of Education: It is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the period December 1, 2020 through February 28, 2021 Permanent School Fund Liquid Account purchases of \$684,875,077 and sales of \$204,950,145.

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Subject	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-2031
*E & S Language Arts and Reading	K–8 TEKS and IM Implemented	HS TEKS and IM Implemented						TEKS** Reviewed	Revised TEKS** Adopted	K-8 IM Reviewed	K-8 IM Adopted	K–8 TEKS and IM Implemented
	HS IM Adopted						Issue Proc. 2030		HS** IM Reviewed			
*Science	TEKS HS Reviewed	Revised HS TEKS Adopted	Revised K-8 TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented						
		K-8 TEKS Reviewed	Issue Proc. 2024									
Social Studies	Streamlined MS and HS TEKS Implemented	Streamlined K-5 TEKS Implemented	TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented					
				Issue Proc. 2025								
*Math				TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented				
					Issue Proc. 2026							
*Fine Arts					TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented			
						Issue Proc. 2027						
Health/PE	TEKS Reviewed	Revised TEKS Adopted	IM Adopted	Revised TEKS and IM Implemented								
	Issue Proc. 2022	IM Reviewed										
Tech Apps		K-8 TEKS Reviewed	K-8 Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised K-8 TEKS and IM Implemented						
			Issue Proc. 2024									
LOTE							TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented	
							Issue Proc. 2029					
Other	Pre-K Systems Reviewed	Pre-K Systems Adopted	ELPS Adopted								ELPS Reviewed	
			Pre-K Systems Implemented									

* Including CTE courses as appropriate

** Including other high school English courses

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Projected Adoption Cycle--April 2021

	Budget Year 2020	Budget Year 2021
2020-2021 Biennium School Years 2019-20 and 2020-21	Proclamation 2019 State Adoption, Fall 2018 Materials Ordered, Spring 2019 Implementation, 2019-20 School Year English and Spanish Language Arts and Reading, K-8 English Learners Language Arts, 7-8 Handwriting K-5 (English and Spanish) Spelling, 1-6 (English and Spanish) Personal Financial Literacy	Proclamation 2020 State Adoption, Fall 2019 Materials Ordered, Spring 2020 Implementation, 2020-21 School Year English Language Arts and Reading, English I-IV Reading I, II, III English for Speakers of Other Languages, English I, II, English Learners Language Arts, 7-8
	Budget Year 2022	Budget Year 2023
2022-2023 Biennium School Years 2021-22 and 2022-23	Proclamation 2021 State Adoption, Fall 2020 Materials Ordered, Spring 2021 Implementation, 2021-22 School Year Pre-Kindergarten Systems	Proclamation 2022 State Adoption, Fall 2021 Materials Ordered, Spring 2022 Implementation, 2022-23 School Year Health and PE
	Budget Year 2024	Budget Year 2025
2024-2025 Biennium School Years 2023-24 and 2024-25	Proclamation 2023 State Adoption, Fall 2022 Materials Ordered, Spring 2023 Implementation, 2023-24 School Year Not Issued	Proclamation 2024 State Adoption, Fall 2023 Materials Ordered, Spring 2024 Implementation, 2024-25 School Year Science, K-12 Technology Applications, K-8 CTE: TBD
	Budget Year 2026	Budget Year 2027
2026-2027 Biennium School Years 2025-26 and 2026-27	Proclamation 2025 State Adoption, Fall 2024 Materials Ordered, Spring 2025 Implementation, 2025-26 School Year Social Studies, K-12 CTE: TBD	Proclamation 2026 State Adoption, Fall 2025 Materials Ordered, Spring 2026 Implementation, 2026-27 School Year Math K-12 CTE: TBD

2028-2029 Biennium School Years 2027-28 and 2028-29	Budget Year 2028	Budget Year 2029
	Proclamation 2027 State Adoption, Fall 2026 Materials Ordered, Spring 2027 Implementation, 2027-28 School Year Fine Arts, K-12 CTE: TBD	Proclamation 2028 State Adoption, Fall 2027 Materials Ordered, Spring 2028 Implementation, 2028-29 School Year CTE: TBD
2030-2031 Biennium School Years 2029-30 and 2030-31	Budget Year 2030	Budget Year 2031
	Proclamation 2029 State Adoption, Fall 2028 Materials Ordered, Spring 2029 Implementation, 2029-30 School Year Languages other than English CTE: TBD	Proclamation 2030 State Adoption, Fall 2029 Materials Ordered, Spring 2030 Implementation, 2030-31 School Year English Language Arts and Reading, K-8 Spanish Language Arts and Reading, K-6 English Learners Language Arts, 7-8 Handwriting K-5 (English and Spanish) Spelling, 1-6 (English and Spanish)
2032-2033 Biennium School Years 2031-32 and 2032-33	Budget Year 2032	Budget Year 2033
	Proclamation 2031 State Adoption, Fall 2030 Materials Ordered, Spring 2029 Implementation, 2031-32 School Year English Language Arts and Reading, English I-IV ELA Electives English for Speakers of Other Languages, English I, II, CTE: TBD	Proclamation 2032 State Adoption, Fall 2031 Materials Ordered, Spring 2030 Implementation, 2032-33 School Year CTE: TBD

ATTACHMENT 5
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter A. Required Curriculum

§74.5. Academic Achievement Record (Transcript).

- (a) The commissioner of education shall develop and distribute to each school district and institution of higher education the state guidelines for a common academic achievement record and coding system for courses and instructions for recording information on the academic achievement record. Each school district must use the coding system provided by the commissioner.
- (b) Following guidelines developed by the commissioner, each school district must use an academic achievement record (transcript) form that includes the following:
 - (1) student demographics;
 - (2) school data;
 - (3) student data; and
 - (4) the record of courses and credits earned.
- (c) The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. Each district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving school district.
- (d) Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.
- (e) A student who completes high school graduation requirements shall have attached to the academic achievement record a seal approved by the State Board of Education ~~[SBOE]~~ .
- (f) A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record.
- (g) A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record.
- (h) A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record.
- (i) A student who demonstrates proficiency in speech as specified in §74.11(a)(3) of this title (relating to High School Graduation Requirements) shall have completion of the speech requirement clearly indicated on the academic achievement record.
- (j) A student who completes the required instruction in cardiopulmonary resuscitation (CPR) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)) in Grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record.
- (k) A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record.
- (l) A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.

