



AGENDA

State Board of Education

April 12, 2024

STATE BOARD OF EDUCATION

(updated February 2023)

(State Board for Career and Technology Education)

AARON KINSEY, Midland
Chair of the State Board of Education
District 15

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

PAT HARDY, Fort Worth
Secretary of the State Board of Education
District 11

Board Members

MELISSA ORTEGA, El Paso
District 1

JULIE PICKREN, Pearland
District 7

LJ FRANCIS, Corpus Christi
District 2

AUDREY YOUNG, Trinity
District 8

MARISA PEREZ-DIAZ, San Antonio
District 3

KEVEN ELLIS, Lufkin
District 9

STACI CHILDS, Houston
District 4

TOM MAYNARD, Florence
District 10

REBECCA BELL-METEREAU
San Marcos, District 5

AICHA DAVIS, Dallas
District 13

WILL HICKMAN, Houston
District 6

EVELYN BROOKS, Frisco
District 14

Committees of the State Board of Education
(Updated February 2023)

INSTRUCTION

Audrey Young- Chair
Evelyn Brooks-Vice Chair
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard-Chair
Marisa Perez-Diaz-Vice Chair
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman-Chair
LJ Francis-Vice Chair
Rebecca Bell-Metereau
Staci Childs
Julie Pickren

April 12, 2024

State Board of Education
Austin, Texas

I certify that this is the official agenda of the State Board of Education for its meeting on April 9-12, 2024. 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 'M. 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 78701**

SCHEDULE AND AGENDAS

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

Meeting Times April 9-12, 2024	
<u>Tuesday, April 9, 2024</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Wednesday, April 10, 2024</u>	
9:00 a.m.	Committee of the Full Board (Room 1-104)
<u>Thursday, April 11, 2024</u>	
9:00 a.m.	Committee on Instruction (Room 1-100)
9:00 a.m.	Committee on School Finance/Permanent School Fund (Room 1-104) PSF Corporation meeting starts upon adjournment of the SF/PSF meeting but no earlier than 10:00 a.m.
9:00 a.m.	Committee on School Initiatives (Room 1-111)
<u>Friday, April 12, 2024</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 State Board of Education website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

TUESDAY
April 9, 2024

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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Public Hearing on Proposed New 19 TAC Chapter 120, Other Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards (Board agenda page I-1)**

COMMITTEE - DISCUSSION
SBOE - NO ACTION

A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 9, 2024. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, Cross-curricular Second Language Essential Knowledge and Skills, Kindergarten-Grade 3, Adopted 2024; §120.21, Cross-curricular Second Language Essential Knowledge and Skills, Grades 4-12, Adopted 2024; §120.22, Proficiency Level Descriptors, Kindergarten-Grade 3, Adopted 2024; and §120.23, Proficiency Level Descriptors, Grades 4-12, Adopted 2024. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code, §§7.102(c)(4), 28.002(a), and 29.051.

COMMITTEE OF THE FULL BOARD (continued)

2. **Discussion of Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards (Board agenda page I-3)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, Cross-curricular Second Language Essential Knowledge and Skills, Kindergarten-Grade 3, Adopted 2024; §120.21, Cross-curricular Second Language Essential Knowledge and Skills, Grades 4-12, Adopted 2024; §120.22, Proficiency Level Descriptors, Kindergarten-Grade 3, Adopted 2024; and §120.23, Proficiency Level Descriptors, Grades 4-12, Adopted 2024. The proposal would relocate the English Language Proficiency Standards (ELPS) from 19 TAC §74.4 and include updates to ensure the standards remain current and comply with federal requirements. Statutory authority is the Texas Education Code, §§7.102(c)(4), 28.002(a), and 29.051.

3. **Discussion of Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials (Board agenda page I-5)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides the opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials. The new section would address the removal of a set of instructional materials from the lists of approved and rejected instructional materials outlined in Texas Education Code (TEC), §31.022. Statutory authority is the Texas Education Code (TEC), §31.003(a) and §31.022 as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

COMMITTEE OF THE FULL BOARD (continued)

- 4. Update on the Instructional Materials Review and Approval Process**
(Board agenda page I-7)

COMMITTEE - ACTION
SBOE - ACTION

This item provides the opportunity for staff to present an update on the Instructional Materials Review and Approval (IMRA) process and for the board to provide additional guidance to staff related to the process. Statutory authority is the Texas Education Code (TEC), §§31.022 and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

- 5. Update on Texas Essential Knowledge and Skills (TEKS) and Instructional Materials Review and Approval (IMRA) Rubric Development Schedule**
(Board agenda page I-9)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

This item provides the opportunity for staff to present an update on the review of the Texas Essential Knowledge and Skills (TEKS) and for the committee to discuss the schedule for future review and revision of the TEKS and future Instructional Materials Review and Approval (IMRA), including the development timeline for quality rubrics. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), 28.025(a), 31.022 and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

**WEDNESDAY
April 10, 2024**

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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

**1. Commissioner's Comments
([Board agenda page I-13](#))**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

**2. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills in Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920
(Second Reading and Final Adoption)
([Board agenda page I-14](#))**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920. The proposal would update and add new Texas Essential Knowledge and Skills (TEKS) for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as update TEKS for two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements to ensure the content of the courses remains current and supports relevant and meaningful programs of study. A technical edit is recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (j); and 28.025(a) and (b-2)(2).

COMMITTEE OF THE FULL BOARD (continued)

- 3. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (First Reading and Filing Authorization) (Board agenda page I-117)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements. The proposed amendments would update titles of courses and career and technical education (CTE) career clusters, align all CTE programs of study with endorsements, and make technical edits. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

- 4. Approval of Proposed Updates to the Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Board agenda page I-127)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item presents for approval proposed updates to Texas's Perkins V State Plan. The current approved plan has been in effect since the 2021-2022 school year. The proposed updates would streamline the plan and provide opportunities to focus resources and technical assistance in response to needs identified through the Career and Technology Education (CTE) program of study refresh process. The proposed updates reflect feedback received through public comment. Statutory authority is the Texas Education Code (TEC), §7.109.

- 5. Ethics Training (Board agenda page I-129)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

This item provides an opportunity for the State Board of Education (SBOE) to discuss ethics statutes and rules that apply to SBOE members. Statutory authority is the Texas Education Code (TEC), §43.0031 and 19 Texas Administrative Code (TAC), §33.5(s).

COMMITTEE OF THE FULL BOARD (continued)

**6. Discussion of Pending Litigation
(Board agenda page I-159)**

**COMMITTEE - DISCUSSION
SBOE - NO ACTION**

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

**THURSDAY
April 11, 2024**

9:00 a.m.

COMMITTEE ON INSTRUCTION – Room 1-100

Members: Audrey Young, chair; Evelyn Brooks, vice chair; Aicha Davis; Pam Little; and Melissa Ortega. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (Second Reading and Final Adoption) ([Board agenda page II-1](#))**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and 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 dyslexia evaluation, identification, and instruction. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(28), 29.0031, and 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

COMMITTEE ON INSTRUCTION (continued)

2. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)**
(Second Reading and Final Adoption)
(Board agenda page II-108)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12. No changes are recommended since approved for first reading. Statutory authority is Texas Education Code, §28.0023, as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

3. **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-112)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED), in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR), be indicated on a student's academic achievement record. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(13).

COMMITTEE ON INSTRUCTION (continued)

4. **Proposed Repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39**
(First Reading and Filing Authorization)
(Board agenda page II-117)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

5. **Proposed Repeal of 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16**
(First Reading and Filing Authorization)
(Board agenda page II-120)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

COMMITTEE ON INSTRUCTION (continued)

6. **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384**
(First Reading and Filing Authorization)
[\(Board agenda page II-123\)](#)

COMMITTEE - ACTION
SBOE - CONSENT

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

COMMITTEE ON INSTRUCTION (continued)

**7. Consideration of Proposed New Innovative Course
(Board agenda page II-127)**

**COMMITTEE - ACTION
SBOE - CONSENT**

This item presents for consideration an application for a proposed new innovative course, Gaming Concepts: Fundamentals. Statutory authority is the Texas Education Code (TEC), §28.002(f).

**8. Discussion of Innovative Course Sunset List
(Board agenda page II-131)**

**COMMITTEE - DISCUSSION
SBOE – NO ACTION**

This item provides the opportunity for the committee to discuss the potential sunset of innovative courses that meet certain criteria established in 19 Texas Administrative Code (TAC) §74.27, Innovative Courses and Programs. Statutory authority is the Texas Education Code, §28.002(f).

**9. Approval of Updates and Substitutions to Adopted Instructional Materials
(Board agenda page II-132)**

**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 posted for public review and comment. It was also 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 for this action is the Texas Education Code (TEC), §31.003 and §31.022.

**10. Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education
(First Reading and Filing Authorization)
(Board agenda page II-134)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would update rules to align with the requirements of House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. Statutory authority is the Texas Education Code (TEC), §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by HB 1525, 87th Texas Legislature, Regular Session, 2021.

**THURSDAY
April 11, 2024**

9:00 a.m.

**PSF Corporation meeting starts upon adjournment of the
SF/PSF meeting but no earlier than 10:00 a.m.**

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

Members: Tom Maynard, chair; Marisa Perez-Diaz, vice chair; Keven Ellis; Patricia Hardy; Aaron Kinsey. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Adoption of the Annual Report on the Status of the Bond Guarantee Program
([Board agenda page III-1](#))**

**COMMITTEE - ACTION
SBOE – CONSENT**

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

**THURSDAY
April 11, 2024**

9:00 a.m.

COMMITTEE ON SCHOOL INITIATIVES – Room 1-111

Members: Will Hickman, chair; LJ Francis, vice chair; Rebecca Bell-Metereau; Staci Childs; Julie Pickren. 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 public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.

- 1. Open-Enrollment Charter School Generation 29 Application Updates** **COMMITTEE - DISCUSSION**
(Board agenda page IV-1) **SBOE – NO ACTION**

This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

- 2. Adoption of Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters** **COMMITTEE - ACTION**
(Board agenda page IV-2) **SBOE - CONSENT**

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters. Subchapter A establishes a provision for an SBOE member to be designated as the liaison for charter selection for charters proposed under Texas Education Code (TEC) Chapter 12, Subchapter D; charter selection procedures for charters granted under TEC, Chapter 12, Subchapter D; and provisions for a no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 100, Subchapter A, is TEC, §12.101. The statutory authority for 19 TAC Chapter 100, Subchapter B, is TEC, §§7.102(c)(8), 12.028, 12.101(b), and 12.101(b-0).

COMMITTEE ON SCHOOL INITIATIVES (continued)

- 3. Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees**
(Board agenda page IV-6)

COMMITTEE - ACTION
SBOE – CONSENT

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expirations of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC), §11.352.

- 4. Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District**
(First Reading and Filing Authorization)
(Board agenda page IV-19)

COMMITTEE - ACTION
SBOE – CONSENT

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District. The proposed amendment would reflect changes made by House Bill (HB) 4210, 88th Texas Legislature, Regular Session, 2023, to the State Board of Education's (SBOE's) process for appointing trustees for military reservation districts and may include other changes to the SBOE's oversight of special-purpose district boards of trustees. Statutory authority is the Texas Education Code (TEC), §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

- 5. Approval of Revisions to Required School Safety Training for School District Trustees**
(Board agenda page IV-24)

COMMITTEE - ACTION
SBOE – CONSENT

This item provides an opportunity for the board to approve revisions to the curriculum of the school safety training for school district trustees established by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), 11.159(b-1).

COMMITTEE ON SCHOOL INITIATIVES (continued)

6. **Discussion of Ongoing State Board for Educator Certification Activities**
(Board agenda page IV-25)

COMMITTEE - DISCUSSION
SBOE – NO ACTION

This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments. Statutory authority is the Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

7. **Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners**
(Second Reading and Final Adoption)
(Board agenda page IV-27)

COMMITTEE - ACTION
SBOE - ACTION

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §21.252(a).

COMMITTEE ON SCHOOL INITIATIVES (continued)

8. **Review of Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates (Board agenda page IV-33)**

**COMMITTEE - ACTION
SBOE - ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates. The proposed amendment to 19 TAC §233.2, Early Childhood; Core Subjects, would add five new core subjects-related certificates, and the proposed amendment to 19 TAC §233.8, Special Education, would add a new Bilingual Special Education Supplemental certificate. The statutory authority for 19 TAC Chapter 233, §233.2 and §233.8, is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)–(4) and (6); 21.044(e) and (f); 21.0442; 21.048(a) and (a–2); 21.0487; 21.0489; 21.04891; 21.0491; and 22.0831(f).

9. **Review of Adoption of Proposed Amendments to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for Issuance of the Standard School Counselor Certificate (Board agenda page IV-38)**

**COMMITTEE - ACTION
SBOE – ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendment to 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate. The proposed amendment would implement the statutory requirement of Senate Bill (SB) 798, 88th Texas Legislature, Regular Session, 2023, and would update the certificate issuance rules to remove the requirement that an individual must have two years of classroom teaching experience to receive a school counselor certificate. The statutory authority for 19 TAC Chapter 239, Subchapter A, §239.20, is Texas Education Code (TEC), §§21.031(a); 21.040(2); 21.041(a), (b)(1)–(5), and (9); 21.044(a)(2); 21.0462, as added by SB 798, 88th Texas Legislature, Regular Session, 2023; 21.048(a); 21.054, as amended by House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023; and 22.0831(f).

COMMITTEE ON SCHOOL INITIATIVES (continued)

10. **Review of Adoption of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures (Board agenda page IV-43)**

**COMMITTEE - ACTION
SBOE – ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed revisions to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures. The proposed revisions would redefine *pilot exam*; specify the timeline by which a passing score on a certification exam can be used for certification purposes; decrease the number of days to request a test limit waiver after an unsuccessful examination attempt; update the figure specifying the required pedagogy and content pedagogy certification exams for issuance of the probationary or standard certificate; remove certificate categories and examinations that are no longer operational; establish an Enhanced Standard certificate and fees for the proposed teacher residency preparation route specified in proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs; and update the list of ineligible certification by examination certificates to include the proposed new Deafblind: Early Childhood-Grade 12 certificate. The proposed revisions would also include technical edits to comply with Texas Register formatting and style requirements. The statutory authority for 19 TAC Chapter 230, Subchapters A, C, D, and G, is Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC), §54.003.

COMMITTEE ON SCHOOL INITIATIVES (continued)

11. Review of Adoption of Proposed Repeal of and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs (Board agenda page IV-85)

**COMMITTEE - ACTION
SBOE – ACTION**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed repeal of and new 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed repeal of and new 19 TAC Chapter 228 would reorganize the chapter to allow for improved readability; would implement legislation; would include technical updates to remove outdated provisions specific to the Residency Certificate; and would reflect stakeholder feedback to further strengthen the rules. The statutory authority for 19 TAC Chapter 228 is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §55.007.

Information Materials

1. **State Board of Education Operating Rules (amended February 2, 2023)**
Public testimony information begins on page V-10.
(Board agenda page V-1)

2. **2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

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

CONSENT AGENDA
STATE BOARD OF EDUCATION
April 12, 2024

(1) **Approval of Proposed Updates to the *Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act (Perkins V)***

This item presents for approval proposed updates to Texas’s Perkins V State Plan. The current approved plan has been in effect since the 2021-2022 school year. The proposed updates would streamline the plan and provide opportunities to focus resources and technical assistance in response to needs identified through the Career and Technology Education (CTE) program of study refresh process. The proposed updates reflect feedback received through public comment. Statutory authority is the Texas Education Code (TEC), §7.109.

(Agenda Exhibit) I-127

(2) **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12. No changes are recommended since approved for first reading. Statutory authority is Texas Education Code, §28.0023, as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) II-108

(3) **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED), in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR), be indicated on a student's academic achievement record. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(13).

(Agenda Exhibit) II-112

**(4) Proposed Repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) II-117

**(5) Proposed Repeal of 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16
(First Reading and Filing Authorization)**

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) II-120

- (6) **Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384**

(First Reading and Filing Authorization)

This item presents for first reading and filing authorization the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

[\(Agenda Exhibit\)](#) II-123

- (7) **Consideration of Proposed New Innovative Course**

This item presents for consideration an application for a proposed new innovative course, Gaming Concepts: Fundamentals. Statutory authority is the Texas Education Code (TEC), §28.002(f).

[\(Agenda Exhibit\)](#) II-127

- (8) **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 posted for public review and comment. It was also 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 for this action is the Texas Education Code (TEC), §31.003 and §31.022.

[\(Agenda Exhibit\)](#) II-132

(9) Adoption of the Annual Report on the Status of the Bond Guarantee Program

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

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

(10) Adoption of Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters. Subchapter A establishes a provision for an SBOE member to be designated as the liaison for charter selection for charters proposed under Texas Education Code (TEC) Chapter 12, Subchapter D; charter selection procedures for charters granted under TEC, Chapter 12, Subchapter D; and provisions for a no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 100, Subchapter A, is TEC, §12.101. The statutory authority for 19 TAC Chapter 100, Subchapter B, is TEC, §§7.102(c)(8), 12.028, 12.101(b), and 12.101(b-0).