(m) [~~(l)~~] A student who satisfies a languages other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with §74.12(b)(5)(F) of this title (relating to Foundation High School Program) shall have the credit clearly indicated on the academic achievement record.

(n) [~~(m)~~] A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record will include a notation of the date such a certificate was issued to the student.

ATTACHMENT 6
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 on the TEA website with information related to financial compliance [for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701].

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ATTACHMENT 7
Text of Proposed New 19 TAC

Chapter 61. School Districts

Subchapter B. Special Purpose School Districts

§61.111. Applicability of State Law to Boys Ranch Independent School District.

- (a) This section applies only to Boys Ranch Independent School District.
- (b) Boys Ranch Independent School District, a special purpose school district operated by Cal Farley's Boys Ranch, is a public school of this state fulfilling the mission of the Texas public education system to ensure that Texas students receive a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.
- (c) Except as provided by subsection (d) of this section, the laws applicable to Texas public schools apply to Boys Ranch Independent School District in accordance with Texas Education Code (TEC), §11.352(c).
- (d) The following sections of the TEC do not apply to Boys Ranch Independent School District:
 - (1) TEC, §25.0811, related to the first day of instruction; and
 - (2) TEC, §25.0812, related to the last day of school.

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ATTACHMENT 8
Text of Proposed Amendment to 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 (TGC) , §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 the [a] form provided in this subsection. The petition shall be signed and submitted to the Texas Education Agency (TEA) [commissioner of education] . ~~The TEA staff [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 petition [proposal] to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

~~Figure: 19 TAC §30.1(a) [Figure: 19 TAC §30.1(a)] [Figure: 19 TAC §30.1(a)]~~

- (b) In accordance with TGC ~~[the Texas Government Code]~~ , §2001.021, the TEA staff [agency] must respond to the petitioner within 60 calendar days of receipt of the petition.
- (1) Where possible, the TEA staff [commissioner's] recommendation concerning the petition shall be placed on the next SBOE agenda, and the SBOE shall act on the petition within 60 calendar days [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 calendar days, the TEA staff [commissioner or a designee] shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBOE meeting at which the TEA staff recommendation will be presented to the SBOE for action.
- (c) The SBOE will review the petition and the TEA staff recommendation ~~[of the commissioner]~~ and will either deny the petition, giving reasons for the denial, or direct the TEA staff [commissioner] to begin the rulemaking process ~~[or deny the petition, giving reasons for the denial]~~ . The TEA staff [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 files [is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing] a petition:
- (A) within one year of the SBOE denying a [having the] petition on a similar rule or the same subject matter [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.

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.

The petition [~~Petitions~~] should be signed and submitted [~~to~~] :

by mail to Rulemaking Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494; or [Commissioner of Education]
[Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494]

by using the email button at the bottom of this petition form or by emailing directly to rules@tea.texas.gov.

Name:

Affiliation/Organization (if applicable):

Address:

Email 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

(Typing your name in the field above serves as your signature for the purposes of this petition.)

[Click here to submit petition form](#)

Minutes

State Board of Education Committees

April 13-15, 2021

**Report of the State Board of Education
Committee of the Full Board
Tuesday, April 13, 2021**

The State Board of Education Committee of the Full Board met at 1:07 p.m. on Tuesday, April 13, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis (virtual); Patricia Hardy; Will Hickman; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Audrey Young

Public Testimony

The Committee of the Full Board heard public testimony on agenda items #1 and #2. Information regarding the individuals who presented public testimony is included in the discussion of that item.

DISCUSSION ITEMS

- 1. Public Hearing on Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.47-112.51**
(Board agenda page I-1)

Public testimony was provided by the following individuals:

NAME: Robert Springer
AFFILIATION: Self

NAME: Sandra West
AFFILIATION: Self

NAME: William Moulton
AFFILIATION: Fort Worth Chapter of Society of Independent Professional Earth Scientists

NAME: Ann Mulvihill
AFFILIATION: Texas Science Education Leadership Association

2. Public Hearing on Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.2-112.7, and Subchapter B, Middle School, §§112.26-112.28

(Board agenda page I-3)

Invited testimony was provided by the following individuals:

NAME: Gloria Chatelain
AFFILIATION: Content Advisor

NAME: Jane Arden Zimmerman
AFFILIATION: Content Advisor

NAME: Catherine Howard, Ph.D.
AFFILIATION: Content Advisor

NAME: Kristina Stuller
AFFILIATION: Work Group Representative (6-8)

NAME: Donald Burken
AFFILIATION: Work Group Representative (3-5)

NAME: Cindy Bronson
AFFILIATION: Work Group Representative (K-2)

NAME: Ron Wetherington, Ph.D.
AFFILIATION: Content Advisor

Public testimony was provided by the following individuals:

NAME: Jennifer Meyer
AFFILIATION: Science Teachers Association of Texas

NAME: Tony Zahn
AFFILIATION: Self

NAME: Jason Baughman
AFFILIATION: Texas Science Education Leadership Association

NAME: Leila Cornelius
AFFILIATION: Self

NAME: Ann Mulvihill
AFFILIATION: Texas Science Education Leadership Association

NAME: Kathy Shannon
AFFILIATION: Self

NAME: Robert Martinez
AFFILIATION: Self

NAME: Heather Ball
AFFILIATION: Self

NAME: Buffie Campbell
AFFILIATION: Self

NAME: Sandra West
AFFILIATION: Self

NAME: William Moulton
AFFILIATION: Fort Worth Chapter of Society of Independent Professional Earth Scientists

NAME: Tad Fielder
AFFILIATION: Self

NAME: Jason Isaac
AFFILIATION: Self

Dr. Ellis adjourned the meeting at 3:28 p.m.

**Report of the State Board of Education
Committee of the Full Board
Wednesday, April 14, 2021**

The State Board of Education Committee of the Full Board met at 9:04 a.m. on Wednesday, April 14, 2021, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Lawrence A. Allen, Jr.; Rebecca Bell-Metereau; Ruben Cortez, Jr.; Aicha Davis; Patricia Hardy; Will Hickman; Jay Johnson; Pam Little; Tom Maynard; Sue Melton-Malone; Georgina C. Pérez; Marisa B. Perez-Diaz; Matt Robinson; Audrey Young

Public Testimony

The Committee of the Full Board received no presentations of public testimony.

DISCUSSION ITEMS

1. Commissioner's Comments

(Board agenda page I-5)

Commissioner Mike Morath provided an update on steps that had been taken to address and resolve the issues that arose during the initial week of STAAR administration. Commissioner Morath explained that the impact of COVID-19 on student learning will require a multi-year investment in practice change. He explained that the evidence base identifies four key levers the state will need to focus on to address this impact: 1. rigorous instructional materials designed to make up ground and designed to work remotely and on campus; 2. supported teachers who are equipped to deliver excellence, getting more than one year of growth in one year; 3. more time for the students most in need, including in summer and with targeted tutoring; and 4. expansion of work to empower parents as a child's first teacher. Finally, the commissioner provided an overview of federal funding the state has received and expects to receive to support these efforts.

ACTION ITEMS

2. Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter C, High School, §§112.47-112.51

(Board agenda page I-6)

Shelly Ramos, senior director, curriculum standards and student support, provided an update on the work groups' final recommendations for revisions to the Texas Essential Knowledge and Skills (TEKS) for the following five high school courses: Aquatic Science, Astronomy, Earth Systems Science, Environmental Systems, and Specialized Topics in Science. She also presented an overview of staff recommendations for minor revisions to the proposed TEKS.

Ms. Ramos explained that the implementation language for these TEKS may need to be amended if the committee makes the determination to move implementation of the revised science TEKS to the 2024-25 school year.

MOTION: *It was moved by Dr. Robinson and seconded by Ms. Hardy 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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit).*

MOTION: *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education amend §112.47(c)(1)(E) to read:*

“collect quantitative data using the English and International System of Units (SI) and qualitative data as evidence;”

MOTION AND VOTE: *It was moved by Ms. Davis and carried to insert “and English units as appropriate,” before “and qualitative data as evidence.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §112.47(c)(1)(E), as amended, to read:*

“collect quantitative data using the ~~English and~~ International System of Units (SI), and English units as appropriate, and qualitative data as evidence;”

The motion failed.

MOTION: *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education amend §112.47(c)(14)(E) to read:*

“describe the impact, costs, and benefits of various laws and policies such as The Endangered Species Act, right of capture laws, or Clean Water Act on aquatic systems; and;”

MOTION AND VOTE: *It was moved by Ms. Davis and carried without objection to insert “such as” before “cost and benefits.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §112.47(c)(14)(E), as amended, to read:*

“describe the impact such as costs and benefits of various laws and policies such as The Endangered Species Act, right of capture laws, or Clean Water Act on aquatic systems; and;”

The motion carried.

MOTION: *It was moved by Mr. Hickman and seconded by Ms. Hardy to recommend that the State Board of Education amend §112.50(c)(6)(A) to read:*

“compare and contrast the costs and benefits of different land use and management methods and how they affect land attributes such as fertility, productivity, economic value, and ecological stability;”

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Ms. Pérez, and carried without objection to amend “the costs and benefits of” to “the impact of.”*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education amend §112.50(c)(6)(A), as amended, to read:*

“compare and contrast the impact of different land use and management methods and how they affect land attributes such as fertility, productivity, economic value, and ecological stability;”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education amend §112.50(c)(13)(A) to read:*

“describe the impact, such as costs and benefits, of past and present state and national legislation, including Texas automobile emissions regulations, the National Park Service Act, the Clean Air Act, the Clean Water Act, the Soil and Water Resources Conservation Act, and the Endangered Species Act; and”

The motion failed.

MOTION AND VOTE: *It was moved by Dr. Robinson and carried without objection to recommend that the State Board of Education amend §§112.47(c)(3)(A), 112.48(c)(3)(A), 112.49(c)(3)(A), 112.50(c)(3)(A), and 112.51(c)(3)(A) to read as follows:*

“develop explanations and propose solutions supported by data and models ~~and~~ consistent with scientific ideas, principles, and theories”

§112.48(c)(7)(B) to read as follows:

“model the scale, size, and distances ~~distance~~ of the Sun, Earth, and Moon system and identify the limitations of physical models; and”

§112.48(c)(5)(A) to read as follows:

“evaluate and communicate how ancient civilizations developed models of the Universe using astronomical structures, instruments, and tools, such as ~~including~~ the astrolabe, gnomons, and charts, and how those models influenced society, time keeping, and navigation;”

§112.49(c)(8)(E) to read as follows:

“explain how plate tectonics accounts for geologic processes, including sea floor spreading and subduction, and features, including ~~sea floor spreading~~, ocean ridges, ~~and~~ rift valleys, ~~subduction zones~~, earthquakes, volcanoes, mountain ranges, hot spots, and hydrothermal vents;”

§112.50(c)(5)(B) to read as follows:

“explain the cycling of water, phosphorus, carbon, silicon, and nitrogen through ecosystems, including sinks, and the human interactions that alter these cycles using tools such as models;”

§112.47(c)(7)(A) to read as follows:

“identify how energy flows and matter cycles through both fresh water and marine saltwater aquatic systems, including food webs, chains, and pyramids;”

§112.47(c)(11)(A) to read as follows:

“examine basic principles of fluid dynamics, including hydrostatic pressure, density as a result of salinity, and buoyancy;”

§112.47(c)(12)(A) to read as follows:

“differentiate among freshwater, brackish, and marine saltwater ecosystems; and”

§112.48(c)(11)(D) to read as follows:

“compare the factors essential to life on Earth such as temperature, water, ~~mass~~, gases, and gravitational and magnetic fields to conditions on other planets and their satellites.”

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, §112.46, Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021; §112.47, Aquatic Science, Adopted 2021 (One Credit); §112.48, Astronomy, Adopted 2021 (One Credit); §112.49, Earth Science Systems, Adopted 2021 (One Credit); §112.50, Environmental Systems, Adopted 2021 (One Credit); and §112.51, Specialized Topics in Science, Adopted 2021 (One Credit), as amended. The motion carried unanimously.*

(Mr. Allen was absent for the vote.)