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

(11) Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expirations of the terms of office of two board members. Statutory authority is the Texas Education Code (TEC), §11.352.

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

(12) Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District (First Reading and Filing Authorization)

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District. The proposed amendment would reflect changes made by House Bill (HB) 4210, 88th Texas Legislature, Regular Session, 2023, to the State Board of Education's (SBOE's) process for appointing trustees for military reservation districts and may include other changes to the SBOE's oversight of special-purpose district boards of trustees. Statutory authority is the Texas Education Code (TEC), §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) IV-19

(13) Approval of Revisions to Required School Safety Training for School District Trustees

This item provides an opportunity for the board to approve revisions to the curriculum of the school safety training for school district trustees established by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021. Statutory authority is the Texas Education Code (TEC), 11.159(b-1).

(Agenda Exhibit) IV-24

OFFICIAL AGENDA

**STATE BOARD OF EDUCATION
AUSTIN, TEXAS**

**April 12, 2024
9:00 a.m.**

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

Student Performance

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, February 2, 2024

1. Resolutions

Resolution honoring the outgoing State Board of Education chair

Public testimony – Individual testimony will be taken at the time the related item comes up for Committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in 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.

[\(Agenda Exhibit\)](#) 21

COMMITTEE OF THE FULL BOARD

3. Update on the Instructional Materials Review and Approval Process

This item provides the opportunity for staff to present an update on the Instructional Materials Review and Approval (IMRA) process and for the board to provide additional guidance to staff related to the process. Statutory authority is the Texas Education Code (TEC), §§31.022 and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) I-7

4. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills in Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920 (Second Reading and Final Adoption)

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920. The proposal would update and add new Texas Essential Knowledge and Skills (TEKS) for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as update TEKS for two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements to ensure the content of the courses remains current and supports relevant and meaningful programs of study. A technical edit is recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (j); and 28.025(a) and (b-2)(2).

(Agenda Exhibit) I-14

5. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements (First Reading and Filing Authorization)

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements. The proposed amendments would update titles of courses and career and technical education (CTE) career clusters, align all CTE programs of study with endorsements, and make technical edits. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

(Agenda Exhibit) I-117

COMMITTEE ON INSTRUCTION

- 6. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and 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 dyslexia evaluation, identification, and instruction. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(28), 29.0031, and 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

(Agenda Exhibit) II-1

- 7. Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would update rules to align with the requirements of House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. Statutory authority is the Texas Education Code (TEC), §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by HB 1525, 87th Texas Legislature, Regular Session, 2021.

(Agenda Exhibit) II-134

COMMITTEE ON SCHOOL INITIATIVES

- 8. Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §21.252(a).

(Agenda Exhibit) IV-27

9. Review of Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates. The proposed amendment to 19 TAC §233.2, Early Childhood; Core Subjects, would add five new core subjects-related certificates, and the proposed amendment to 19 TAC §233.8, Special Education, would add a new Bilingual Special Education Supplemental certificate. The statutory authority for 19 TAC Chapter 233, §233.2 and §233.8, is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)–(4) and (6); 21.044(e) and (f); 21.0442; 21.048(a) and (a–2); 21.0487; 21.0489; 21.04891; 21.0491; and 22.0831(f).

(Agenda Exhibit) IV-33

10. Review of Adoption of Proposed Amendments to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for Issuance of the Standard School Counselor Certificate

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendment to 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate. The proposed amendment would implement the statutory requirement of Senate Bill (SB) 798, 88th Texas Legislature, Regular Session, 2023, and would update the certificate issuance rules to remove the requirement that an individual must have two years of classroom teaching experience to receive a school counselor certificate. The statutory authority for 19 TAC Chapter 239, Subchapter A, §239.20, is Texas Education Code (TEC), §§21.031(a); 21.040(2); 21.041(a), (b)(1)–(5), and (9); 21.044(a)(2); 21.0462, as added by SB 798, 88th Texas Legislature, Regular Session, 2023; 21.048(a); 21.054, as amended by House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023; and 22.0831(f).

(Agenda Exhibit) IV-38

11. Review of Adoption of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed revisions to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures. The proposed revisions would redefine *pilot exam*; specify the timeline by which a passing score on a certification exam can be used for certification purposes; decrease the number of days to request a test limit waiver after an unsuccessful examination attempt; update the figure specifying the required pedagogy and content pedagogy certification exams for issuance of the probationary or standard certificate; remove certificate categories and examinations that are no longer operational; establish an Enhanced Standard certificate and fees for the proposed teacher residency preparation route specified in proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs; and update the list of ineligible certification by examination certificates to include the proposed new Deafblind: Early Childhood-Grade 12 certificate. The proposed revisions would also include technical edits to comply with Texas Register formatting and style requirements. The statutory authority for 19 TAC Chapter 230, Subchapters A, C, D, and G, is Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC), §54.003.

(Agenda Exhibit) IV-43

12. Review of Adoption of Proposed Repeal of and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed repeal of and new 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed repeal of and new 19 TAC Chapter 228 would reorganize the chapter to allow for improved readability; would implement legislation; would include technical updates to remove outdated provisions specific to the Residency Certificate; and would reflect stakeholder feedback to further strengthen the rules. The statutory authority for 19 TAC Chapter 228 is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §55.007.

(Agenda Exhibit) IV-85

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 February 2, 2023)**
Public testimony information begins on page V-10.
(Board agenda page V-1)

- 2. 2021-2025 Rule Review Plan for State Board of Education Rules**
(Board agenda page V-27)

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

COMMITTEE OF THE FULL BOARD

**Public Hearing on Proposed New 19 TAC Chapter 120, Other Essential Knowledge and Skills,
Subchapter B, English Language Proficiency Standards**

April 9, 2024

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

SUMMARY: A public hearing before the State Board of Education (SBOE) is scheduled for Tuesday, April 9, 2024. Testimony will be presented regarding proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, Cross-curricular Second Language Essential Knowledge and Skills, Kindergarten-Grade 3, Adopted 2024; §120.21, Cross-curricular Second Language Essential Knowledge and Skills, Grades 4-12, Adopted 2024; §120.22, Proficiency Level Descriptors, Kindergarten-Grade 3, Adopted 2024; and §120.23, Proficiency Level Descriptors, Grades 4-12, Adopted 2024. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a); and 29.051.

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, §29.051, establishes bilingual education and special language programs in public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

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

BACKGROUND INFORMATION AND JUSTIFICATION: In November 2007, the SBOE adopted the English Language Proficiency Standards (ELPS) as part of 19 TAC Chapter 74, Curriculum Requirements, to comply with requirements of the No Child Left Behind Act (NCLB). The adopted ELPS in 19 TAC §74.4 clarified that state standards in English language acquisition must be implemented as an integral part of the instruction in each foundation and enrichment subject. Additionally, English language proficiency levels of beginning, intermediate, advanced, and advanced high in the domains of listening, speaking, reading, and writing were established as part of the ELPS, as required by NCLB. The ELPS were first implemented in the 2007-2008 school year.

The SBOE began the review and revision of the ELPS in 19 TAC §74.4 in 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 Texas Education Agency (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. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the USDE indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, and

requested additional evidence that the ELPS are aligned to the state's academic content standards and contain language proficiency expectations needed for emergent bilingual students to demonstrate achievement of the state academic standards appropriate to each grade-level/grade-band in at least reading language arts, mathematics, and science.

In response to feedback from work group members and from the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, panel members prepared a draft of revisions to the ELPS which was presented to the SBOE at the June 2023 SBOE meeting. ELPS review work groups were convened in August, September, and November 2023 and in March 2024 with the charge of reviewing and revising the expert panel's draft.

Proposed new 19 TAC §§120.20-120.23 is presented for first reading and filing authorization as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards

April 9, 2024

**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 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, Cross-curricular Second Language Essential Knowledge and Skills, Kindergarten-Grade 3, Adopted 2024; §120.21, Cross-curricular Second Language Essential Knowledge and Skills, Grades 4-12, Adopted 2024; §120.22, Proficiency Level Descriptors, Kindergarten-Grade 3, Adopted 2024; and §120.23, Proficiency Level Descriptors, Grades 4-12, Adopted 2024. The proposal would relocate the English Language Proficiency Standards (ELPS) from 19 TAC §74.4 and include updates to ensure the standards remain current and comply with federal requirements.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4), 28.002(a), and 29.051.

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, §29.051, establishes bilingual education and special language programs in public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

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

BACKGROUND INFORMATION AND JUSTIFICATION: In 1998, standards for English as a second language (ESL) for students in Kindergarten-Grade 12 were adopted as part of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language. In a subsequent Title III monitoring visit, the U.S. Department of Education (USDE) indicated that there was insufficient evidence demonstrating that the ESL standards outlined in 19 TAC Chapter 128 were aligned to state academic content and achievement standards in mathematics, as required by the No Child Left Behind Act (NCLB), §2113(b)(2). In November 2007, the SBOE adopted the ELPS as part of 19 TAC Chapter 74, Curriculum Requirements, to comply with NCLB requirements. The adopted ELPS in 19 TAC §74.4 clarified that state standards in English language acquisition must be implemented as an integral part of the instruction in each foundation and enrichment subject. Additionally, English language proficiency levels of beginning, intermediate, advanced, and advanced high in the domains of listening, speaking, reading, and writing were established as part of the ELPS, as required by NCLB. The superseded second language acquisition standards in 19 TAC Chapter 128 were also repealed in September 2008 during the process of revising the Texas Essential Knowledge and Skills (TEKS) in 19 TAC Chapters 110 and 128.

The SBOE began review and revision of the ELPS in 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 Texas Education Agency (TEA) website in December 2018, and TEA distributed a survey to collect information from educators regarding the current ELPS. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the USDE indicated that Texas

only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, and requested additional evidence that the ELPS are aligned to the state's academic content standards and contain language proficiency expectations needed for emergent bilingual students to demonstrate achievement of the state academic standards appropriate to each grade level/grade band in at least reading language arts, mathematics, and science.

In response to feedback from work group members and the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel was presented to the SBOE at the June 2023 SBOE meeting.

Applications to serve on the 2023-2024 ELPS review work groups were collected by TEA from June 2023 through January 2024. TEA staff provided SBOE members with applications for approval to serve on ELPS work groups in July, September, and December 2023 and January 2024. ELPS review work groups were convened in August, September, and November 2023 and in March 2024 with the charge of reviewing and revising the expert panel's draft.

This item presents for first reading and filing authorization proposed new ELPS for implementation in the 2026-2027 school year. To make the ELPS easier for the public to locate and improve organization of the standards, it is recommended that the standards be moved from 19 TAC §74.4 to 19 TAC Chapter 120, Subchapter B.

A public hearing on proposed new 19 TAC §§120.20-120.23 is presented as a separate item in this agenda.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Discussion of Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials

April 9, 2024

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

SUMMARY: This item provides the opportunity for the board to discuss proposed new 19 Texas Administrative Code (TAC) Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials. The new section would address the removal of a set of instructional materials from the lists of approved and rejected instructional materials outlined in Texas Education Code (TEC), §31.022.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.003(a) and §31.022 as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

TEC, §31.003(a), 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, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the SBOE to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023.

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

FUTURE ACTION EXPECTED: Proposed new §67.43 will be presented for first reading and filing authorization at the June 2024 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, Chapter 31, addresses instructional materials in public education and permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised TEC, Chapter 31, including several provisions under SBOE authority. HB 1605 also added a new provision to TEC, Chapter 48, to provide additional funding to school districts and charter schools that adopt and implement SBOE-approved materials. In addition, the bill added requirements related to adoption of essential knowledge and skills in TEC, Chapter 28.

At the January-February meeting, the SBOE approved 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal, for second reading and final adoption. At that time, the board expressed a desire to clarify the rules related to the list of approved instructional materials outlined in TEC, §31.022.

Proposed new §67.43 would clarify the conditions under which the SBOE could remove instructional materials from the list of approved instructional materials as well as the list of rejected instructional

materials. The proposed new section would also outline the timeline for these decisions and their impact on school district procurement.

Staff Members Responsible:

Todd Davis, Associate Commissioner, Instructional Strategy

Colin Dempsey, Director, District Operations, Technology, and Sustainability Supports

Separate Exhibit:

Text of Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials

(to be provided at the April 2024 SBOE meeting)

Update on the Instructional Materials Review and Approval Process

April 12, 2024

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 Instructional Materials Review and Approval (IMRA) process and for the board to provide additional guidance to staff related to the process.

STATUTORY AUTHORITY: Texas Education Code (TEC), §31.022 and §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

TEC, §31.022, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the State Board of Education (SBOE) to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023.

TEC, §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the commissioner of education to establish, in consultation with and with the approval of the SBOE, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the SBOE.

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

PREVIOUS BOARD ACTION: At its January-February 2024 meeting, the board adopted the IMRA process and procedures, as amended.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, Chapter 31, addresses instructional materials in public education and permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Chapter 31, including several provisions under SBOE authority.

At the June 2023 meeting, the Committee of the Full Board held a work session to receive an overview presentation on HB 1605 from the commissioner of education and to begin discussing preliminary decisions and next steps. The June 2023 SBOE HB 1605 Work Session Presentation shared during the work session is available on the TEA website at [June 2023 SBOE HB 1605 Work Session Slides](#).

At the August-September 2023 meeting, the Committee of the Full Board discussed the IMRA process and discussed the approach to developing the quality rubric criteria and process.

At the November 2023 and December 2023 meetings, the board discussed the proposed IMRA process and provided feedback to TEA staff.

At the November 2023 meeting, the board discussed criteria for the suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed to be used in the instructional materials review and approval process outlined in HB 1605, 88th Texas Legislature, Regular Session, 2023. At the December 2023 meeting, the board approved the criteria. At the January-

February 2024 meeting, the board approved adjustments to the suitability rubric to further clarify the manner in which suitability criteria will be applied as part of the IMRA process.

At the January-February 2024 meeting, the board approved a final set of quality rubrics for the inaugural IMRA review, approved a process document, and adopted administrative rules related to the new IMRA process.

This item provides the opportunity for staff to present an update on the IMRA process and for the board to provide additional guidance to staff related to the process, including updates on reviewer recruitment, IMRA rubric scoring methodologies, and review operations.

Staff Members Responsible:

Todd Davis, Associate Commissioner, Instructional Strategy

Nicholas Keith, Executive Director, High-Quality Instructional Materials Supports Division

Colin Dempsey, Director, District Operations, Technology, and Sustainability Supports Division

Separate Exhibit I:

IMRA Cycle 2024 Instructional Materials for Review

Separate Exhibit II:

IMRA Cycle 2024 Market Analysis

Separate Exhibit III:

IMRA Rubric Scoring Presentation

(Separate Exhibits to be provided at the April 2024 SBOE meeting)

Update on Texas Essential Knowledge and Skills (TEKS) and Instructional Materials Review and Approval (IMRA) Rubric Development Schedule

April 9, 2024

COMMITTEE OF THE FULL BOARD: DISCUSSION STATE BOARD OF EDUCATION: NO 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 for the committee to discuss the schedule for future review and revision of the TEKS and future Instructional Materials Review and Approval (IMRA), including the development timeline for quality rubrics.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); 28.025(a); 31.022 and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

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.

TEC, §31.022, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the State Board of Education (SBOE) to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023.

TEC, §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the commissioner of education to establish, in consultation with and with the approval of the SBOE, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the SBOE.

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

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009 and were amended again to

streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014. The technology applications TEKS were amended effective September 26, 2011. The health education TEKS and the physical education TEKS were amended to be effective August 1, 2022. The science TEKS were once again amended effective April 28, 2021, November 30, 2021, and April 26, 2022. The revised science TEKS are scheduled to be implemented in the 2024-2025 school year. The technology applications TEKS were amended effective August 7, 2022, and are also scheduled to be implemented in the 2024-2025 school year. At the November 2022 meeting, the SBOE approved proposed revisions to the social studies TEKS to align with requirements of Senate Bill 3, 87th Texas Legislature, Second Called Session, for implementation beginning in the 2024-2025 school year. In November 2023, the SBOE amended the TEKS for CTE career preparation and entrepreneurship courses to be implemented in the 2024-2025 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. At the April 2023 SBOE meeting, the board approved changes to the TEKS review process, including the addition of a process for selecting work group members.

At the January-February 2024 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements.

At its January-February 2024 meeting, the board adopted the IMRA process and procedures, as amended, in addition to the first set of quality rubrics.

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

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

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 CTE programs of study and a skills gap analysis to inform the review and revision of the CTE TEKS. The board discussed potential adjustments to the TEKS and Instructional Materials Review and Adoption Schedule. At the April 2021 meeting, the SBOE approved revisions to the TEKS and Instructional Materials Review and Adoption Schedule.

In early 2019, the SBOE began the review of the ELPS 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 Texas Education Agency (TEA) website in December 2018. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the U.S. Department of Education (USDE) indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act. In response to feedback from the work group members and feedback from the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel was presented to the SBOE at the June 2023 meeting.

At the November 2022 SBOE meeting, the board approved a CTE TEKS review process that mirrors the process for other subjects, but accounts for factors unique to CTE. In February 2023, TEA posted an application for work group members to develop recommendations for revisions to the TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements, Principles of Technology and Scientific Research and Design. TEA provided SBOE members with applications received in February, March, and April 2023. The approvals were due to TEA staff on March 3, March 24, April 14, and May 5. At the April 2023 SBOE meeting, the board approved advisory group members to review and comment on the proposed draft recommendations for selected courses in Agriculture, Food, and Natural Resources career cluster.

Additionally at the April 2023 SBOE meeting, the board discussed and approved changes to the TEKS review process, including approving a process for selecting work group members. The changes are being implemented beginning with the engineering TEKS review process.

At the November 2023 meeting, the SBOE indicated that it would begin work on new TEKS for the new engineering CTE career cluster. In December 2023, TEA posted an application for individuals interested in serving on an engineering TEKS review work group. The first set of completed applications was sent to SBOE members on February 6, 2024, and a second set of applications was sent out on March 1, 2024.

At the January-February 2024 meeting, the board asked staff to provide an example of what a potential timeline would look like for review of the K-12 mathematics TEKS at the April meeting. This item provides the opportunity for staff to present an update on the review of the TEKS and for the committee to discuss the schedule for future review and revision of the TEKS including mathematics and future IMRA.

TEC, Chapter 31, addresses instructional materials in public education and permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Chapter 31, including several provisions under SBOE authority.

At the June 2023 meeting, the Committee of the Full Board held a work session to receive an overview presentation on HB 1605 from the commissioner of education and to begin discussing preliminary decisions and next steps. The June 2023 SBOE HB 1605 Work Session Presentation shared during the work session is available on the TEA website at [June 2023 SBOE HB 1605 Work Session Slides](#).

At the August-September 2023 meeting, the Committee of the Full Board discussed the IMRA process and discussed the approach to developing the quality rubric criteria and process.

At the November 2023 and December 2023 meetings, the board discussed the proposed IMRA process and provided feedback to TEA staff.

At the November 2023 meeting, the board discussed criteria for the suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed to be used in the instructional materials review and approval process outlined in HB 1605, 88th Texas Legislature, Regular Session, 2023. At the December 2023 meeting, the board approved the criteria. At the January-February 2024 meeting, the board approved adjustments to the suitability rubric to further clarify the manner in which suitability criteria will be applied as part of the IMRA process.

At the January-February 2024 meeting, the board approved a final set of quality rubrics for the inaugural IMRA review, approved a process document, and adopted administrative rules related to the new IMRA process.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Todd Davis, Associate Commissioner, Instructional Strategy

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Colin Dempsey, Director, District Operations, Technology, and Sustainability Supports Division

Commissioner's Comments

April 10, 2024

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:

Ashley Merz, SBOE Policy Support Director

**Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills in Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920
(Second Reading and Final Adoption)**

April 12, 2024

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

SUMMARY: This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920. The proposal would update and add new Texas Essential Knowledge and Skills (TEKS) for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as update TEKS for two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements to ensure the content of the courses remains current and supports relevant and meaningful programs of study. A technical edit is recommended since approved for first reading.

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

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

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

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

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

TEC, §28.025(b-2)(2), requires the SBOE to allow a student by rule 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.

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 2024-2025 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised agriculture, food, and natural resources; aviation maintenance; and STEM TEKS.

PREVIOUS BOARD ACTION: The SBOE adopted §§130.1-130.32 effective August 28, 2017. Proposed new TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy science graduation requirements were approved for first reading and filing authorization at the January-February 2024 SBOE meeting.

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

During the November 2022 meeting, the SBOE approved a timeline for the review of CTE courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identified two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review cycle began in summer 2023. The complete CTE TEKS review process was used for the summer 2023 CTE TEKS review.

Applications to serve on the summer 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from February through July 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE work group in April and May 2023. Work groups were convened to develop recommendations for the CTE courses in May, June, August, and September 2023.

The proposal would ensure the standards for agribusiness, animal science, plant science, aviation maintenance, and STEM courses that may satisfy science graduation requirements remain current and support relevant and meaningful programs of study. A discussion item regarding proposed revisions to the TEKS for these courses was presented to the Committee of the Full Board at the November 2023 SBOE meeting. The work groups met for a final time in November-December 2023 to address feedback from the SBOE and others and to finalize their recommendations for the new standards.

Proposed new TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy science graduation requirements were approved for first reading and filing authorization at the January-February 2024 SBOE meeting.

The attachments to this item reflect the text of the proposed new TEKS. A technical edit to §127.920, Advanced Transportation Systems Laboratory (One Credit), Adopted 2024, is included since approved for first reading to correct the spelling of a course name listed as a recommended corequisite.

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 (2024-2028), there are no additional costs to the state. However, in fiscal year 2023, there was a cost to the state of approximately \$100,000 to convene work group members who traveled to Austin to draft recommendations for the CTE TEKS. In addition, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new CTE TEKS required to be taught by school districts and charter schools offering the courses.

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

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

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

The proposal would better align the TEKS and add additional course options for students to support relevant and meaningful programs of study. 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 or reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2024 SBOE meeting, notice of the proposal was filed with the Texas Register, initiating the public comment period. The public comment period began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890, and 127.920; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890, and 127.920, is necessary and shall have an effective date of 20 days after filing with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890, and 127.920

ATTACHMENT
Text of Proposed New 19 TAC

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

Subchapter C. Agriculture, Food, and Natural Resources

§127.30. Principles of Agriculture, Food, and Natural Resources (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products and resources.
 - (3) In Principles of Agriculture, Food, and Natural Resources, students explore major areas of agriculture, food, and natural resources, including organizations, agribusiness leadership and communications, plant science, animal science, food science and technology, agricultural technology and mechanical systems, and environmental and natural resources. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, experience, apply, and transfer their knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in agriculture, food, and natural resources;
 - (B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills in agriculture, food, and natural resources;
 - (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
 - (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;
 - (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

- (F) identify training, education, and certification requirements for occupational choices in agriculture, food, and natural resources.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands the agriculture industry in Texas and the United States. The student is expected to:
 - (A) identify top agricultural commodities, exports, and imports in Texas and the United States; and
 - (B) identify regions of commodity production such as regions that produce livestock, corn, wheat, dairy products, and cotton and explain the correlation between the region and the commodity.
- (5) The student explains the historical, current, and future significance of the agriculture, food, and natural resources industry. The student is expected to:
 - (A) define agriculture and identify the sectors of the agriculture industry;
 - (B) analyze the impact agriculture, food, and natural resources have on society;
 - (C) identify and explain significant historical and current events that have impacted the agriculture industry;
 - (D) identify issues that may impact agriculture, food, and natural resources systems, including related domestic and global systems, now and in the future;
 - (E) identify and discuss major innovations in the fields of agriculture, food, and natural resources;
 - (F) describe how emerging technologies such as online mapping systems, drones, and robotics impact agriculture, food, and natural resources; and
 - (G) compare how different issues such as biotechnology, employment, safety, environmental, and animal welfare issues impact agriculture, food, and natural resources industries.
- (6) The student understands opportunities for leadership development in student organizations within agriculture, food, and natural resources. The student is expected to:
 - (A) describe the history, structure, and development of and opportunities in student organizations in the agriculture, food, and natural resources career cluster;
 - (B) develop and demonstrate leadership and personal growth skills and collaborate with others to accomplish organizational goals and objectives; and
 - (C) demonstrate use of parliamentary procedures when conducting meetings.
- (7) The student identifies opportunities for involvement in professional agricultural organizations. The student is expected to:
 - (A) discuss the role of agricultural organizations in formulating public policy;

- (B) develop strategies for effective participation in agricultural organizations; and
 - (C) identify and discuss the purpose of various professional agricultural organizations.
- (8) The student demonstrates skills related to agribusiness, leadership, and communications. The student is expected to:
 - (A) demonstrate written and oral communication skills appropriate for formal and informal situations such as prepared and extemporaneous presentations;
 - (B) identify and demonstrate effective customer service skills, including appropriate listening techniques and responses; and
 - (C) explain the impact of marketing and advertising on the agricultural industry.
- (9) The student applies a scientific process to agriculture, food, and natural resources topics. The student is expected to:
 - (A) identify and select an important agricultural issue, question, or principle;
 - (B) develop and test a hypothesis for the selected issue, question, or principle;
 - (C) collect and analyze data for the selected agricultural issue, question, or principle; and
 - (D) present findings and conclusions based on research performed using scientific practices.
- (10) The student applies problem-solving, mathematical, and organizational skills to maintain financial or logistical records. The student is expected to:
 - (A) identify the components of and develop a formal business plan for an agricultural enterprise; and
 - (B) develop, maintain, and analyze records for an agricultural enterprise.
- (11) The student develops technical knowledge and skills related to plant and soil systems. The student is expected to:
 - (A) define plant and soil science and analyze the relevance of horticulture, agronomy, forestry, and floriculture;
 - (B) identify the components and properties of soils;
 - (C) describe the basic structure and functions of plant parts;
 - (D) identify and use techniques for plant germination, growth, and development; and
 - (E) identify and use tools, equipment, and personal protective equipment common to plant and soil systems.
- (12) The student develops technical knowledge and skills related to animal systems. The student is expected to:
 - (A) define animal science and analyze the relevance of animal selection, production, and marketing in the industry;
 - (B) analyze the roles and how animals benefit the agriculture industry;
 - (C) identify basic external anatomy of animals in agriculture;
 - (D) identify and classify breeds of livestock; and
 - (E) identify and use tools, equipment, and proper handling techniques related to animal systems.
- (13) The student describes the principles of food products and processing systems. The student is expected to:
 - (A) identify food products and processing systems;

- (B) identify emerging technologies and trends in domestic and global food production;
 - (C) compare various food labels;
 - (D) discuss current issues in food production; and
 - (E) identify and use tools, equipment, and personal protective equipment common to food products and processing systems.
- (14) The student safely performs skills related to agricultural technology and mechanical systems. The student is expected to:
- (A) identify the major disciplines of agricultural technology and mechanical systems;
 - (B) demonstrate basic measuring practices with accuracy;
 - (C) create a bill of materials and a technical drawing for a proposed agricultural engineering project;
 - (D) identify common building tools, materials, and fasteners; and
 - (E) identify and use tools, equipment, and personal protective equipment common to agricultural technology and mechanical systems.
- (15) The student explains the principles of environmental and natural resources. The student is expected to:
- (A) identify natural resources of economic importance to Texas agriculture;
 - (B) explain the relationship between agriculture and environmental and natural resources;
 - (C) identify and describe regulations and governmental programs related to environmental and natural resources, including water regulations, pesticide usage, and hunting and fishing laws;
 - (D) identify and compare alternative energy sources that stem from or impact environmental and natural resources; and
 - (E) identify and compare energy and water conservation methods.

§127.45. Professional Standards and Communication in Agribusiness (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Professional Standards and Communication in Agribusiness focuses on leadership, communication, employer-employee relations, and problem solving as they relate to agribusiness. To prepare for careers in agribusiness systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to leadership development and communications in agriculture, and develop knowledge and skills regarding agricultural career opportunities, entry requirements, and industry expectations. To prepare for success, students need

opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the field of agribusiness;
 - (B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in agriculture, food, and natural resources industries;
 - (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
 - (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;
 - (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and
 - (F) identify training, education, and certification requirements for occupational choices.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) apply proper record-keeping skills as they relate to the supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student analyzes the professional development skills needed to be an effective leader in agribusiness. The student is expected to:
 - (A) describe the importance of positive self-concept, social skills, and maintaining a professional image;
 - (B) analyze various leadership styles;
 - (C) prepare a professional resume, letters of interest, employment applications, and follow-up communications related to the hiring process; and
 - (D) explain the interpersonal skills needed to work cooperatively with others.
- (5) The student evaluates employer and employee responsibilities for occupations in agriculture, food, and natural resources. The student is expected to:
 - (A) identify and discuss work-related and agribusiness-related ethics;
 - (B) identify and practice job interview skills; and

- (C) outline complaint and appeal processes in the workplace.
- (6) The student communicates effectively through various mediums with groups and individuals. The student is expected to:
- (A) describe elements of effective communication such as accuracy, relevance, rhetoric, and organization in informal, group discussions; formal presentations; and business-related, technical communication;
 - (B) describe how the style and content of spoken language varies in different contexts and can influence the listener's understanding;
 - (C) evaluate elements of oral presentations such as delivery, vocabulary, length, and purpose;
 - (D) modify presentations based on audience;
 - (E) identify elements of appropriate professional communications in agribusiness such as correct usage of grammar and punctuation;
 - (F) explain the importance of communicating factual and unbiased data and information obtained from reliable sources;
 - (G) identify and demonstrate effective nonverbal communication skills and listening strategies; and
 - (H) analyze and discuss the importance of relationships and organization for effective communication within groups.
- (7) The student understands the dynamics of group collaboration. The student is expected to:
- (A) explain the significance of personal and group goals;
 - (B) apply various leadership traits to solve problems when leading a group;
 - (C) discuss the importance of time management and teamwork;
 - (D) outline the steps in the decision-making and problem-solving processes; and
 - (E) demonstrate an understanding of parliamentary procedures by conducting or actively participating in a meeting.
- (8) The student applies principles of design in visual media as they relate to agriculture. The student is expected to:
- (A) explain the purpose of visual media;
 - (B) identify principles of design for visual media;
 - (C) create designs such as web design or print design for a targeted purpose in agribusiness; and
 - (D) interpret, evaluate, and justify artistic decisions in visual media related to agribusiness.
- (9) The student demonstrates journalistic writing in agriculture. The student is expected to:
- (A) differentiate between news, feature, and opinion writing;
 - (B) identify different forms of journalistic writing such as feature story, press release, and editorials; and
 - (C) create different forms of journalistic writing for a topic in agribusiness using the drafting process, including layout, selection, revisions, and editing.
- (10) The student identifies new media being used in agriculture. The student is expected to:
- (A) identify effective use of emerging technology in agricultural communications;
 - (B) propose a media campaign for an agricultural product or business;

- (C) distinguish between appropriate and inappropriate uses of media; and
- (D) identify key concepts related to digital citizenship and demonstrate appropriate use of technology for the workplace.
- (11) The student examines media laws and ethics related to agricultural communications. The student is expected to:
 - (A) define free speech, free press, defamation, and libel within communications;
 - (B) identify and explain media laws applicable to various agricultural communications;
 - (C) identify and discuss ethical considerations related to media; and
 - (D) evaluate and practice safe, legal, and responsible use of communication technologies.
- (12) The student examines crisis management and risk communication in agricultural communications. The student is expected to:
 - (A) differentiate between crisis and risk communication;
 - (B) create an outline for a crisis communication plan in agriculture; and
 - (C) analyze communication techniques, relevant communication networks, and organization communication strategies before, during, and after a crisis.

§127.46. Agribusiness Management and Marketing (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Agribusiness Management and Marketing is designed to provide a foundation to agribusiness management and the free enterprise system. Instruction includes the use of economic principles such as supply and demand, budgeting, record keeping, finance, risk management, business law, marketing, and careers in agribusiness. To prepare for careers in agribusiness systems, students must attain academic skills and knowledge, acquire technical knowledge and skills related to agribusiness marketing and management and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career and entrepreneurship opportunities for a chosen occupation in the field of agribusiness systems science and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student recognizes and explains roles within organizations, inter-organizational systems, and the larger environment. The student is expected to:
 - (A) identify how organizational systems affect performance and the quality of products and services related to agriculture, food, and natural resources;
 - (B) research and describe the global context of agricultural industries and careers;
 - (C) describe the nature and types of agribusiness organizations; and
 - (D) identify the sectors of agribusiness such as production, processing, and distribution.
- (5) The student examines critical aspects of career opportunities in one or more agriculture, food, and natural resources careers. The student is expected to:
 - (A) research job descriptions for one or more careers in agriculture, food, and natural resources and analyze labor market trends for the selected career(s); and
 - (B) identify educational and credentialing requirements for one or more careers in agriculture, food, and natural resources.
- (6) The student defines and examines agribusiness management and marketing and its importance to agriculture and the economy. The student is expected to:
 - (A) describe different roles and functions of management and leadership in agribusiness;
 - (B) analyze the impact of management and marketing on the production, processing, and distribution of agricultural products;
 - (C) identify key economic principles of free enterprise;

- (D) explain the impact of key economic principles in agribusiness;
 - (E) analyze the economic opportunities of agribusiness in a selected market or region; and
 - (F) identify how agribusiness management and marketing impact consumer and market trends.
- (7) The student explains the importance of maintaining records and budgeting in agribusiness. The student is expected to:
- (A) maintain and analyze agribusiness records such as payroll, employee benefits, inventories, financial statements, and balance sheets to make informed business decisions;
 - (B) research and identify loan and financing opportunities in agribusiness;
 - (C) compare methods of capital resource acquisition as it pertains to agriculture; and
 - (D) apply a cost-benefit analysis to a budget for an agricultural business.
- (8) The student describes issues related to government policy and seeks opportunities to eliminate barriers for all stakeholders. The student is expected to:
- (A) analyze methods of decision making;
 - (B) identify and examine the effects of government policies and regulations in making management decisions;
 - (C) describe the role of human resources in ensuring equality in the workplace;
 - (D) identify employee rights and laws pertaining to the workplace; and
 - (E) identify the rights and responsibilities of land and property ownership such as uses, taxes, wills, and liabilities.
- (9) The student describes the marketing of agricultural products. The student is expected to:
- (A) describe the purpose and importance of marketing agricultural products;
 - (B) develop a marketing plan for an agricultural business or product;
 - (C) compare various agribusiness markets and influence factors;
 - (D) identify methods used in agriculture for managing risk; and
 - (E) identify and analyze trends in agricultural commodity markets.
- (10) The student understands the efficiency aspects of agribusiness management. The student is expected to:
- (A) develop agricultural management and financial documents using management software or information technology;
 - (B) identify components of and develop an agribusiness entrepreneurial plan;
 - (C) identify components of and develop an agribusiness financial management plan; and
 - (D) create and present an agriculture business proposal.