3. Ratification of Amendments to Proclamation 2022 of the State Board of Education Advertising for Bids on Instructional Materials

(Board agenda page I-32)

Melissa Lautenschlager, director, instructional materials and implementation, explained that *Proclamation 2022* publishers were impacted by the delayed adoption of the health and physical education TEKS. Dr. Ellis granted temporary approval to extend the deadlines related to pre-adoption samples and correlations to allow publishers more time to create materials aligned to the revised TEKS.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education ratify amendments to the schedule of adoption procedures in Proclamation 2022 of the State Board of Education Advertising for Bids for Instructional Materials.*

(Mr. Cortez, Ms. Davis, Ms. Perez-Diaz, and Dr. Young were absent for the vote.)

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

Ms. Lautenschlager provided Texas Essential Knowledge and Skills (TEKS) and Texas Prekindergarten Guidelines (TPG) alignment reports from the state review panels for instructional materials submitted to the Texas Resource Review. She explained that the instructional materials in these reports were not submitted to the SBOE for adoption.

MOTION AND VOTE: *It was moved by Mrs. Little and carried to recommend that the State Board of Education ratify the report of the commissioner of education regarding TEKS and TPG alignment in instructional materials submitted to Texas Resource Review.*

(Mr. Cortez, Ms. Perez-Diaz, and Dr. Young were absent for the vote.)

5. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page I-45)

Monica Martinez, associate commissioner, standards and support services, presented the draft *Texas Essential Knowledge and Skills (TEKS) and Instructional Materials Review and Adoption Schedule* and the *Projected Adoption Cycle–April 2021* for consideration and explained that the drafts reflect adjustments discussed during the SBOE work session in January. Ms. Ramos provided an update on the current review of the TEKS for certain programs of study in the education and training; health science; and science, technology, engineering, and mathematics (STEM) career clusters as well the upcoming review of the technology applications TEKS.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education approve the updated TEKS and Instructional Materials Review and Adoption Schedule and Projected Adoption Cycle–April 2021. (Attachments A and B).*

6. Texas Certificate of High School Equivalency
(Board agenda page I-48)

Ms. Martinez explained that GED Testing Service was the sole respondent to the request for proposals for certificate of high school equivalency test providers. She also explained that Educational Testing Service has notified the agency that they will no longer administer the HiSET exam in Texas after the close of the current contract.

MOTION AND VOTE: *It was moved by Mrs. Melton-Malone, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education approve awarding a contract for the Texas Certification of High School Equivalency test provider to GED Testing Service.*

7. **Adoption of Review of 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, Subchapter B, Implementation of Assessments, and Subchapter C, Local Option (Adoption of Review)**
(Board agenda page I-50)

Julie Cole, director of policy and publications, student assessment division, explained that as part of the required four-year review cycle of state agency rules under Government Code, §2001.039, this action item was presented to adopt the review of rules in 19 TAC Chapter 101, Assessment.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Melton-Malone, and carried unanimously to recommend that the State Board of Education adopt the review of 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions, Subchapter B, Implementation of Assessments, and Subchapter C, Local Option.*

DISCUSSION ITEMS

8. **Discussion of Proposed New 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.2-112.7, and Subchapter B, Middle School, §§112.26-112.28**
(Board agenda page I-56)

Ms. Ramos provided an update on the science TEKS review for kindergarten–grade 8 and explained that, based on feedback from the public hearing and staff review of the draft recommendations, the board may wish to consider a final work group to finalize the recommendations.

The committee requested that a new work group be convened prior to the June board meeting and provided recommendations for that work group to consider. Board members asked that the work group do the following:

- Watch the web archive of the public hearing
- Review inclusion of genetics at grades 6-8
- Consider the use of English units in Kindergarten-Grade 8
- Review TSELA recommendations, if received before the work group meeting

9. **Discussion of Pending Litigation**
(Board agenda page I-58)

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

Dr. Ellis adjourned the meeting at 3:30 p.m.

TEKS and Instructional Materials Review and Adoption Schedule

Subject	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-2031
*E & S Language Arts and Reading	K–8 TEKS and IM Implemented	HS TEKS and IM Implemented						TEKS** Reviewed	Revised TEKS** Adopted	K-8 IM Reviewed	K-8 IM Adopted	K–8 TEKS and IM Implemented
	HS IM Adopted								Issue Proc. 2030			HS** IM Reviewed
*Science	TEKS HS Reviewed	Revised HS TEKS Adopted	Revised K-8 TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented						
		K-8 TEKS Reviewed	Issue Proc. 2024									
Social Studies	Streamlined MS and HS TEKS Implemented	Streamlined K-5 TEKS Implemented	TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented					
				Issue Proc. 2025								
*Math				TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented				
					Issue Proc. 2026							
*Fine Arts					TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented			
						Issue Proc. 2027						
Health/PE	TEKS Reviewed	Revised TEKS Adopted	IM Adopted	Revised TEKS and IM Implemented								
	Issue Proc. 2022	IM Reviewed										
Tech Apps		K-8 TEKS Reviewed	K-8 Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised K-8 TEKS and IM Implemented						
			Issue Proc. 2024									
LOTE							TEKS Reviewed	Revised TEKS Adopted	IM Reviewed	IM Adopted	Revised TEKS and IM Implemented	
						Issue Proc. 2029						
Other	Pre-K Systems Reviewed	Pre-K Systems Adopted	ELPS Adopted								ELPS Reviewed	
			Pre-K Systems Implemented									