§127.47. Agricultural Leadership, Research, and Communications (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: one credit from the courses in the Agriculture, Food, and Natural Resources Career Cluster. Recommended

prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
- (3) Agricultural Leadership, Research, and Communications focuses on challenging students to use higher level thinking skills, develop leadership abilities, and develop and communicate agricultural positions effectively with all stakeholders. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and applying technologies in a variety of settings.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career and entrepreneurship opportunities for a chosen occupation in the field of agriculture and develop a plan for obtaining the education, training, and certifications required for the chosen occupation;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and

- (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student researches the qualities and characteristics of effective leaders within the agricultural industry. The student is expected to:
 - (A) identify past agricultural leaders, explain contributions made by these leaders, and define the impact of their contributions on the agricultural industry;
 - (B) compare characteristics of effective leaders and explain how these traits enabled them to enact meaningful change; and
 - (C) analyze and present the leadership skills of a leader in the field of agriculture.
- (5) The student describes organizational leadership structures at the local, state, and national levels. The student is expected to:
 - (A) identify agricultural or governmental leadership positions at the local, state, and national levels;
 - (B) explain how individuals in leadership positions and their decisions impact the agricultural industry;
 - (C) explain the processes by which laws, regulations, and policies are developed at the local, state, and national levels; and
 - (D) evaluate a recent law affecting agriculture, food, and natural resources and analyze the impact of that law on local agriculture.
- (6) The student develops skills needed to participate effectively in an organizational meeting. The student is expected to:
 - (A) describe parliamentary laws, motions, and other procedures;
 - (B) apply parliamentary procedures to conduct organizational meetings;
 - (C) debate and discuss issues in a clear, concise, and professional manner;
 - (D) serve as presiding officer over an actual or mock organizational meeting; and
 - (E) analyze an organizational meeting such as a chapter, a district, an area, or a state meeting or a local board meeting and make recommendations to increase the meeting's overall efficiency and effectiveness.
- (7) The student demonstrates an agriculture-related technical skill to stakeholders. The student is expected to:
 - (A) examine the components of an effective skills demonstration and create a list of essential characteristics;
 - (B) identify an agricultural skill, develop detailed instructions for performing that skill, and demonstrate the skill with proficiency;
 - (C) analyze the performance of a pre-identified skill and make recommendations to increase the performance for overall efficiency and effectiveness; and
 - (D) explain the relevance of real-world applications for the demonstration process.
- (8) The student asks questions, identifies problems, and conducts investigations to answer questions in agriculture. The student is expected to:
 - (A) explain the importance of using scientific processes;
 - (B) ask questions and define problems based on observations or data;
 - (C) collect, organize, and analyze quantitative and qualitative data; and
 - (D) present findings and conclusions based on research performed using scientific processes.

- (9) The student examines the use of logic in debate and analysis of current issues impacting the agricultural community. The student is expected to:
- (A) identify the rules and responsibilities of the affirmative and negative positions in a debate;
 - (B) construct logical affirmative and negative cases in a debate using a variety of approaches; and
 - (C) present an argument free of logical fallacies on a current agricultural issue.
- (10) The student examines an agricultural topic to develop an advocacy communication plan. The student is expected to:
- (A) identify and research controversial areas of agriculture;
 - (B) identify and analyze all sides of a controversial agricultural issue;
 - (C) develop an advocacy communication plan that addresses both supporting and opposing arguments; and
 - (D) present the advocacy communication plan to an audience.
- (11) The student presents and communicates agricultural information using various media. The student is expected to:
- (A) identify historical and current media outlets;
 - (B) research and write agricultural articles for publication in print media outlets;
 - (C) develop and record scripts for radio broadcasts or podcast productions to effectively communicate agricultural information using technology;
 - (D) develop scripts for video broadcasts and communicate agricultural information effectively using a video broadcast;
 - (E) examine and critique various media platforms; and
 - (F) communicate agricultural information in a responsible, professional manner via media.
- (12) The student communicates agricultural information by means of presentations to groups of various sizes. The student is expected to:
- (A) select appropriate tone, language, and content for an intended audience;
 - (B) plan, develop, and deliver effective presentations; and
 - (C) critique agricultural presentations given by self or others for structure, transitions, evidence, and details.
- (13) The student evaluates and critiques agricultural informational resources. The student is expected to:
- (A) identify processes used in the evaluation of a variety of agricultural resources;
 - (B) evaluate agricultural resources for credibility, bias, and accuracy;
 - (C) evaluate and compare agricultural resources and make professional decisions using reliable research resources; and
 - (D) explain and defend decisions made in the evaluation of agricultural resources.
- (14) The student understands the importance of agricultural education. The student is expected to:
- (A) identify and examine historical and present-day agricultural education;
 - (B) identify and research individuals, governmental agencies, and advocacy groups that are responsible for agricultural information dissemination and education; and

(C) explain the importance of agricultural education.

§127.48. Equine Science (One-Half Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one-half credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) In Equine Science, students acquire knowledge and skills related to the equine industry. Equine Science may address topics related to horses, donkeys, and mules. To prepare for careers in the field of animal science, students must enhance academic knowledge and skills, acquire knowledge and skills related to equine systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the field of equine science;
 - (B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in equine science;
 - (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
 - (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;
 - (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and
 - (F) identify training, education, and certification requirements for occupational choices.
 - (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student analyzes the history, domestication, and selection of equine. The student is expected to:
- (A) research and describe the history and evolution of equine;
 - (B) describe the impacts of equine industries such as racing, rodeos, equestrian therapy, and the global food market; and
 - (C) evaluate and select equine breeds based on purpose and conformation.
- (5) The student explains the anatomy and physiology of equine. The student is expected to:
- (A) explain the function of the skeletal, muscular, respiratory, reproductive, digestive, and circulatory systems of equine;
 - (B) identify and interpret ranges for healthy equine vital signs; and
 - (C) compare normal and abnormal behavior of equine such as emotional and physical.
- (6) The student determines the nutritional requirements of equine. The student is expected to:
- (A) compare the equine digestive system to the digestive systems of other species;
 - (B) identify and describe sources of nutrients and classes of feed for equine;
 - (C) identify and research vitamins, minerals, and feed additives for equine;
 - (D) formulate feed rations based on the nutritional requirements of equine; and
 - (E) identify and discuss equine feeding practices, grazing practices, and feed quality issues.
- (7) The student understands how equine are affected by diseases and pests. The student is expected to:
- (A) identify and describe how bacteria, fungi, viruses, genetics, and nutrition affect equine health;
 - (B) identify signs, symptoms, and prevention of equine diseases;
 - (C) identify parasites of equine and explain the signs, symptoms, treatment, and prevention of equine parasites; and
 - (D) discuss methods of administering equine medications and calculating dosage.
- (8) The student analyzes the management of equine. The student is expected to:
- (A) identify tools and equipment for grooming, riding, and training equine and select the appropriate tools or equipment for such tasks and purposes;
 - (B) identify tools and equipment for safe handling and restraining of equine and select the appropriate tools or equipment for such tasks and purposes;
 - (C) identify types and essential features of equine facilities such as housing, performance, veterinary, and reproduction facilities;
 - (D) explain the procedures for breeding equine and caring for foals in accordance with industry standards;
 - (E) explain and demonstrate methods of identifying ownership of equine, including branding and tattooing;

- (F) discuss effective equine management strategies such as financial planning, complying with governmental regulations, and interpreting performance data; and
- (G) explain methods of maintaining equine health and soundness such as hoof care and dental health.
- (9) The student discusses issues affecting the equine industry. The student is expected to:
 - (A) describe biotechnology issues related to the equine industry;
 - (B) research and explain animal welfare policy pertaining to equine industries such as racing, rodeos, equestrian therapy, the global food market, and pharmaceutical research; and
 - (C) research and explain governmental regulations, environmental regulations, or current events that affect the equine industry.

§127.49. Livestock and Poultry Production (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) In Livestock and Poultry Production, students acquire knowledge and skills related to the livestock and poultry production industry. Livestock and Poultry Production may address topics related to beef cattle, dairy cattle, swine, sheep, goats, and poultry. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire knowledge and skills related to livestock and poultry systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the field of livestock and poultry production;
 - (B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in livestock and poultry production;

- (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
- (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;
- (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and
- (F) identify training, education, and certification requirements for occupational choices.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student analyzes the history, domestication, and selection of livestock and poultry. The student is expected to:
 - (A) research and describe the history, domestication, and evolution of livestock and poultry species;
 - (B) describe the impacts other industries such as entertainment, recreation and leisure, and exhibition of animals have on the livestock and poultry industry; and
 - (C) evaluate and select livestock and poultry breeds based on purpose and conformation.
- (5) The student explains the anatomy and physiology of livestock and poultry species. The student is expected to:
 - (A) identify and explain the skeletal, muscular, respiratory, and circulatory systems of livestock and poultry;
 - (B) identify and interpret ranges for healthy livestock and poultry vital signs; and
 - (C) compare normal and abnormal behavior of livestock and poultry.
- (6) The student determines nutritional requirements of livestock and poultry. The student is expected to:
 - (A) describe and compare the digestive systems of ruminant and non-ruminant animals;
 - (B) identify sources of nutrients and classes of feed for livestock and poultry;
 - (C) identify vitamins, minerals, and feed additives for livestock and poultry;
 - (D) formulate feed rations based on nutritional needs and economic factors for livestock and poultry;
 - (E) research and discuss feeding practices and feed quality issues for livestock and poultry;
 - (F) identify forage plants used for livestock grazing; and
 - (G) research and explain livestock and poultry grazing practices such as rotational grazing and deferred grazing.

- (7) The student explains livestock and poultry genetics and reproduction. The student is expected to:
- (A) describe and compare the reproductive systems of various livestock and poultry;
 - (B) identify and explain livestock and poultry breeding systems such as grading up, crossbreeding, linebreeding, and inbreeding;
 - (C) use Expected Progeny Differences (EPDs) to evaluate livestock production;
 - (D) research and explain current and emerging technologies in livestock and poultry reproduction such as cloning, embryo transfer, in vitro fertilization, and artificial insemination;
 - (E) use Punnett squares to predict phenotypes and genotypes of livestock offspring; and
 - (F) explain the relationship between body condition scores and reproductive efficiency for livestock and poultry.
- (8) The student understands how livestock and poultry are affected by pests and diseases. The student is expected to:
- (A) identify and describe how bacteria, fungi, viruses, genetics, and nutrition affect livestock and poultry health;
 - (B) identify signs, symptoms, and prevention of livestock and poultry diseases;
 - (C) identify parasites and explain the signs, symptoms, treatment, and prevention of livestock and poultry parasites; and
 - (D) calculate dosage and identify administration methods of livestock and poultry medications.
- (9) The student analyzes the management skills needed for livestock and poultry production. The student is expected to:
- (A) identify tools and equipment for safe handling and restraining of livestock and poultry and select the appropriate tools or equipment for such tasks and purposes;
 - (B) identify types and essential features of facilities for livestock and poultry such as housing, veterinary, and reproduction facilities;
 - (C) evaluate and describe industry practices such as dehorning, castrating, docking, and vaccinating and sire, dam, and newborn care to maximize the efficiency of livestock and poultry;
 - (D) explain and demonstrate methods of identifying ownership of livestock and poultry such as branding, ear tagging, ear notching, wing bands, and tattooing; and
 - (E) explain the use of technology such as aircraft, robotics, and smart irrigation in modern livestock and poultry production.
- (10) The student examines the interrelationship of the factors impacting livestock and poultry production operations. The student is expected to:
- (A) research and explain livestock and poultry biosecurity and waste management practices;
 - (B) create an effective financial management plan for a livestock and poultry production operation;
 - (C) analyze and discuss environmental regulations, governmental regulations, and animal welfare policies related to livestock and poultry production;
 - (D) analyze the United States Department of Agriculture (USDA) standards and guidelines for organic livestock and poultry production;
 - (E) analyze and describe the interrelationship between grain markets and the livestock and poultry industry;

- (F) assess the impact of the United States livestock and poultry industry on world commodity markets;
- (G) use charts, tables, data, or graphs to evaluate the efficiency of livestock and poultry production; and
- (H) develop and present a livestock or poultry operation plan that includes health, reproduction, nutrition, and management practices necessary for maximum efficiency.

§127.50. Small Animal Management (One-Half Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one-half credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) In Small Animal Management, students acquire knowledge and skills related to the small animal management industry. Small Animal Management may address topics related to small animals such as dogs and cats, rabbits, pocket pets, amphibians, reptiles, and birds. To prepare for careers in the field of animal science, students must enhance academic knowledge and skills, acquire knowledge and skills related to small animal systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the field of small animal management;
 - (B) identify and demonstrate interpersonal, problem solving, and critical thinking skills used in small animal management;
 - (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
 - (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

- (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and
 - (F) identify training, education, and certification requirements for occupational choices.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student analyzes the history, domestication, and importance of small animal ownership. The student is expected to:
- (A) research and explain the history, domestication, and purpose of small animals;
 - (B) identify and discuss the influence small animals have on society;
 - (C) describe the economic impact of the small animal industry;
 - (D) describe the responsibilities and benefits of small animal ownership;
 - (E) explain services small animals provide to society such as medical, support, research, and working; and
 - (F) research and discuss the environmental and governmental regulations related to small animal ownership.
- (5) The student understands the hazards associated with working in the small animal industry. The student is expected to:
- (A) explain and demonstrate safe practices, including the proper use of personal protective equipment (PPE), when working with small animals;
 - (B) identify zoonotic diseases that can be transmitted by small animals;
 - (C) describe sanitation methods used to prevent the spread of disease in small animals; and
 - (D) locate, interpret, and implement safety data sheets (SDS) for handling chemicals.
- (6) The student evaluates current topics in small animal rights and animal welfare. The student is expected to:
- (A) analyze current issues in animal rights and animal welfare;
 - (B) research and report important persons, organizations, and groups involved in the animal rights movement; and
 - (C) create and discuss a historical timeline of major legislation related to animal welfare.
- (7) The student explains anatomy and physiology of small animals. The student is expected to:
- (A) identify and explain the skeletal, muscular, respiratory, reproductive, digestive, and circulatory systems for each species studied;
 - (B) identify and interpret ranges for healthy small animal vital signs; and

- (C) compare normal and abnormal behavior of small animals.
- (8) The student analyzes the care and management skills for a variety of small animals. The student is expected to:
 - (A) identify and discuss the impact physical characteristics have on the management practices for each species studied;
 - (B) identify and compare the breeds and types of each species studied;
 - (C) discuss the ownership identification methods, habitat, housing, and equipment needs for each species studied;
 - (D) identify nutritional requirements for each species studied;
 - (E) explain health maintenance for each species studied, including prevention and control of diseases and parasites;
 - (F) describe and practice methods of handling for each species studied;
 - (G) discuss basic grooming procedures for each species studied; and
 - (H) identify copulation, gestation, parturition, and weaning practices for each species studied.
- (9) The student examines the interrelationship of the factors impacting small animal ownership. The student is expected to:
 - (A) develop and present a small animal ownership plan that includes health, reproduction, nutrition, and management practices; and
 - (B) research and create a financial plan for small animal operation or ownership.

§127.51. Veterinary Science (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Equine Science, Small Animal Management, or Livestock Production. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Veterinary Science covers topics relating to veterinary practices, including practices for large and small animal species. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire technical knowledge and skills related to animal systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills and technologies in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.

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

 - (A) identify career, education, and entrepreneurship opportunities for a chosen occupation in the field of veterinary science and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:

 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands safety and health practices associated with working in veterinary medicine. The student is expected to:

 - (A) explain the importance of safe practices such as handling, restraint, and proper use of tools and equipment when working with animals;
 - (B) identify and discuss transmission and prevention of zoonotic diseases in large and small animal species;
 - (C) describe sanitation methods to prevent the spread of pathogens and maintain asepsis in sterile environments;
 - (D) locate, interpret, and implement safety data sheets (SDS) for handling chemicals;
 - (E) demonstrate and explain safe usage of clinical tools and equipment; and
 - (F) perform proper disposal of sharps and biohazards.
- (5) The student understands current topics, professional ethics, and laws that relate to veterinary medicine. The student is expected to:

 - (A) research and discuss historical events, trends, and issues that have impacted veterinary medicine;
 - (B) analyze topics related to veterinary medical ethics, including animal rights and animal welfare; and
 - (C) explain policies and procedures in veterinary medicine that reflect local, state, and federal laws.