* Including CTE courses as appropriate

** Including other high school English courses

Projected Adoption Cycle--April 2021		
2020-2021 Biennium School Years 2019-20 and 2020-21	Budget Year 2020	Budget Year 2021
	Proclamation 2019 State Adoption, Fall 2018 Materials Ordered, Spring 2019 Implementation, 2019-20 School Year English and Spanish Language Arts and Reading, K-8 English Learners Language Arts, 7-8 Handwriting K-5 (English and Spanish) Spelling, 1-6 (English and Spanish) Personal Financial Literacy	Proclamation 2020 State Adoption, Fall 2019 Materials Ordered, Spring 2020 Implementation, 2020-21 School Year English Language Arts and Reading, English I-IV Reading I, II, III English for Speakers of Other Languages, English I, II, English Learners Language Arts, 7-8
2022-2023 Biennium School Years 2021-22 and 2022-23	Budget Year 2022	Budget Year 2023
	Proclamation 2021 State Adoption, Fall 2020 Materials Ordered, Spring 2021 Implementation, 2021-22 School Year Pre-Kindergarten Systems	Proclamation 2022 State Adoption, Fall 2021 Materials Ordered, Spring 2022 Implementation, 2022-23 School Year Health and PE
2024-2025 Biennium School Years 2023-24 and 2024-25	Budget Year 2024	Budget Year 2025
	Proclamation 2023 State Adoption, Fall 2022 Materials Ordered, Spring 2023 Implementation, 2023-24 School Year Not Issued	Proclamation 2024 State Adoption, Fall 2023 Materials Ordered, Spring 2024 Implementation, 2024-25 School Year Science, K-12 Technology Applications, K-8 CTE: TBD
2026-2027 Biennium School Years 2025-26 and 2026-27	Budget Year 2026	Budget Year 2027
	Proclamation 2025 State Adoption, Fall 2024 Materials Ordered, Spring 2025 Implementation, 2025-26 School Year Social Studies, K-12 CTE: TBD	Proclamation 2026 State Adoption, Fall 2025 Materials Ordered, Spring 2026 Implementation, 2026-27 School Year Math K-12 CTE: TBD

2028-2029 Biennium School Years 2027-28 and 2028-29	Budget Year 2028	Budget Year 2029
	Proclamation 2027 State Adoption, Fall 2026 Materials Ordered, Spring 2027 Implementation, 2027-28 School Year Fine Arts, K-12 CTE: TBD	Proclamation 2028 State Adoption, Fall 2027 Materials Ordered, Spring 2028 Implementation, 2028-29 School Year CTE: TBD
2030-2031 Biennium School Years 2029-30 and 2030-31	Budget Year 2030	Budget Year 2031
	Proclamation 2029 State Adoption, Fall 2028 Materials Ordered, Spring 2029 Implementation, 2029-30 School Year Languages other than English CTE: TBD	Proclamation 2030 State Adoption, Fall 2029 Materials Ordered, Spring 2030 Implementation, 2030-31 School Year English Language Arts and Reading, K-8 Spanish Language Arts and Reading, K-6 English Learners Language Arts, 7-8 Handwriting K-5 (English and Spanish) Spelling, 1-6 (English and Spanish)
2032-2033 Biennium School Years 2031-32 and 2032-33	Budget Year 2032	Budget Year 2033
	Proclamation 2031 State Adoption, Fall 2030 Materials Ordered, Spring 2029 Implementation, 2031-32 School Year English Language Arts and Reading, English I-IV ELA Electives English for Speakers of Other Languages, English I, II, CTE: TBD	Proclamation 2032 State Adoption, Fall 2031 Materials Ordered, Spring 2030 Implementation, 2032-33 School Year CTE: TBD

**Report of the State Board of Education
Committee on Instruction
Thursday, April 15, 2021**

The State Board of Education Committee on Instruction met at 10:03 a.m. on Thursday, April 15, 2021, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas, and virtually. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Rebecca Bell-Metereau; Pam Little; Georgina C. Pérez; Audrey Young, vice-chair

Public Testimony

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

ACTION ITEMS

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (Second Reading and Final Adoption)**
(Board agenda page II-1)

Jessica Snyder, director of special projects, curriculum standards and student support division, explained that the proposed amendment would update the rule to require documentation of the new graduation requirement that students complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA). Ms. Snyder explained that the public comments that had been received were not related to the proposed rulemaking but were expressing concern regarding the statutorily required graduation requirement.

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript); and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), is necessary and shall have an effective date of August 1, 2021.

2. Proposed Repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §§111.56-111.59 (First Reading and Filing Authorization)

(Board agenda page II-7)

Ms. Snyder explained that this item was necessary to repeal four International Baccalaureate courses no longer offered by the International Baccalaureate Organization. She further explained that these four courses were replaced by new courses that have already been approved by the board.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics, Subchapter D, Other High School Mathematics Courses, §111.56, International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits); §111.57, International Baccalaureate (IB) Mathematics Standard Level (Two Credits); §111.58, International Baccalaureate (IB) Mathematics Higher Level (Two Credits); and §111.59, International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits).*

3. Approval of Update to Instructional Materials for EDUSPARK, Inc.

(Board agenda page II-11)

Amie Williams, director of review and adoption, instructional materials and implementation division, explained that EDUSPARK, Inc. was requesting approval to update content in its adopted English and Spanish prekindergarten products and that curriculum subject-area specialists have reviewed the requested changes.

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Mrs. Little, and carried unanimously to recommend that the State Board of Education approve the request from EDUSPARK, Inc. to update content in its adopted product EDUSPARK PreK System (English) and Sistema EDUSPARK PreK (Spanish).*

4. Approval of Substitution of Instructional Materials for Cheng & Tsui Co., Inc.

(Board agenda page II-12)

Ms. Williams explained that Cheng & Tsui Co., Inc. was requesting approval to substitute a new edition of its adopted languages other than English product. She further explained this substitution was necessary because a newer edition of the student textbook and student workbook were available. Because content staff fluent in Mandarin Chinese were not available, previous members of the state review panel reviewed the requested changes.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education approve the request from Cheng & Tsui Co., Inc. to substitute an updated version of the Integrated Chinese, Level 1 product adopted November 2016 under Proclamation 2017.*

DISCUSSION ITEMS

5. Discussion Regarding Third-Party Materials in Instructional Materials Adopted by the State Board of Education

(Board agenda page II-13)

Ms. Williams shared an update on the frequency of publisher requests to make changes due to the loss of content or image rights from third parties. Ms. Williams also provided examples of content requiring third-party rights.

6. Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders

(Board agenda page II-14)

Public testimony was provided by the following individuals:

NAME: Elizabeth Wilson
AFFILIATION: Self

NAME: Amy Traynor
AFFILIATION: Self

NAME: Robbi Cooper
AFFILIATION: Self

NAME: Rebecca Holmes
AFFILIATION: Self

NAME: Broke Rojas
AFFILIATION: Self

NAME: Stephanie Virag
AFFILIATION: Self

NAME: Nicole May
AFFILIATION: Self

NAME: Angela Bolton-Smith
AFFILIATION: Self

NAME: Steven Aleman
AFFILIATION: Disability Rights Texas

NAME: Kristin McGuire
AFFILIATION: TCASE

NAME: Stephen Fontenot read statement from Heidi Goldman
AFFILIATION: Self

NAME: Shannon Vollaro
AFFILIATION: Self

NAME: Cleo Vollaro
AFFILIATION: Self

NAME: Alexandra Wagner
AFFILIATION: Self

NAME: Daphne Corder
AFFILIATION: Self

NAME: Carolyn Chapman
AFFILIATION: Self

NAME: Heather Sheffield
AFFILIATION: Self

NAME: Lois Holguin
AFFILIATION: Discovering Dyslexia - Texas

Monica Martinez, associate commissioner, standards and support services, explained that this item provides the opportunity for the committee to discuss possible updates to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* (Dyslexia Handbook). Ms. Martinez stated that the board may wish to update the handbook to address concerns raised by testifiers and feedback the agency has received related to challenges of implementing the kindergarten and grade 1 screening requirements. Dr. Justin Porter, director, special education programs, provided an overview of dyslexia-related feedback from an October 2020 letter from the U.S. Department of Education's Office of Special Education Programs.

Committee members indicated interest in revising the Dyslexia Handbook. Ms. Ramos stated that staff would present an item on the Dyslexia Handbook to the committee at their June meeting.

The meeting of the Committee on Instruction adjourned at 12:34 p.m.

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
April 15, 2021**

The State Board of Education Committee on School Finance/Permanent School Fund met at 10:16 a.m. on Thursday, April 15, 2021, in the State Board of Education Room, Room #1-104 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Tom Maynard, chair; Lawrence A. Allen, Jr., vice chair; Keven Ellis; Patricia Hardy; Marisa Perez-Diaz

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

ACTION ITEM

1. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

(Second Reading and Final Adoption)

(Board agenda page III-1)

David Marx, senior director, financial compliance, explained that the proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). He also explained the contents of the FASRG and the public comments received.

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 for second reading and final adoption the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

DISCUSSION ITEM

2. **Discussion of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter B, Texas Education Agency Audit Functions, §109.25, State Compensatory Education Program Reporting and Auditing System**
(Board agenda page III-8)

Mr. Marx explained that the proposed amendment would update references to statutory citations that were renumbered by House Bill (HB) 3, 86th Texas Legislature, 2019.

ACTION ITEMS

3. **Adoption of Review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts, Subchapter B, Texas Education Agency Audit Functions, Subchapter C, Adoptions by Reference, and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract (Adoption of Review)**
(Board agenda page III-11)

Mr. Marx explained that the rules being reviewed provide requirements for school districts relating to budgeting, accounting, financial reporting, and auditing; Texas Education Agency (TEA) financial review functions; adoption by reference of the *Financial Accountability System Resource Guide* (FASRG); and the bank bid, proposal, and depository contract and surety bond forms.

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 adopt the review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts, Subchapter B, Texas Education Agency Audit Functions, Subchapter C, Adoptions by Reference, and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract, and that the item be placed on the consent agenda of the State Board of Education.*

4. **Proposed Repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection (First Reading and Filing Authorization)**
(Board agenda page III-61)

Amy Copeland, director, state funding, explained that the proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the State Board of Education's (SBOE's) rulemaking authority related to the definitions of tax levy and tax collection for the Foundation School Program (FSP).

MOTION AND VOTE: *It was moved by Dr. Ellis and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 105, Foundation School Program, Subchapter A, Definitions, §105.1, Rules for the Definition of Tax Levy and Tax Collection; and that the item be placed on the consent agenda of the State Board of Education.

DISCUSSION ITEMS

5. Report by the State Auditor’s Office on the Audit of the Permanent School Fund’s Financial Statements and Certification of the Bond Guarantee Program for the Fiscal Year Ending August 31, 2020

(Board agenda page III-65)

Mr. Maynard introduced Michael Clayton, audit manager, and Bill Hunter, managing senior auditor from the State Auditor’s Office (SAO) for presentation of the annual audit of the Permanent School Fund for the year ending August 31, 2020, and for presentation of results of the Certification of the Permanent School Fund’s Bond Guarantee Program for fiscal year 2020.

Mr. Hunter stated that the SAO issued an unqualified opinion on the financial statements audited for the period. He stated that the SAO conducted a review of internal controls and identified no reportable weakness or other items at the Texas Education Agency.

Mr. Hunter then presented the results of the Certification of the Permanent School Fund’s Bond Guarantee Program for the fiscal period. He stated that the amount of bonds guaranteed during fiscal year 2020 was within all regulatory limits established by the Texas Education Code (§45.053(a) and (d), and §45.0531(a) and (b)), the Internal Revenue Service (Notice 2010-5 dated December 16, 2009), and the State Board of Education, and that the Fund had sufficient reserves to meet the State Board of Education’s reserve requirements for the same period.

6. Review of Permanent School Fund Securities Transactions and the Investment Portfolio

(Board agenda page III-66)

Catherine Civileto, deputy executive administrator, provided a summary of the status of the Permanent School Fund portfolio. Reports presented to the committee were for the reporting period December 1, 2020, through February 28, 2021, unless otherwise noted. Ms. Civileto’s report included reporting on the current fair market value of the Fund; the asset allocation mix as of February 28, 2021; PSF transactions occurring in the reporting period; revenues and expenditures for the fiscal period beginning September 1 through February 28, 2021; the activity in the securities lending program for the fiscal period beginning September 1 through February 28, 2021; the status of transfers from the General Land Office (GLO) as of February 28, 2021, as per approved resolutions; current status of the Bond Guarantee Program and the available capacity in the program; broker commissions on both the internal and external equity portfolios for the period beginning January 1, 2020 through December 31, 2020, and the period beginning January 1, 2021, through February 28, 2021; fixed income rating changes for the fiscal period September 1, 2020, through February 28, 2021; and short-term cash investments.

ACTION ITEMS

7. **Ratification of the Purchases and Sales of the Investment Portfolio of the Permanent School Fund for the Months of December 2020, January 2021, and February 2021**
(Board agenda page III-67)

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 December 2020 and January and February 2021, in the amounts of \$1,807,953,391 and \$1,851,830,304, respectively (Attachment A).*

8. **Report on the Permanent School Fund Liquid Account**
(Board agenda page III-68)

Ms. Civileto provided a summary of the status of the Permanent School Fund Liquid Account. Reports presented to the committee were for the reporting period December 1, 2020 through February 28, 2021. Ms. Civileto's report included reporting on the current fair market value of the Liquid Account; the asset allocation mix as of February 28, 2021; transfer activity between the GLO and the Liquid Account; cumulative Income and Realized Gains transferred to the SBOE from the Liquid Account as of February 28, 2021; transactions occurring in the reporting period; and ratification of the cumulative Purchases and Sales of the Liquid Account from December 1, 2020, through February 28, 2021.

MOTION AND VOTE: *Based on the information provided by staff and the recommendation of the executive administrator and chief investment officer and the commissioner of education, the committee recommended by unanimous consent that the State Board of Education ratify the purchases and sales of the Permanent School Fund Liquid Account for the period December 1, 2020, through February 1, 2021, in the amounts of \$684,875,077 and \$204,950,145 respectively (Attachment B).*

9. **Adoption of an Annual Report on the Status of the Bond Guarantee Program**
(Board agenda page III-69)

Holland Timmins, executive administrator and chief investment officer, presented the annual report of the Bond Guarantee Program as required by the Texas Education Code and requested that the committee adopt the report as presented.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education adopt the annual report on the status of the Bond Guarantee Program as of August 31, 2020.*

DISCUSSION ITEMS

10. **Fourth Quarter 2020 Permanent School Fund Performance Report**
(Board agenda page III-70)

Mr. Mike Maher, vice president of BNY Mellon Global and Risk Solutions, presented the fourth quarter 2020 Permanent School Fund performance report. Mr. Maher began with an overview of the U.S. and foreign capital markets. Mr. Maher then reviewed the performance of the Fund for the fourth

quarter of 2020. He stated that the PSF returned 10.09% net of fees for the fourth quarter, outperforming the target benchmark by 54 basis point. Mr. Maher attributed most of the outperformance to Fixed Income, Private Equity, and Emerging Market Debt.

Mr. Maher reviewed the fourth quarter 2020 performance of the Permanent School Fund by asset class, stating that the total domestic large cap equity composite returned 12.18%, outperforming its benchmark for the quarter by 3 basis point. Mr. Maher added that Small/Midcap Equity portfolio returned 26.44% in the quarter, outperforming its benchmark by 8 basis points. He added that international equities returned 17.38% for the quarter, outperforming its benchmark by 9 basis points for the period.

The fixed income portfolio returned 0.49% for quarter, outperforming its benchmark by 56 basis points. Mr. Maher stated that the Absolute Return composite returned 6.24% for the quarter, underperforming its benchmark, the HFRI Fund of Funds Composite Index, by 185 basis points. Mr. Maher added that the Real Estate composite returned 2.49% for the quarter, outperforming its benchmark by 91 basis points. He further stated that the Real Return Asset class returned 5.78% for the quarter, underperforming its benchmark by 7 basis points. He added that Emerging Market Debt returned 11.83% for the quarter, outperforming its benchmark by 226 basis points. Mr. Maher stated that private equity returned 11.43% for the quarter, outperforming its benchmark by 338 basis points. Finally, he stated that the total emerging market equity composite returned 19.01% for the fourth quarter 2020, underperforming its benchmark by 69 basis points.

11. Review of the Core Fixed Income Asset Class for the Permanent School Fund
(Board agenda page III-71)

Carlo Veintemillas, deputy executive administrator and director of fixed income, gave an update on the fixed income team and structure and then introduced Gareth Williams, portfolio manager, and Kevin Godin, fixed income analyst. Mr. Williams and Mr. Godin provided an overview of the core fixed income strategy and process.

ACTION ITEMS

12. Approval of the Selection of a Firm(s) to Provide Investment Management 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 as outlined in Request for Proposal 701-21-001 and Authorization for Contract Execution by the Commissioner of Education
(Board agenda page III-72)

Mr. Timmins presented an update related to the request for proposal (RFP) for Investment Management Services for both a Private Equity Emerging Manager program and a Private Real Estate Emerging Manager program, to fill the new 1% allocation, with the primary investment objective of generating additional value for the Permanent School Fund.

The PSF general consultant, NEPC was represented by Keith Stronkowsky, senior consultant, joined by John Grubenman, director of private markets, and Kathryn Gernert, portfolio manager. They presented information about the search process.

The following three (3) firms gave presentations by their respective representatives:

- Hamilton Lane Advisors, LLC
- GCM Grosvenor
- Neuberger Berman Alternatives Advisers, LLC

MOTION AND VOTE: *It was moved by Mr. Allen, seconded by Dr. Ellis, and carried unanimously, to recommend that the State Board of Education approve execution of agreement(s) with Neuberger Berman Alternative Advisors, necessary to make an investment commitment of up to \$300 million for Investment Management Services for a Private Equity Emerging Manager program for the Texas Permanent School Fund and Authorization for Contract Execution by the Commissioner of Education; and,*

Approve execution of agreement(s) with GCM Grosvenor, necessary to make an investment commitment of up to \$150 million for Investment Management Services for a Private Real Estate Emerging Manager program for the Texas Permanent School Fund and Authorization for Contract Execution by the Commissioner of Education.

13. Review the Processes that Consider Board Member Nominees for State Board Positions
(Board agenda page III-73)

Mark Shewmaker, managing director of special projects and portfolio manager, provided the committee an overview on the process for selecting nominees to be sent to the Governor for membership on the School Land Board and the Teacher Retirement System board.

MOTION AND VOTE: *By unanimous consent, the committee recommended that the State Board of Education approve the procedure for selecting nominees to be sent to the Governor for membership on the School Land Board and the Teacher Retirement System Board as presented by staff.*

DISCUSSION ITEM

14. Report of the Permanent School Fund Executive Administrator and Chief Investment Officer
(Board agenda page III-74)

Mr. Timmins informed the committee that Moody’s Investors Service reaffirmed the rating of the Texas Permanent Bond Guarantee Program. He also provided an update on the PSF intern program.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 2:20 p.m.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
(Including External Manager's Trades)
For December 1, 2020 through February 28, 2021**

Purchases/Capital Calls:

Long Term Fixed Income	\$ 771,813,330
Public Market Equities	328,760,370
Alternative Investments	<u>707,379,691</u>
 TOTAL	 <u><u>\$ 1,807,953,391</u></u>

Sales/Distributions:

Long Term Fixed Income	\$ 251,975,711
Public Market Equities	666,840,117
Alternative Investments	<u>933,014,476</u>
 TOTAL	 <u><u>\$ 1,851,830,304</u></u>

General Land Office Contributions:

FY 2020 Cumulative February 2020	FY 2021 Cumulative February 2021
\$5,000,000	\$22,500,000

Based on the above information provided by staff including a report that deposits to the Permanent School Fund from the General Land Office were \$5,000,000 through February 2020 for fiscal year 2020 versus \$22,500,000 through February 2021 for fiscal year 2021, 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 December 2020, January 2021, and February 2021 Permanent School Fund portfolio purchases of \$1,807,953,391 and sales of \$1,851,830,304.