- (6) The student evaluates effective management approaches and marketing strategies to determine their importance to the success of veterinary practices such as clinics and hospitals. The student is expected to:
- (A) describe how the human-animal bond impacts veterinary practices when working with clients and their animals;
 - (B) identify and demonstrate skills needed to communicate effectively with clients and veterinary professionals;
 - (C) identify marketing strategies and explain how marketing affects the success of a veterinary practice; and
 - (D) research and discuss how electronic technology such as computer programs, medical records, hospital-to-hospital communication, and tablets is used in a veterinary practice.
- (7) The student communicates the importance of medical terminology, evaluates veterinary terms to discover their meanings, and demonstrates the ability to use terms correctly. The student is expected to:
- (A) analyze Greek and Latin prefixes, suffixes, and roots to determine the meaning of veterinary terms;
 - (B) identify, pronounce, and spell veterinary terms appropriately; and
 - (C) use directional anatomy terms appropriately for large and small animal species.
- (8) The student understands proper animal handling as it relates to characteristics and behavior. The student is expected to:
- (A) identify animal breeds according to characteristics;
 - (B) identify and compare normal and abnormal behavior within and among various animal species; and
 - (C) identify and discuss correct handling and restraint protocols for large and small animal species such as muzzling, lateral recumbency, sternal recumbency, jugular venipuncture, and haltering.
- (9) The student explains anatomy and physiology of animals. The student is expected to:
- (A) identify the parts and functions of the skeletal, muscular, respiratory, circulatory, digestive, endocrine, and nervous systems for large and small animal species; and
 - (B) describe the interrelationships among animal body systems.
- (10) The student determines the importance of animal nutrition in maintaining a healthy animal. The student is expected to:
- (A) identify sources of nutrients and classes of feeds for large and small animal species;
 - (B) identify feed additives for large and small animal species and describe how additives affect the food supply;
 - (C) analyze dietary needs and feed-quality issues for large and small animal species and their effect on feeding practices; and
 - (D) research and compare the nutritional value of feeds such as prescription, commercial, homemade, fad, and raw diets for large and small animal species.
- (11) The student evaluates an animal's health during a clinical examination. The student is expected to:
- (A) describe the characteristics and signs of a healthy and an unhealthy animal;
 - (B) identify ranges for healthy vital signs for large and small animal species such as temperature, pulse, respiration, hydration, and capillary refill time;

- (C) demonstrate the proper procedures for obtaining vital signs for large and small animal species and interpret vital sign measurements to determine the health of the animal;
 - (D) describe effects of age, stress, and environmental factors on vital signs of animals;
 - (E) explain procedures for physical examinations for large and small animal species;
 - (F) explain the anatomical regional approach to assess an animal's health;
 - (G) apply mathematical skills to calculate weight and linear body measurement for large and small animal species and to convert between measurement systems; and
 - (H) analyze tables, charts, and graphs to interpret large and small animal patient and clinical data.
- (12) The student analyzes how diseases and parasites affect animal health. The student is expected to:
- (A) describe the process of immunity and disease transmission for large and small animal species;
 - (B) identify and describe pathogens for large and small animal species and the diseases they cause;
 - (C) describe the effects that diseases have on various body systems for large and small animal species;
 - (D) identify parasites for large and small animal species using common and scientific names;
 - (E) describe life cycles of parasites found in large and small animal species;
 - (F) explain how parasites found in large and small animal species are transmitted and explain the effects on the host;
 - (G) describe parasitic diagnostic procedures for large and small animal species; and
 - (H) describe treatment protocols for parasites found in large and small animal species.
- (13) The student examines various aspects of veterinary laboratory procedures. The student is expected to:
- (A) explain the procedures used in collecting, handling, and preparing fecal, blood, and urine specimens for large and small animal species;
 - (B) explain veterinary procedures used in examining fecal, blood, and urine specimens; and
 - (C) analyze and compare normal and abnormal results obtained in veterinary laboratory procedures.
- (14) The student analyzes technical veterinary procedures and skills. The student is expected to:
- (A) explain the care, maintenance, and use of equipment and instruments found in veterinary practices;
 - (B) interpret and prepare a veterinary medical record, adhering to client and patient confidentiality;
 - (C) explain and demonstrate routine animal care skills such as administering medications, nail trimming, bathing, dipping, grooming, ear cleaning, expressing anal sacs, dental care, placing a tail tie, and ownership identification methods;
 - (D) explain and demonstrate therapeutic care for large and small animal species such as patient observation, maintaining and administering fluids, applying and removing bandages, removing sutures, caring for open wounds, and providing hydrotherapy physical therapy;
 - (E) describe emergency protocols and first aid procedures for large and small animal species, including cardiopulmonary resuscitation, control of bleeding, and signs of shock; and

- (F) research and compare veterinary care of specialty patients, including newborns, orphans, geriatric animals, recumbent animals, and animals with disabilities.
- (15) The student identifies and discusses surgical-assisting procedures and skills. The student is expected to:
 - (A) explain the veterinary protocol for pre-surgical and post-surgical care of a patient;
 - (B) identify tools and equipment used in veterinary surgical procedures;
 - (C) describe methods used in the preparation, sterilization, and opening of surgery packs; and
 - (D) describe veterinary surgical procedures such as spaying, castration, dehorning, docking, dental prophylaxis, and tooth extraction.
- (16) The student identifies imaging equipment and understands how to safely operate and maintain equipment. The student is expected to:
 - (A) research and explain the parts and function of imaging equipment such as an ultrasonograph, endoscope, electrocardiograph, and radiograph;
 - (B) explain safety, maintenance, and operation procedures of imaging equipment;
 - (C) demonstrate patient restraint and positioning methods used for imaging purposes of large and small animal species; and
 - (D) differentiate between the images from various imaging equipment.
- (17) The student identifies veterinary pharmacology procedures and skills. The student is expected to:
 - (A) identify veterinary medications according to their classification, schedule, form, routes of administration, and methods of administration;
 - (B) explain handling, storage, distribution, protocols, and laws for veterinary medications, including controlled substances;
 - (C) calculate dosage for large and small animal species using factors such as concentration of drug, weight of animal, and prescribed dosage;
 - (D) prepare a veterinary prescription label with identifiers that are required by the United States Food and Drug Administration;
 - (E) identify and explain the equipment and instruments used to safely administer medications for large and small animal species; and
 - (F) research and present emerging trends in veterinary pharmacology such as internet pharmacies, herbal supplements, organic labeling, and extra-label and off-label use of medications.

§127.52. Advanced Animal Science (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Biology and Chemistry or Integrated Physics and Chemistry (IPC); Algebra I and Geometry; and either Small Animal Management, Equine Science, or Livestock Production. Recommended prerequisite: Veterinary Science. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

- (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
- (3) Advanced Animal Science examines the interrelatedness of human, scientific, and technological dimensions of animal production, including canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorpha production. Instruction is designed to allow for the application of scientific and technological aspects of animal science through field and laboratory experiences. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire knowledge and skills related to animal systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry standards. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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).
- (8) 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.

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

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

(d) Knowledge and skills.

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

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of animal science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

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

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as dissection equipment, standard laboratory glassware, microscopes, various prepared slides, measuring devices, micropipettors, hand lenses, thermometers, hot plates, laboratory notebook, timing devices, cameras, Petri dishes, laboratory incubators, models, diagrams, and samples of biological specimens, syringes, needles, scalpels, microscopes slides, cover slips, artificial insemination equipment, and drench gun;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using calculators, computers, software, laboratory notebook, recordkeeping system, and reliable sources;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

- (3) 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.
- (4) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (5) 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, 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.
- (6) The student develops a supervised agricultural experience program. The student is expected to:
- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (7) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (8) The student analyzes the history, domestication, and evaluation of animals, including canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs. The student is expected to:
- (A) research and describe the history, including evolution, domestication, and introduction of species to countries, of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

- (B) analyze and describe how changes in the global food market impact the animal production industry; and
 - (C) evaluate breeds of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorph based on purpose and conformation.
- (9) The student defines how an organism grows and how specialized cells, tissues, and organs develop. The student is expected to:
- (A) compare cells to show specialization of structure and function;
 - (B) explain cell division, including mitosis and meiosis;
 - (C) explain cell differentiation in the development of tissues and organs; and
 - (D) identify and explain the biological levels of organization in animals.
- (10) The student examines and compares anatomy and physiology in animals. The student is expected to:
- (A) compare the external anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (B) identify the anatomical structures and physiological functions of the skeletal, muscular, circulatory, genitourinary, respiratory, nervous, immune, and endocrine systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs; and
 - (C) investigate and describe the interrelationship among animal body systems.
- (11) The student understands the anatomical structures and physiological functions of the digestive system to determine nutritional requirements of ruminant and non-ruminant animals. The student is expected to:
- (A) describe the structures and functions of the digestive systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (B) identify and describe sources of nutrients and classes of feeds for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (C) identify and describe the feed additives and supplements used to meet the nutritional requirements of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (D) formulate rations based on different nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (E) analyze feeding practices in relation to nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (F) analyze feed quality issues and determine their effect on the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (G) research and compare the nutritional value of feeds for all species discussed;
 - (H) identify forage plants used for livestock grazing and analyze the protein levels of each; and
 - (I) research grazing practices such as rotational grazing and deferred grazing and explain the advantages and disadvantages of each using the scientific and engineering design process.
- (12) The student understands the principles of molecular genetics and heredity. The student is expected to:

- (A) explain Mendel's laws of inheritance and predict genotypes and phenotypes of offspring using a Punnett square;
 - (B) use a Punnett square and assign alleles to justify genotype and phenotype predictions;
 - (C) identify the parts of the nucleotide and differentiate between the nucleotides found in deoxyribonucleic acid (DNA) and ribonucleic acid (RNA); and
 - (D) explain the functions of DNA and RNA.
- (13) The student applies the principles of reproduction and breeding to animal improvement. The student is expected to:
- (A) describe and compare reproductive anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (B) analyze and compare reproductive cycles and phases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (C) correlate the reproductive cycles and phases to animal behavior;
 - (D) research breeding systems, including grading up, crossbreeding, linebreeding, and inbreeding, and explain the advantages and disadvantages of each using the scientific and engineering design process; and
 - (E) research breeding methods, including embryo transfer, artificial insemination, and natural mating, and explain the advantages and disadvantages of each using the scientific and engineering design process.
- (14) The student analyzes how diseases and parasites affect animal health. The student is expected to:
- (A) examine how factors such as geographic location, age, genetic composition, and inherited diseases influence the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (B) describe the process of immunity and disease transmission of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (C) identify and describe pathogens and the diseases they cause in canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (D) describe the effects that diseases have on various body systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (E) research and explain the methods of prevention and control for diseases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (F) identify parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs using common and scientific names;
 - (G) describe the life cycles of various parasites and relate them to animal health issues;
 - (H) explain how parasites are transmitted and the effect they have on canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;
 - (I) conduct or simulate parasite diagnostic tests; and
 - (J) explain the methods of prevention, control, and treatment of parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs.
- (15) The student discusses livestock market readiness and harvesting methods. The student is expected to:
- (A) explain the stages of animal growth and development and how they relate to market readiness;
 - (B) evaluate market class and grades of livestock;

- (C) compare harvesting methods for various species using the scientific and engineering design process;
 - (D) research and describe federal and state meat inspection standards such as safety, hygiene, and quality control standards;
 - (E) identify wholesale and retail cuts of meat and correlate to major muscle groups; and
 - (F) research animal by-products and explain their impact on society.
- (16) The student explores methods of marketing animals and animal products. The student is expected to:
- (A) compare various methods of animal marketing such as auction, contract sales, private treaty, internet sales, value-based, and exhibition of various animals;
 - (B) describe methods of marketing animal products such as farmers market, direct sales, wholesale, and retail;
 - (C) research and evaluate the effectiveness of various strategies and campaigns to market animal products based on consumption patterns and consumer preferences; and
 - (D) research and evaluate the effectiveness of various labeling options to market animal products such as organic, farm-raised, hormone-free, cage-free, grass-fed, antibiotic-free, and non-GMO labels based on consumption patterns and consumer preferences.
- (17) The student demonstrates an understanding of policies and current issues in animal science. The student is expected to:
- (A) investigate and discuss the use of biotechnology and biosecurity in the animal science industry;
 - (B) identify governmental regulations and policies such as environmental and animal welfare and research the impacts on animal production; and
 - (C) identify and research a current issue in scientific animal agriculture and design a protocol to address the issue using the scientific and engineering design process.

§127.53. Floral Design (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 9-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. This course satisfies the fine arts graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Floral Design is designed to develop students' ability to identify and demonstrate the elements and principles of floral design as well as develop an understanding of the management of floral enterprises. Through the analysis of artistic floral styles and historical periods, students develop respect for the traditions of and appreciation for the contributions of diverse cultures. Students respond to and analyze floral designs, thus contributing to the development of lifelong skills of making informed judgments and evaluations. To prepare for careers in floral design, students must

attain academic knowledge and skills, acquire technical knowledge and skills related to horticultural systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

- (4) Floral Design follows the four basic fine arts strands of foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response to provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original floral art. Students communicate their thoughts and ideas with innovation and creativity. Through floral design, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.
- (5) Students are encouraged to participate in extended learning experiences related to floral design such as career and technical student organizations and other leadership or extracurricular organizations.
- (6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career and entrepreneurship opportunities for a chosen occupation in the field of floral design and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

- (4) The student identifies elements and principles of design in floral art in both historical and current contexts. The student is expected to:
- (A) identify the historical trends and characteristics of floral art as they relate to current industry practices;
 - (B) identify design elements in floral art, including color, texture, form, line, space, pattern, size, and fragrance;
 - (C) identify design principles in floral art, including rhythm, balance, proportion, dominance, contrast, harmony, and unity;
 - (D) identify the ancillary concepts of design principles such as emphasis, focal area, repetition, transition, opposition, and variation; and
 - (E) compare the forms and functions of flowers and foliage, including form, mass, line, and filler.
- (5) The student demonstrates elements and principles through the creation of floral designs using flowers and plants. The student is expected to:
- (A) create and evaluate floral arrangements using cut flowers, including arrangements using bud vases, and round, symmetrical, and asymmetrical designs;
 - (B) create and evaluate floral designs using permanent botanicals such as homecoming mums;
 - (C) design and create corsages and boutonnieres;
 - (D) create floral designs for specific holidays and cultural occasions such as weddings and funerals; and
 - (E) create interiorscapes using the elements and principles of floral design.
- (6) The student makes informed judgments about personal designs and the designs of others. The student is expected to:
- (A) interpret, evaluate, and justify artistic decisions in the design of personal arrangements;
 - (B) evaluate and appraise floral designs;
 - (C) construct a physical or electronic portfolio of personal floral artwork to provide evidence of learning; and
 - (D) interpret and evaluate design elements and principles in floral arrangements of others.
- (7) The student demonstrates contemporary designs and creativity in the floral industry by developing floral design skills. The student is expected to:
- (A) identify and classify specialty floral items for a variety of occasions;
 - (B) create specialty designs to expand artistic expression;
 - (C) apply proper wiring and taping techniques to materials used in the floral industry; and
 - (D) demonstrate safe and proper usage of floral design tools.
- (8) The student recognizes the current industry practices of floral enterprises. The student is expected to:
- (A) identify and classify flowers, foliage, and plants used in floral design;
 - (B) use temperature, preservatives, and cutting techniques to extend the vase life of floral materials;
 - (C) identify and describe how tools, chemicals, and equipment are used in floral design and describe safe handling practices;

- (D) analyze the needs of indoor plants such as fertilizer, light, pruning, and water based on the condition of the plant;
 - (E) identify common pests and diseases that affect the floral industry; and
 - (F) identify management techniques of pests and diseases in the floral industry, including the safe use of pesticides.
- (9) The student recognizes current business management practices of floral enterprises. The student is expected to:
- (A) create cost-effective floral designs;
 - (B) apply pricing strategies and order-processing skills to meet various budgets and needs; and
 - (C) describe packaging, distribution, and setup logistics in the floral industry.
- (10) The student understands botany and physiology and how they relate to floral design and interiorscapes. The student is expected to:
- (A) analyze the structure and functions of indoor plants used in the floral industry; and
 - (B) identify the structure and functions of flowers used in the floral industry.

§127.54. Horticultural Science (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: at least one credit in a course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) In Horticultural Science, students develop an understanding of common horticultural management practices as they relate to food and ornamental plant production. To prepare for careers in horticultural industry systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to horticulture and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

- (A) identify career and entrepreneurship opportunities in the field of plant science and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands the history and progression of the horticulture industry. The student is expected to:
- (A) trace how relevant historical advancements in the horticulture industry relate to current industry practices;
 - (B) identify and describe different disciplines of horticulture such as arboriculture, floriculture, olericulture, pomology, viticulture, turf management, and ornamental horticulture;
 - (C) identify and research emerging technology in the horticulture industry;
 - (D) identify current trends in the horticulture industry; and
 - (E) compare types of horticulture industries in the different regions of Texas.
- (5) The student identifies plant structures and their functions and needs. The student is expected to:
- (A) classify horticultural plants by their common and scientific names;
 - (B) describe functional differences in plant structures, including roots, stems, flowers, leaves, and fruit;
 - (C) identify pollination factors affecting plants and trees such as access to pollinators, wind, and hand pollination;
 - (D) compare monocots and dicots;
 - (E) analyze environmental needs of plants, including light, water, and nutrients; and
 - (F) identify the components of a fertilizer label.
- (6) The student develops technical knowledge and skills associated with the production of horticultural plants. The student is expected to:

- (A) classify horticultural plants based on taxonomy;
 - (B) identify classifications of plants, including annuals, perennials, biennials, and evergreens, based on growing cycles;
 - (C) identify horticultural plants based on their physical characteristics;
 - (D) compare the reproduction of flowering and non-flowering horticultural plants;
 - (E) select appropriate tools and equipment for production of horticultural plants;
 - (F) demonstrate safe and appropriate use of tools and equipment; and
 - (G) identify maintenance practices for hand tools, power tools, and equipment.
- (7) The student understands plant propagation techniques and growing methods. The student is expected to:
- (A) identify asexual propagation methods for horticultural plants, including cuttings, grafting, budding, layering, and tissue culture;
 - (B) propagate horticultural plants using asexual methods such as cuttings, grafting, budding, layering, and tissue culture;
 - (C) manipulate the germination of seeds using various methods such as mechanical scarification, chemical scarification, and heat and cold treatments;
 - (D) compare various soil-based growing media; and
 - (E) identify soilless growing methods used in the horticulture industry.
- (8) The student manages and controls common pests, diseases, and deficiencies of horticultural plants. The student is expected to:
- (A) identify and manage common horticultural pests, diseases, and deficiencies;
 - (B) identify and manage common weeds that impact horticultural production;
 - (C) develop a plan for disease control using integrated pest management;
 - (D) apply proper sanitation methods to prevent the spread of pests;
 - (E) demonstrate safe and proper practices in selecting, applying, storing, and disposing of chemicals; and
 - (F) review and explain the parts of a pesticide label.
- (9) The student understands the concepts of ornamental plants and landscape design. The student is expected to:
- (A) compare landscaping methods that account for environmental variables such as water availability, soil type, light availability, and climate;
 - (B) identify and select plants, including bedding plants, shrubs, trees, and turf grasses, for landscapes based on United States Department of Agriculture (USDA) hardiness zones;
 - (C) design a landscape using design elements and principles; and
 - (D) compare sustainability practices such as planting native plants, water conservation, and irrigation technology used in a landscape.
- (10) The student demonstrates business skills used in the horticulture industry. The student is expected to:
- (A) identify opportunities for entrepreneurship in the horticulture industry;
 - (B) identify practices to maintain business relationships;
 - (C) describe and demonstrate correct procedures for handling customer sales transactions;

- (D) calculate pricing to maximize profit for wholesale and retail settings;
- (E) develop a plan to market horticultural products and services; and
- (F) formulate a budget for a horticultural enterprise.

§127.55. Greenhouse Operation and Production (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Greenhouse Operation and Production is designed for students to develop an understanding of greenhouse production techniques and practices. To prepare for careers in horticultural and controlled environment agricultural systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to horticultural systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career development, education, and entrepreneurship opportunities in the field of greenhouse operation and production;
 - (B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in greenhouse operation and production;
 - (C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;
 - (D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;
 - (E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and
 - (F) identify training, education, and certification requirements for occupational choices.
 - (2) The student develops a supervised agricultural experience program. The student is expected to:

- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
- (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands the history and progress of the greenhouse industry. The student is expected to:
 - (A) trace the relevant historical advancements in the greenhouse industry such as developments in construction materials and use of technology and describe the impact of these advancements on current industry practices;
 - (B) research and identify emerging technologies in the greenhouse industry; and
 - (C) analyze current trends in the greenhouse industry.
- (5) The student identifies and investigates different greenhouse structures, interior layout, and construction factors. The student is expected to:
 - (A) compare greenhouse styles and construction materials;
 - (B) compare and select greenhouse coverings;
 - (C) analyze the costs associated with greenhouse construction;
 - (D) identify factors to consider when constructing a greenhouse such as greenhouse orientation and access to electricity, roads, drainage, water, and plumbing;
 - (E) identify and describe additional growing structures such as cold frames and hotbeds;
 - (F) design a layout of essential areas of a greenhouse such as receiving, storage, seedling propagation, crop production, harvest, sanitation, packaging, labeling, and distribution areas;
 - (G) describe the adaptation of greenhouse concepts to plant production in controlled environments such as indoor vertical farms and freight containers;
 - (H) differentiate between passive and controlled greenhouses; and
 - (I) analyze greenhouse operation regulations enacted by regulatory agencies such as the Texas Department of Agriculture, the United States Department of Agriculture, and local agencies.
- (6) The student identifies and assesses environmental conditions within the greenhouse. The student is expected to:
 - (A) describe various environmental factors controlled in the greenhouse;
 - (B) determine and calculate factors used in heating and cooling a greenhouse;
 - (C) describe the effects of greenhouse climate conditions such as ventilation, carbon dioxide generation, and humidity on plant growth in the greenhouse;
 - (D) explore the importance of light characteristics on the production of greenhouse crops; and
 - (E) compare open and closed environmental systems in the greenhouse such as irrigation, lighting, climate control, carbon dioxide injection, and fertilization.

- (7) The student identifies, operates, and maintains greenhouse environmental and mechanical controls. The student is expected to:
- (A) explain how to operate and maintain heating, cooling, and ventilation systems in a greenhouse;
 - (B) explain how to operate and maintain electrical systems in a greenhouse;
 - (C) explain how to operate and maintain various water systems in a greenhouse;
 - (D) explain how to operate lighting systems in a greenhouse; and
 - (E) illustrate and describe the integration of automated control systems such as lighting, cooling, irrigation, fertigation, and carbon dioxide injection.
- (8) The student identifies and classifies plants used in greenhouse production. The student is expected to:
- (A) classify plants commonly used in greenhouses based on taxonomic systems;
 - (B) identify and compare plant anatomical structures and functions that are used in plant identification; and
 - (C) analyze plant classifications based on cropping schedules and market demand for greenhouse crops.
- (9) The student identifies and investigates greenhouse crop production factors. The student is expected to:
- (A) identify and explain the chemical and physical differences in greenhouse media components;
 - (B) compare greenhouse growing mixes for factors, including drainage and nutrient-holding capacity;
 - (C) compare different containers, benches, and production equipment used in greenhouses;
 - (D) evaluate different methods of watering greenhouse crops based on the type of crop, stage of development, cost-effectiveness, and weather;
 - (E) analyze the effect of nutrients on greenhouse plant growth;
 - (F) diagnose common nutrient deficiency symptoms found in greenhouse crops; and
 - (G) develop fertilization plans that address greenhouse crop needs and environmental impacts.
- (10) The student propagates greenhouse crops. The student is expected to:
- (A) analyze different methods of propagating greenhouse crops using sexual and asexual propagation methods;
 - (B) propagate greenhouse crops using sexual and asexual methods;
 - (C) investigate and explain physiological conditions that affect plant propagation; and
 - (D) analyze the effects of plant growth regulators on plant growth and development.
- (11) The student investigates pest and disease identification and control methods in the greenhouse environment. The student is expected to:
- (A) identify and classify common diseases, insects, pathogens, and weeds in the greenhouse;
 - (B) identify essential components of an integrated pest management plan in controlling an insect, pathogen, or weed problem;
 - (C) identify appropriate greenhouse pesticide application techniques and equipment; and
 - (D) analyze pesticide labeling and safety data sheets.

- (12) The student performs greenhouse management business procedures. The student is expected to:
- (A) identify and develop effective marketing strategies to market greenhouse crops to increase profits;
 - (B) develop appropriate methods for preparing greenhouse crops for various means of transport;
 - (C) analyze materials, labor, and administrative costs related to greenhouse production;
 - (D) analyze methods used to maintain crop quality during marketing and transport; and
 - (E) prepare a production schedule for a greenhouse crop from establishment to market within a specific timeline.

§127.56. Viticulture (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: at least one credit in a course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food and Natural Resources. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Viticulture is a course designed to provide students with the academic and technical knowledge and skills that are required to pursue a career related to vineyard operations, grape cultivation, and related industries that contribute to the Texas economy. Students in Viticulture develop an understanding of grape production techniques and practices while emphasizing environmental science related to production decisions. To prepare for success, students need opportunities to learn, reinforce, experience, apply, and transfer their knowledge and skills in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career and entrepreneurship opportunities for a chosen occupation in the field of viticulture and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

- (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands the history and progression of the viticulture industry. The student is expected to:
 - (A) trace how relevant historical advancements in viticulture relate to current industry practices;
 - (B) research and identify emerging technology in the viticulture industry; and
 - (C) identify current trends in the viticulture industry.
- (5) The student explains the production cycle and basic physiology of grapevines. The student is expected to:
 - (A) describe asexual propagation techniques used in the production of domesticated grapes;
 - (B) identify the major vegetative and reproductive structures of grapevines;
 - (C) explain the role of rootstock in grapevine production;
 - (D) describe the annual vegetative growth and reproductive cycle of grapevines;
 - (E) explain how environmental conditions influence grapevine vegetative and reproductive growth; and
 - (F) describe the use of training systems in vineyard production.
- (6) The student analyzes vineyard design and development. The student is expected to:
 - (A) identify the site characteristics required for successful vineyard production;
 - (B) evaluate the soil and climatic characteristics of a potential vineyard site to determine if it is suitable for vineyard production;
 - (C) identify and research successful vineyards in other parts of the world with soil and climatic characteristics similar to local conditions; and
 - (D) develop a vineyard design and installation plan.
- (7) The student evaluates technology and practices used for vineyard frost protection. The student is expected to:
 - (A) describe the environmental conditions that lead to plant cold injury;
 - (B) identify frost damage in grapevines and effective frost damage mitigation techniques;
 - (C) differentiate advection and radiation frost events;

- (D) evaluate the effectiveness of passive frost protection techniques employed in vineyards;
 - (E) evaluate the effectiveness of active frost protection techniques employed in vineyards;
and
 - (F) analyze the cost effectiveness of frost protection systems.
- (8) The student demonstrates vineyard management techniques. The student is expected to:
- (A) identify and demonstrate safe and appropriate usage of vineyard tools;
 - (B) describe and demonstrate dormant pruning of grapevines to minimize crop loss due to frost;
 - (C) describe grapevine-training techniques such as spur and cane pruning; and
 - (D) explain the use of technology in modern vineyard production systems such as drones, robotics, and smart irrigation.
- (9) The student develops an integrated pest management plan for vineyards. The student is expected to:
- (A) identify common insect pests and diseases found in vineyards;
 - (B) identify common animal pests that are problematic in vineyards;
 - (C) evaluate the components of integrated pest management used in vineyards;
 - (D) explain cultural practices for vineyard pest control; and
 - (E) describe the safe and effective use of pesticides in vineyards, ensuring compliance with federal and state regulations.
- (10) The student examines soil properties and soil fertility as they relate to vineyard production systems. The student is expected to:
- (A) explain the concepts of soil type, soil texture, and basic soil chemistry;
 - (B) identify the essential nutrients required by grapevines;
 - (C) describe the relationship between soil properties and fertility;
 - (D) calculate the fertilizer needs of grapevines;
 - (E) develop and present a vineyard fertilization plan; and
 - (F) identify the practices of organic vineyards related to soil properties and fertility.
- (11) The student evaluates water requirements of vineyards and associated climatic factors. The student is expected to:
- (A) evaluate grapevine water requirements;
 - (B) compare grape varieties that thrive in local soil and weather conditions;
 - (C) analyze the influence of soil properties and climate on vineyard water usage;
 - (D) describe irrigation strategies used in vineyards;
 - (E) identify the water resources required for vineyards;
 - (F) describe methods used to determine soil moisture; and
 - (G) calculate the irrigation needs of vineyards based on soil and climate.

§127.57. Advanced Floral Design (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Floral Design. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
- (3) In Advanced Floral Design, students gain advanced knowledge and skills specifically needed to enter the workforce as floral designers or as freelance floral event designers, with an emphasis on specialty designs and occasion-specific designs and planning. Students are also prepared to enter postsecondary certification or degree programs in floral design or special events design. Students build on the knowledge base from Floral Design and are introduced to more advanced floral design concepts. In addition, students gain knowledge of the design elements and planning techniques used to produce unique specialty floral designs that support the goals and objectives of an occasion or event.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify career and entrepreneurship opportunities for a chosen occupation in the field of floral design and develop a plan for obtaining the education, training, and certifications required;
 - (B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;
 - (C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;
 - (D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and
 - (E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and

- (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student understands advanced floral design elements and principles. The student is expected to:
 - (A) describe floral materials using advanced botanical terminology;
 - (B) identify the symbolic meaning of flowers and plants used in floral design such as love, friendship, courage, and innocence;
 - (C) compare the characteristics of contemporary floral design styles such as abstract, assemblage, asymmetrical, Biedermeier, cascade/waterfall, hedgerow, parallel, synergistic, submerged, topiary, and vegetative;
 - (D) illustrate ideas for arrangements using contemporary floral design styles from direct observation, experience, and imagination;
 - (E) identify and explain various basing design techniques, including layering, terracing, pavé, clustering, and pillowing; and
 - (F) identify and explain advanced focal-emphasis design techniques, including grouping, banding, binding, shadowing, sequencing, framing, zoning, and parallelism.
- (5) The student demonstrates advanced design techniques using fresh and permanent floral designs. The student is expected to:
 - (A) plan and design fresh flower and permanent botanical arrangements using various contemporary design styles such as abstract, assemblage, asymmetrical, Biedermeier, cascade/waterfall, hedgerow, parallel, synergistic, submerged, topiary, and vegetative;
 - (B) design and evaluate floral designs that exhibit various basing design techniques such as layering, terracing, pavé, clustering, and pillowing; and
 - (C) design and evaluate floral designs using advanced focal-emphasis design techniques such as grouping, banding, binding, shadowing, sequencing, framing, zoning, and parallelism.
- (6) The student describes effective design planning and the processes used to create floral designs for specific occasions and events. The student is expected to:
 - (A) describe and apply proper planning techniques in floral design;
 - (B) identify and execute the steps of effective planning used to design floral arrangements for specific occasions such as weddings and funerals;
 - (C) analyze and discuss contingency factors when planning large-volume floral designs; and
 - (D) identify effective consultation practices to determine customers' expectations for design, including budget.
- (7) The student applies key floral design elements and principles to enhance the experience of specific occasions and events. The student is expected to:
 - (A) identify floral design terminology used for specific occasions, including weddings and funerals;
 - (B) apply elements and principles of floral design to wedding and funeral arrangements such as bouquets, boutonnieres, corsages, sprays, and pedestal arrangements;
 - (C) describe current floral design trends;
 - (D) use and maintain floral design tools; and
 - (E) create examples of appropriate occasion-specific floral designs from direct observation, experience, and imagination.

- (8) The student demonstrates effective planning of occasion-specific floral designs from the conceptual stage through completion. The student is expected to:
- (A) conduct a floral design consultation to gather details, including occasion, budget, formality, and theme;
 - (B) evaluate and select floral arrangements that achieve the objectives and budget expectations of an occasion;
 - (C) develop a proposal that showcases floral arrangements appropriate for the selected occasion;
 - (D) develop a production schedule that allows sufficient time for the design, creation, installation, and disassembly of floral arrangements;
 - (E) develop a procurement plan to ensure necessary resources are obtained within a specified budget and timeframe; and
 - (F) implement a floral design plan through completion and evaluate the results of the plan.
- (9) The student demonstrates business management and merchandising skills necessary for floral design and freelance floral event design professionals. The student is expected to:
- (A) calculate mark-up of floral products and design services;
 - (B) evaluate the cost-effectiveness and profitability of pricing policies;
 - (C) develop and negotiate contracts for floral services;
 - (D) formulate a floral budget, including per-item total costs;
 - (E) describe and demonstrate proper customer service skills for a floral business;
 - (F) identify the benefits of establishing business relationships with a variety of vendors such as wedding venues, funeral homes, wholesale florists, and wire services; and
 - (G) analyze basic marketing principles and procedures used in the floral industry such as displays and advertisements.
- (10) The student explains the significance of professional organizations to the floral design industry. The student is expected to:
- (A) identify industry-related professional organizations; and
 - (B) describe the benefits of participating in professional floral organizations and earning industry-based certifications.