**TEXAS PERMANENT SCHOOL FUND
SUMMARY OF TRANSACTIONS FOR APPROVAL
FOR PSF LIQUID ACCOUNTS
For December 1, 2020 through February 28, 2021**

Purchases:

Fixed Income	\$ 162,688,482
Public Market Equities	<u>522,186,595</u>
TOTAL	<u><u>\$ 684,875,077</u></u>

Sales:

Fixed Income	\$ 164,785,928
Public Market Equities	<u>40,164,217</u>
TOTAL	<u><u>\$ 204,950,145</u></u>

Based on the above information provided by staff and the recommendation of the Executive Administrator and Chief Investment officer and the Commissioner of Education: It is moved by unanimous consent that the Committee on School Finance/Permanent School Fund ratify for the period December 1, 2020 through February 28, 2021 Permanent School Fund Liquid Account purchases of \$684,875,077 and sales of \$204,950,145.

**Report of the State Board of Education
Committee on School Initiatives
April 15, 2021**

The State Board of Education Committee on School Initiatives met at 9:03 a.m. on Thursday, April 15, 2021, in Room, #1-111, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Matt Robinson, chair; Aicha Davis, vice chair; Ruben Cortez, Jr; Will Hickman; Jay Johnson

Non-Committee Members Present: Georgina C. Pérez; Marisa B. Perez-Diaz

Public Testimony

The Committee on School Initiatives heard public testimony on agenda items #4 and #5. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee on School Initiatives considered items in the following order: Item number 4, 5, 6, 1, 2, 3

ACTION ITEMS

1. Recommendation for Reappointments to the Randolph Field Independent School District Board of Trustees

(Board agenda page IV-1)

Christopher Lucas, director of policy, planning, and operations, explained that two terms on the board of trustees for Randolph Field Independent School District are expiring. The commanding officer, Colonel James H. Masoner, has requested that Mr. Patrick Luna and Lieutenant Colonel Peter Duffy be reappointed to two-year terms.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Dr. Johnson, and carried unanimously to recommend that the State Board of Education approve the reappointment of Mr. Patrick Luna and Lieutenant Colonel Peter Duffy to serve terms of office from April 16, 2021, to April 16, 2023, on the Randolph Field Independent School District Board of Trustees.*

(Mr. Hickman was absent for the vote.)

2. **Proposed New 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111, Applicability of State Law to Boys Ranch Independent School District**
(Board agenda page IV-13)

Mr. Lucas explained the need to provide Boys Ranch Independent School District with flexibility in scheduling the first day and last day of their school year.

MOTION AND VOTE: *It was moved by Dr. Johnson, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111, Applicability of State Law to Boys Ranch Independent School District; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC, Chapter 61, School Districts, Subchapter B, Special Purpose School Districts, §61.111 Applicability of State Law to Boys Ranch Independent School District, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

(Mr. Hickman was absent for the vote.)

3. **Proposed Amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes**
(Second Reading and Final Adoption)
(Board agenda page IV-17)

Cristina De La Fuente-Valadez, director of rulemaking, reviewed the proposed amendment to 19 TAC §30.1, Petition for Adoption of Rule Changes. Ms. De La Fuente-Valadez explained that a change is recommended at second reading and final adoption that would allow a petitioner to provide an email address on the petition form, which would facilitate timely communication throughout the process. Ms. De La Fuente-Valadez informed the committee that a public comment was received on the proposal; however, the comment was outside the scope of the proposed rule.

MOTION AND VOTE: *It was moved by Ms. Davis, seconded by Dr. Robinson, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes; and*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 30, Administration, Subchapter A, State Board of Education: General Provisions, §30.1, Petition for Adoption of Rule Changes, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

DISCUSSION ITEMS

4. Open-Enrollment Charter School Generation 26 Application Updates

(Board agenda page IV-23)

Heather Mauzé, director, charter school authorizing and administration division, presented information on the Generation 26 Open-Enrollment Charter Application cycle, its timeline, and next steps in the application process.

Public testimony was provided by the following individual:

NAME: Ellen Williams
AFFILIATION: Texas Association of School Administrators/Texas Association of School Boards

5. Open-Enrollment Charter School Overview

(Board agenda page IV-24)

Ms. Mauzé briefed members of the committee on work of the charter division staff as it relates to the state-authorized charter school portfolio. Ms. Mauzé answered questions regarding the charter school division.

Public testimony was provided virtually by the following individuals:

NAME: Susan Moses
AFFILIATION: Self

NAME: Cristina Correa
AFFILIATION: Self

NAME: Onjaleke Brown
AFFILIATION: Self

NAME: Mary Lutka
AFFILIATION: Self

NAME: Timothy Mattison
AFFILIATION: Texas Public Charter Schools Association

NAME: Gregory Harrington
AFFILIATION: Self

NAME: Dawn Robinette
AFFILIATION: Self

NAME: Cynthia Ramos
AFFILIATION: Self

NAME: Judy Moore
AFFILIATION: Self

ACTION ITEM

6. **Review of Proposed Amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions**
(Board agenda page IV-25)

Jessica McLoughlin, director of educator standards, testing, and preparation, explained that proposed 19 TAC §230.1, Definitions, would update the definition of a *pilot exam* to indicate that the edTPA performance assessment pilot will be subject to review by the State Board for Educator Certification prior to September 1, 2022, rather than the original date of September 1, 2021.

MOTION AND VOTE: *It was moved by Mr. Cortez, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendment to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions.*

The meeting of the Committee on School Initiatives adjourned at 12:18 p.m.