§127.58. Advanced Plant and Soil Science (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Biology; either Chemistry or Integrated Physics and Chemistry (IPC); Algebra I; Geometry; and either Horticultural Science, Greenhouse Operation and Production, or Floral Design. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

- (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
- (3) Advanced Plant and Soil Science provides a way of learning about the natural world. In this course, students learn how plant and soil science has influenced a vast body of knowledge, that there are still applications to be discovered, and that plant and soil science is the basis for many other fields of science. To prepare for careers in plant and soil science, students must attain academic knowledge and skills, acquire technical knowledge and skills related to plant and soil science and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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).
- (8) 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.

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

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

(d) Knowledge and skills.

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

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of plant science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

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

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as microscopes, measuring equipment, sensors, plant propagation tools, soil testing kits, and calculators;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using graphs and charts;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) 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.
- (4) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (5) 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, 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.
- (6) The student develops a supervised agricultural experience program. The student is expected to:
- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (7) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (8) The student understands interrelationships between plants, soil, and people in historical and current contexts. The student is expected to:
- (A) research and document major historical milestones related to plant and soil science in human civilization;
 - (B) explain how humans have influenced plant selection and how plant selection has influenced civilization's development;
 - (C) analyze the effect of soil properties on settlement of civilizations and migration; and
 - (D) investigate and explain how plants have shaped major world economies.
- (9) The student identifies how plants grow and how specialized cells, tissues, and organs develop. The student is expected to:

- (A) describe the unique structure and function of organelles in plant cells;
 - (B) explain the growth and division of plant cells;
 - (C) compare cells from different parts of the plant, including roots, stems, flowers, and leaves, to show specialization of structures and functions; and
 - (D) illustrate the levels of cellular organization in plants.
- (10) The student develops a knowledge of plant anatomy and functions. The student is expected to:
- (A) describe the structure and function of plant parts, including roots, stems, leaves, flowers, fruits, and seeds;
 - (B) compare the anatomy of monocots and dicots;
 - (C) compare the various propagation methods for plants; and
 - (D) identify the functions of modified plant structures such as tubers, rhizomes, pseudo stems, and pitchers.
- (11) The student develops an understanding of plant physiology and nutrition. The student is expected to:
- (A) explain the metabolic process of photosynthesis and cellular respiration;
 - (B) describe the role of mineral nutrition in the soil for plant development;
 - (C) identify the essential nutrients in soil; and
 - (D) describe the role of macronutrients and micronutrients in plants.
- (12) The student analyzes soil science as it relates to plant and human activity. The student is expected to:
- (A) explain soil formation;
 - (B) investigate and document the properties of soils, including texture, horizons, structure, color, parent materials, and fertility;
 - (C) identify and classify soil orders;
 - (D) explain methods of soil conservation such as crop rotation, mulching, terracing, cover cropping, and contour plowing;
 - (E) describe the application of soil mechanics to buildings, landscapes, and crop production;
 - (F) research and explain soil management practices such as tillage trials and sustainable soil management practices;
 - (G) practice and explain soil evaluations related to experiential activities such as land judging;
 - (H) evaluate and determine soil health through soil testing; and
 - (I) analyze concepts of soil ecology.
- (13) The student maps the process of soil formation influenced by weathering, including erosion processes due to water, wind, and mechanical factors influenced by climate. The student is expected to:
- (A) illustrate the role of weathering in soil formations;
 - (B) distinguish between chemical weathering and mechanical weathering;
 - (C) identify geological formations that result from differing weathering processes; and
 - (D) describe the role of biotic factors in soil formation.

- (14) The student explains the relationship of biotic and abiotic factors within habitats and ecosystems and their effects on plant ecology. The student is expected to:
- (A) identify and define plant populations, ecosystems, communities, and biomes;
 - (B) distinguish between native and introduced plants in an ecosystem;
 - (C) investigate and describe characteristics of native and introduced plants;
 - (D) make observations and compile data about fluctuations in abiotic cycles;
 - (E) describe the effects of fluctuations in abiotic cycles on local ecosystems; and
 - (F) describe potential positive and negative impacts of human activity such as pest control, hydroponics, monoculture planting, and sustainable agriculture on ecosystems.
- (15) The student evaluates components of plant science as they relate to crop production and advancements. The student is expected to:
- (A) analyze the genetics and evolution of various crops;
 - (B) identify and classify plants according to taxonomy;
 - (C) identify characteristics related to seed quality, including mechanical damage, viability, and grade;
 - (D) identify plant pests and diseases using laboratory equipment such as microscopes, test kits, and technology;
 - (E) evaluate the effectiveness of plant management practices, including germination tests, plant spacing trials, and fertilizer tests;
 - (F) analyze trends in crop species and varieties grown locally in Texas and the United States and how trends affect producers and consumers; and
 - (G) investigate and identify recent advancements in plant and soil science such as biotechnology, artificial intelligence, and drone, infrared, and sensor technologies.
- (16) The student describes the relationship between resources within environmental systems. The student is expected to:
- (A) summarize and evaluate methods of land use and management;
 - (B) identify sources, quality, and conservation of water in plant production;
 - (C) explore and describe conservation practices such as rainwater collection, water-conserving irrigation systems, and use of biofuels;
 - (D) analyze and evaluate the economic significance and interdependence of components of the environment;
 - (E) debate the impact of human activity and technology on soil health and plant productivity;
 - (F) research and summarize the impact of natural disasters on soil health and plant productivity; and
 - (G) explain how regional changes in the environment may have a global effect.
- (17) The student describes the dynamics of soil on watersheds and its effects on plant growth and production. The student is expected to:
- (A) identify and record the characteristics of a local watershed such as average annual rainfall, runoff patterns, aquifers, location of water basins, and surface reservoirs; and
 - (B) analyze the impact of floods, drought, irrigation, urbanization, and industrialization in a watershed.

- (18) The student analyzes plant and soil science as it relates to plant and soil relationships affecting the production of food, fiber, and other economic crops. The student is expected to:
 - (A) explain the importance and interrelationship of soil and plants; and
 - (B) compare soil and plants in agricultural and urban settings.
- (19) The student demonstrates skills related to the human, scientific, and technological dimensions of crop production and the resources necessary for producing domesticated plants. The student is expected to:
 - (A) describe the growth and development of major agricultural crops in Texas such as cotton, corn, sorghum, sugarcane, wheat, and rice;
 - (B) apply principles of genetics and plant breeding to plant production;
 - (C) illustrate the development of new crop varieties that are developed over time;
 - (D) design and conduct investigations to test principles of genetics; and
 - (E) identify and test alternative growing methods such as hydroponics and aquaponics used in plant production.

§127.86. Practicum in Agriculture, Food, and Natural Resources (Two Credits), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education courses in the Agriculture, Food, and Natural Resources Career Cluster. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products and resources.
 - (3) Practicum in Agriculture, Food, and Natural Resources is designed to give students supervised practical application of knowledge and skills. Practicum experiences can occur in a variety of locations appropriate to the nature and level of experiences such as employment, independent study, internships, assistantships, mentorships, or laboratories. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) adhere to policies and procedures;
 - (B) demonstrate positive work behaviors, including punctuality, time management, initiative, and cooperation;
 - (C) apply constructive criticism and critical feedback from supervisor and peers to work performance;
 - (D) apply ethical reasoning to a variety of situations in order to make ethical decisions;
 - (E) model professional appearance, including using appropriate dress, grooming, and personal protective equipment;
 - (F) comply with safety rules and regulations to maintain safe working conditions and environments;
 - (G) demonstrate a positive and productive work ethic by performing assigned tasks as directed; and
 - (H) comply with all applicable rules, laws, and regulations in a consistent manner.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
 - (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
 - (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student applies concepts of critical thinking and problem solving. The student is expected to:
 - (A) analyze elements of a problem to develop creative and innovative solutions that are practical for the agricultural workplace;
 - (B) compare alternative ways to solve a problem in the agricultural workplace; and
 - (C) analyze data to inform agriculture operational decisions or activities.
- (5) The student demonstrates leadership and teamwork skills to accomplish goals and objectives. The student is expected to:
 - (A) analyze leadership characteristics such as trustworthiness, positive attitude, integrity, and work ethic;
 - (B) demonstrate teamwork processes such as team building, consensus, continuous improvement, respect for the opinions of others, cooperation, adaptability, and conflict resolution in the agricultural workplace;
 - (C) demonstrate responsibility for shared group and individual work tasks in the agricultural workplace;
 - (D) establish and maintain effective working relationships using interpersonal skills to accomplish objectives; and

- (E) demonstrate respect for all individuals.
- (6) The student demonstrates oral and written communication skills in creating, expressing, and interpreting information and ideas, including technical terminology and information. The student is expected to:
 - (A) apply appropriate content knowledge, technical concepts, and vocabulary to analyze information and follow directions;
 - (B) use professional communication skills when receiving and conveying information in the agricultural workplace;
 - (C) identify and analyze information contained in informational texts, internet sites, or technical materials in the agricultural workplace;
 - (D) evaluate verbal and nonverbal cues and behaviors to enhance communication in the agricultural workplace;
 - (E) apply active listening skills to receive and clarify information in the agricultural workplace; and
 - (F) produce effective written and oral communication in the agricultural workplace.
- (7) The student practices financial literacy as it relates to agriculture. The student is expected to:
 - (A) develop a budget based on personal financial goals;
 - (B) interpret the different components of a pay stub;
 - (C) read and reconcile bank statements;
 - (D) maintain financial records, including pay stubs, bank statements, and tax records;
 - (E) define credit and identify factors that impact a credit score;
 - (F) identify methods to prevent identity theft; and
 - (G) prepare or model how to complete a personal income tax form.
- (8) The student demonstrates technical knowledge and skills required to pursue a career in the Agriculture, Food, and Natural Resources Career Cluster. The student is expected to:
 - (A) develop advanced technical knowledge and skills related to the individual occupational objective;
 - (B) develop an individualized training plan;
 - (C) evaluate personal strengths and weaknesses in technical skill proficiency;
 - (D) explain safe operation of tools and equipment related to the work experience;
 - (E) identify the cost of supplies, tools, equipment, or structures related to the work experience;
 - (F) identify the importance of maintaining supplies, tools, equipment, or structures related to the work experience; and
 - (G) identify opportunities for licensure or certification related to the chosen career path.
- (9) The student documents technical knowledge and skills. The student is expected to:
 - (A) create a professional portfolio that includes:
 - (i) attainment of technical skill competencies;
 - (ii) licensures or certifications;
 - (iii) recognitions, awards, scholarships, or letters of recommendation;

- (iv) extended learning experiences such as community service and active participation in career and technical student organizations and professional organizations;
 - (v) a summary of individual practicum experience;
 - (vi) a resume;
 - (vii) samples of work; and
 - (viii) an evaluation from the practicum supervisor; and
- (B) present the portfolio to interested stakeholders.

§127.87. Extended Practicum in Agriculture, Food, and Natural Resources (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education courses in the Agriculture, Food, and Natural Resources Career Cluster. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Corequisite: Practicum in Agriculture, Food, and Natural Resources. This course must be taken concurrently with Practicum in Agriculture, Food, and Natural Resources and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.
 - (3) Extended Practicum in Agriculture, Food, and Natural Resources, a corequisite course, is designed to give students supervised practical application of knowledge and skills. Practicum experiences can occur in a variety of locations appropriate to the nature and level of experiences such as employment, independent study, internships, assistantships, mentorships, or laboratories. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

- (A) participate in a paid or an unpaid, laboratory or work-based application of previously studied knowledge and skills related to agriculture, food, and natural resources;
 - (B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;
 - (C) demonstrate professional standards needed to be employable such as punctuality, time management, initiative, and cooperation with increased fluency;
 - (D) demonstrate teamwork and conflict-management skills with increased fluency to achieve collective goals; and
 - (E) demonstrate planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.
- (2) The student develops a supervised agricultural experience program. The student is expected to:
- (A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and
 - (B) use appropriate record-keeping skills in a supervised agricultural experience program.
- (3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:
- (A) participate in youth agricultural leadership opportunities;
 - (B) review and participate in a local program of activities; and
 - (C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.
- (4) The student implements advanced professional communications strategies. The student is expected to:
- (A) apply appropriate content knowledge, technical concepts, and vocabulary with increased fluency to analyze information and follow directions;
 - (B) demonstrate verbal communication consistently in a clear, concise, and effective manner;
 - (C) demonstrate non-verbal communication consistently and effectively; and
 - (D) analyze, interpret, and effectively communicate information, data, and observations.
- (5) The student applies concepts of critical thinking and problem solving. The student is expected to:
- (A) apply critical-thinking skills with increased fluency both independently and collaboratively to solve problems and make decisions; and
 - (B) demonstrate the use of content, technical concepts, and vocabulary when analyzing information and following directions.
- (6) The student understands and applies proper safety techniques in the workplace. The student is expected to:
- (A) demonstrate and consistently follow workplace safety rules and regulations;
 - (B) demonstrate safe operation of tools and equipment;
 - (C) troubleshoot equipment when operation fails;
 - (D) demonstrate safe handling and proper disposal of supplies;
 - (E) identify unsafe conditions or practices; and
 - (F) describe procedures for reporting and handling accidents and safety incidents.
- (7) The student documents growth in advanced technical knowledge and skills. The student is expected to:

- (A) develop advanced technical knowledge and skills related to the student's occupational objective;
- (B) demonstrate growth of technical skill competencies;
- (C) evaluate personal strengths and weaknesses in technical skill proficiency; and
- (D) update a professional portfolio.

ATTACHMENT
Text of Proposed New 19 TAC

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

Subchapter O. Science, Technology, Engineering, and Mathematics

§127.795. Applied Physics and Engineering (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit of Algebra I and one credit of Chemistry, Physics, or Integrated Physics and Chemistry. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Science, Technology, Engineering, and Mathematics Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
- (3) In Applied Physics and Engineering, students conduct laboratory and field investigations, use scientific and engineering practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Various systems are described in terms of space, time, energy, and matter. Students study topics, including laws of motion, conservation of energy, momentum, electricity, magnetism, thermodynamics, and characteristics and behavior of waves. Students apply physics concepts and perform laboratory experimentations for at least 40% of instructional time using safe practices.
- (4) 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.
- (5) 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.
- (6) 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.

(7) 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).

(8) 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.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, other leadership or extracurricular organizations, or practical, hands-on activities or experiences through which a learner interacts with industry professionals in a workplace, which may be an in-person, virtual, or simulated setting. Learners prepare for employment or advancement along a career pathway by completing purposeful tasks that develop academic, technical, and employability skills.

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

(d) Knowledge and skills.

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

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

(B) describe and demonstrate how to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

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

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

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

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

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

- (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
 - (D) use appropriate tools such as ammeters, balances, ballistic carts or equivalent, batteries, calipers, Celsius thermometers, consumable chemicals, collision apparatus, computers and modeling software, constant velocity cars, data acquisition probes and software, discharge tubes with power supply (H, He, Ne, Ar), dynamics and force demonstration equipment, electroscopes, electrostatic generators, electrostatic kits, friction blocks, graphing technology, hand-held visual spectrosopes, hot plates, iron filings, laser pointers, light bulbs, macrometers, magnets, magnetic compasses, mass sets, metric rulers, meter sticks, models and diagrams, motion detectors, multimeters, optics bench, optics kit, optic lenses, pendulums, photogates, plane mirrors, polarized film, prisms, protractors, resistors, ripple tank with wave generators, rope or string, scientific calculators, simple machines, slinky springs, springs, spring scales, standard laboratory glassware, stopwatches, switches, tuning forks, timing devices, trajectory apparatus, voltmeters, wave motion ropes, wires, or other equipment and materials that will produce the same results;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using notebooks or engineering journals, bar charts, line graphs, scatter plots, data tables, equations, conceptual mathematical relationships, labeled drawings and diagrams, or graphic organizers such as Venn diagrams;
 - (G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and
 - (H) distinguish between scientific hypotheses, theories, and laws.
- (3) 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) assess and optimize experimental processes and engineering designs.
- (4) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
- (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;
 - (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (5) 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, 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.
- (6) The student thinks critically and creatively to devise a system or process in applying fundamental engineering solutions needed for a project to meet desired needs and specifications within constraints. The student is expected to:
 - (A) identify an engineering need through collaborative conversation or research;
 - (B) develop a proposal to execute an engineering solution that includes performance metrics and constraints such as economics, resources, or safety;
 - (C) analyze an implemented engineering solution and suggest changes to improve the engineering design or process; and
 - (D) assess the risks or trade-offs and benefits of a design solution such as accessibility, aesthetics, codes, cost, functionality, ethical considerations, or sustainability.
- (7) The student uses the scientific and engineering practices to investigate physical concepts and phenomena. The student is expected to:
 - (A) develop and test hypotheses that can be supported by observational evidence;
 - (B) compare scientific concepts such as particle or wave behavior or the law of thermodynamics to describe physical phenomena;
 - (C) design procedures to conduct an investigation;
 - (D) perform accurate measurement techniques using precision instruments and proper techniques;
 - (E) identify and quantify causes and effects of uncertainties in measured data;
 - (F) analyze and interpret data using equations, tables, charts, and graphs to reveal potential patterns, trends, and sources of error; and
 - (G) communicate conclusions supported through various methods such as laboratory reports, labeled drawings, graphic organizers, journals, summaries, oral reports, or technology-based reports.
- (8) The student demonstrates appropriate safety techniques in field and laboratory environments. The student is expected to:
 - (A) locate and apply safety guidelines as described in various manuals, instructions, or regulations; and
 - (B) identify hazardous materials and properly dispose of wastes.
- (9) The student describes and applies the laws governing motion in a variety of situations. The student is expected to:
 - (A) generate and interpret relevant equations for one-dimensional motion using graphs and charts;
 - (B) define scalar and vector quantities;
 - (C) calculate displacement, distance, speed, velocity, average velocity, frames of reference, acceleration, and average acceleration using one-dimensional equations;
 - (D) calculate displacement, velocity, average velocity, acceleration, and average acceleration within a frame of reference using graphical vector addition;

- (E) use graphs and charts to generate and interpret relevant equations for two-dimensional motion;
 - (F) explain projectile and circular motion using two-dimensional equations or vectors and apply the concepts to an investigation such as testing a catapult or carousel;
 - (G) explain Newton's first law of motion and apply the concepts of equilibrium and inertia to investigations using relevant real-world examples such as rockets, satellites, and automobile safety devices;
 - (H) conduct investigations that include calculations and free body diagrams to observe the effect of forces on objects, including tension, friction, normal force, gravity, centripetal force, and applied force, using the relationship between force, mass, and acceleration as represented by Newton's second law of motion;
 - (I) conduct or design investigations such as those that involve rockets, tug-of-war, or balloon cars to illustrate and analyze the simultaneous forces between two objects as represented in Newton's third law of motion using free body diagrams;
 - (J) design a model based on Newton's law of universal gravitation between two or more objects to determine the relationships between force, their masses, and the distance between their centers;
 - (K) design, evaluate, and refine a device that uses the concepts of impulse and conservation of momentum to minimize the net force on objects during collisions such as those that occur during vehicular accidents or sports activities or when a personal electronic device is dropped; and
 - (L) describe and calculate the mechanical energy of the power generated within, the impulse applied to, and the momentum of a physical system.
- (10) The student describes the nature of forces in the physical world. The student is expected to:
- (A) use Coulomb's law to predict how the magnitude of the electric force between two objects depends on their charges and the distance between their centers;
 - (B) build models such as generators, motors, and transformers that show how electric, magnetic, and electromagnetic forces and fields work in everyday life;
 - (C) test a variety of materials to determine conductive or insulative properties based on their electric properties;
 - (D) design, evaluate, and refine series and parallel circuits using schematics, digital resources, or materials such as switches, wires, resistors, lightbulbs, batteries, multimeters, voltmeters, and ammeters; and
 - (E) construct series and parallel circuits and use Ohm's Law to calculate current, potential difference, resistance, and power of various real-world series and parallel circuits such as models of in-home wiring, automobile wiring, and simple electrical devices.
- (11) The student describes and applies the laws of the conservation of energy. The student is expected to:
- (A) describe the transformations among work, potential energy, and kinetic energy using the work-energy theorem;
 - (B) calculate work, power, kinetic energy, and potential energy;
 - (C) identify, describe, and give real-world examples of simple machines such as levers, pulleys, wheels axles, wedges, screws, and inclined planes;
 - (D) calculate the mechanical advantage of simple machines; and
 - (E) apply the laws of conservation of energy to a physical system using simple machines such as a Rube Goldberg machine.

- (12) The student analyzes the concept of thermal energy. The student is expected to:
- (A) explain the laws of thermodynamics and how they relate to systems such as engines, heat pumps, refrigeration, solar, and heating and air conditioning;
 - (B) investigate and demonstrate the movement of thermal energy through various states of matter by convection, conduction, and radiation through environmental and man-made systems; and
 - (C) design, construct, and test a device or system that either minimizes or maximizes thermal energy consumption and perform a cost-benefit analysis such as comparing materials and energy sources that are renewable and nonrenewable.
- (13) The student analyzes the properties of wave motion and optics. The student is expected to:
- (A) examine and describe oscillatory motion using pendulums and wave propagation in various types of media;
 - (B) investigate and analyze characteristics of waves, including period, velocity, frequency, amplitude, and wavelength;
 - (C) investigate and calculate the relationship between wave speed, frequency, and wavelength;
 - (D) compare the characteristics and behaviors of transverse waves and longitudinal waves, including electromagnetic waves and sound waves;
 - (E) describe how the differences in wavelength and frequency within the electromagnetic spectrum impact real-world technologies such as radio, x-rays, and microwaves;
 - (F) investigate and explain behaviors of waves, including reflection, refraction, diffraction, interference, resonance, polarization, and the Doppler effect; and
 - (G) describe and predict image formation as a consequence of reflection from a plane mirror and refraction through a thin convex lens.

§127.796. Scientific Research and Design (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Biology, and one credit of the following: Applied Physics and Engineering, Chemistry, Integrated Physics and Chemistry (IPC), or Physics. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course. Students may take this course with different course content for a maximum of three credits.
- (c) Introduction.
- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Science, Technology, Engineering, and Mathematics Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.
 - (3) Scientific Research and Design allows districts and schools flexibility to develop local curriculum to supplement a program of study or coherent sequence. The course has the components of any rigorous scientific or career and technical education (CTE) program of study, including problem identification, investigation design, data collection, data analysis, formulation, and presentation of conclusions. These components are integrated with the CTE emphasis of helping students gain entry-level employment in high-skill, high-wage jobs and/or continue their education.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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).
- (8) 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.
- (9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, other leadership or extracurricular organizations, or practical, hands-on activities or experiences through which a learner interacts with industry professionals in a workplace, which may be an in-person, virtual, or simulated setting. Learners prepare for employment or advancement along a career pathway by completing purposeful tasks that develop academic, technical, and employability skills.
- (10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.

- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) describe and demonstrate how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;
 - (B) describe and demonstrate how to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;
 - (C) present written and oral communication in a clear, concise, and effective manner;
 - (D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and
 - (E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.
- (2) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:
 - (A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;
 - (B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;
 - (C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;
 - (D) use appropriate tools such as measurement and data collection tools, software, sensors, probes, microscopes, cameras, and glassware;
 - (E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;
 - (F) organize quantitative and qualitative data using notebooks, journals, graphs, charts, tables, spreadsheets, and drawings and 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.
- (3) 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.
- (4) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:
 - (A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

- (B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and
 - (C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.
- (5) 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, libraries, professional organizations, private companies, online platforms, and mentors to investigate science, technology, engineering, and mathematics careers.
- (6) The student develops a proposal that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) establish a rationale and preliminary set of ideas for a research question or questions using organizational tools, collaboration, or research;
 - (B) perform a literature review and evaluate several examples related to the project;
 - (C) refine a research question by interacting with professionals in the field of study and document the conversations;
 - (D) distinguish between descriptive, comparative, or experimental research design methodologies;
 - (E) develop a research question or questions that are testable and measurable;
 - (F) justify in writing the significance and feasibility of the project;
 - (G) generate a materials list and propose a cost analysis; and
 - (H) use the citation style appropriate to the field of study throughout the documentation.
- (7) The student formulates hypotheses to guide experimentation and data collection independently or in a team that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) perform background research on the selected investigative problem;
 - (B) examine hypotheses generated to guide a research process by evaluating the merits and feasibility of the hypotheses; and
 - (C) identify the control, independent variable, and dependent variables within the research and justify the purpose of each.
- (8) The student develops, implements, and collects data for their investigative designs that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) write the procedure of the experimental design, including a schematic of the lab, materials, set up, ethical considerations, and safety protocols;
 - (B) conduct the experiment with the independent and dependent variables;
 - (C) acquire data using appropriate equipment and technology; and

- (D) record observations as they occur within an investigation, including qualitative and quantitative observations such as journals, photographic evidence, logs, tables, and charts.
- (9) The student organizes and evaluates qualitative and quantitative data obtained through experimentation that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) manipulate data by constructing charts, data tables, or graphs using technology to organize information collected in an experiment;
- (B) identify sources of random error and systematic error and differentiate between both types of error;
- (C) report error of a set of measured data in various formats such as standard deviation and percent error; and
- (D) analyze data using statistical methods to recognize patterns, trends, and proportional relationships.
- (10) The student knows how to synthesize valid conclusions from qualitative and quantitative data that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) justify conclusions that are supported by research data;
- (B) consider and summarize alternative explanations for observations and results; and
- (C) identify limitations within the research process and provide recommendations for additional research.
- (11) The student communicates clearly and concisely to an audience of professionals conclusions that center around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:
- (A) develop a plan of action on how to present to a target audience;
- (B) review artifacts used in the communication of the presentation for errors, grammar, professional standards, and citations;
- (C) develop a professional collection or portfolio of work that includes artifacts such as a journal, proposal, written procedures, methodology, iterations, interviews and check ins with professionals, changes within the experiment, and photographic evidence;
- (D) practice a professional presentation with peers and educators using a rubric to measure content, skill, and performance;
- (E) incorporate feedback provided by a review panel to document for future improvements or changes; and
- (F) communicate data analysis and experimental results of original findings of a research project clearly to an audience of professionals.

ATTACHMENT
Text of Proposed New 19 TAC

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

Subchapter P. Transportation, Distribution, and Logistics

§127.887. Introduction to Aircraft Technology (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.
 - (3) Introduction to Aircraft Technology is designed to teach the theory of operation of aircraft airframes, powerplants, and associated maintenance and repair practices. Maintenance and repair practices include knowledge of the general curriculum subjects, powerplant theory and maintenance, and the function, diagnosis, and service of airframe structures, airframe systems and components, and powerplant systems and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
 - (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;
 - (B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team;
 - (C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;
 - (D) research Federal Aviation Regulations and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;
 - (E) identify and explain human factors that may impact health and safety in a worksite and how they are addressed by industry standards;
 - (F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;

- (G) identify and explain how employees' personal responsibility and other human factors, including personal attitudes, can affect the success and profitability of a workplace;
 - (H) apply reasoning skills to a variety of simulated workplace situations to make ethical decisions;
 - (I) identify industry standards for employee appearance and health habits;
 - (J) demonstrate appropriate etiquette and behavior;
 - (K) identify and demonstrate effective written and oral communication skills; and
 - (L) identify and demonstrate effective listening skills.
- (2) The student relates academic skills to the requirements of aircraft maintenance and repair. The student is expected to:
- (A) demonstrate effective oral and written communication skills with individuals from various cultures such as fellow workers, management, and customers;
 - (B) identify requirements of work orders and technical documents for repairs;
 - (C) locate and interpret documents, including schematics, charts, graphs, drawings, blueprints, wiring diagrams, service-repair manuals, service bulletins, type certificate data sheets, supplemental type certificates, airworthiness directives, federal aviation regulations, and advisory information;
 - (D) demonstrate proficiency in metric and U.S. customary standard measurement systems;
 - (E) perform precision measurements using engineering scales, dial calipers, and Vernier micrometers to determine if a component is within tolerance of specifications; and
 - (F) use critical-thinking and problem-solving skills to identify aircraft maintenance problems and recommend solutions.
- (3) The student demonstrates an awareness of aviation history. The student is expected to:
- (A) research and discuss the historical interest in flight;
 - (B) describe early aircraft designs such as lighter-than-air or heavier-than-air designs;
 - (C) research and describe the contributions of various pioneers in aviation history, including Charles Taylor;
 - (D) identify driving forces that provide rapid advancements in aircraft design and performance; and
 - (E) describe the contributions of aviation and aerospace to society.
- (4) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft maintenance and repair, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify and locate aviation regulations prescribed by 14 Code of Federal Regulations Chapter I that govern mechanic privileges related to the construction, maintenance, and service of aircraft;
 - (B) apply the principles of simple machines, basic aerodynamics, aircraft structures, and theory of flight to accomplish an assigned task;
 - (C) identify aircraft categories such as airplane, rotorcraft, glider, and lighter-than-air in federal aviation regulations;
 - (D) explain the certification process, ratings, privileges, and limitations of airmen;

- (E) identify and compare airframe construction, including wood structures, metal tubular structures, fabric coverings, sheet metal, and composite structures, and basic repair methods and techniques;
 - (F) identify and explain airframe systems and components, including landing gear, hydraulic power, cabin atmosphere control systems, and electrical systems;
 - (G) describe aircraft reciprocating and turbine engine operating theory, functions, and basic repair methods and techniques;
 - (H) identify and explain powerplant systems and components, including engine instruments, electrical systems, lubrication systems, ignition and starting systems, cooling systems, exhaust systems, and propellers;
 - (I) explain common aircraft terminology and standard practices required to complete maintenance, modifications, and repairs;
 - (J) identify necessary elements of logbook entries and critique sample logbook entries; and
 - (K) describe inspections required to maintain compliance with airworthiness, safety, health, and environmental regulations.
- (5) The student understands the function and application of the tools, equipment, technologies, and preventative maintenance used in aircraft maintenance and repair. The student is expected to:
- (A) identify and demonstrate basic skills in safely using hand tools, power tools, and equipment commonly employed in the maintenance and repair of aircraft;
 - (B) research and explain the proper handling and disposal of environmentally hazardous materials used in servicing aircraft;
 - (C) research and describe the impact of new and emerging aircraft technologies; and
 - (D) identify and examine the need for preventative maintenance procedures and practices.
- (6) The student uses regulatory and industry standards and demonstrates technical knowledge and skills of the trade, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) start and ground operate an aircraft or simulated aircraft using a high-fidelity flight simulator with a physical yoke and pedal device;
 - (B) research and locate appropriate documentation to perform a function in a written work order and complete the required logbook entry;
 - (C) draw top, side, and front views of various aircraft categories, including airplane, rotorcraft, glider, and lighter-than-air;
 - (D) perform basic airframe and engine inspections according to a checklist;
 - (E) use an engine troubleshooting chart to show the results of simple defects on engine performance; and
 - (F) discuss and describe preventative maintenance plans and systems to keep aircraft systems in operation.

§127.888. Aircraft Airframe Technology (Two Credits), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Aircraft Maintenance Technology. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
- (2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.
- (3) Aircraft Airframe Technology is designed to teach the theory of operation of aircraft airframes and associated maintenance and repair practices of Federal Aviation Administration (FAA) airframe curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA Airman Certification Standards. Airframe maintenance and repair practices include knowledge of the theory, function, diagnosis, and service of airframe structures, systems, and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.
- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
- (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.
 - (A) Check means to verify proper operation.
 - (B) Inspect means to examine with or without inspection-enhancing tools or equipment.
 - (C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.
 - (D) Repair means to correct a defective condition.
 - (E) Service means to perform functions that assure continued operation.
 - (F) Troubleshoot means to analyze and identify malfunctions.
- (7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards, interpersonal communication, and employability skills as required by business and industry. The student is expected to:
 - (A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;
 - (B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;
 - (C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;
 - (D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;

- (E) identify and explain human factors that may impact health and safety in a worksite and how they are addressed by industry standards;
 - (F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;
 - (G) identify and explain how employees' personal responsibility and other human factors, including personal attitudes, can affect the success and profitability of a workplace;
 - (H) apply reasoning skills to a variety of simulated workplace situations in order to make ethical decisions;
 - (I) identify industry standards related to employee appearance and health habits;
 - (J) identify and practice effective written and oral communication skills;
 - (K) identify and practice effective listening skills; and
 - (L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.
- (2) The student relates academic skills to the requirements of metallic structures. The student is expected to:
- (A) describe best practices for maintenance safety, including the use of personal protective equipment (PPE), and precautions for sheet metal repairs and fabrication;
 - (B) identify characteristics and types of metallic structures;
 - (C) identify types of sheet metal defects and select sheet metal repair materials;
 - (D) explain inspection and testing processes of metal structures;
 - (E) explain the selection of rivets, hardware, and fasteners for a sheet metal repair per FAA-approved data;
 - (F) explain the layout, forming, and drilling of sheet metal components per FAA-approved data; and
 - (G) explain rivet layout, installation, and removal per FAA-approved data.
- (3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for metallic structures utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) install and remove solid rivets such as universal head, countersink head, and blind rivets;
 - (B) create a drawing of a repair, including the number of rivets and size of sheet metal required, utilizing a manufacturer's structural repair manual;
 - (C) design a rivet pattern for a specific repair;
 - (D) determine the applicability of sheet metal for a repair in a specific application;
 - (E) design a repair using a manufacturer's structural repair manual;
 - (F) sketch and build a piece of sheet metal to fit a prepared area; and
 - (G) determine the extent of damage to a metallic structure and decide if it is repairable.
- (4) The student relates academic skills to the requirements of non-metallic structures. The student is expected to:
- (A) identify and discuss maintenance safety practices for composite materials, composite structures, and windows;
 - (B) identify and discuss tools, inspection techniques, and practices for wood structures, including determining acceptable and unacceptable wood defects;

- (C) define and explain covering textile terms;
 - (D) identify and explain commonly used covering methods of attachment, including types of approved aircraft covering material and common stitching seams used with aircraft covering;
 - (E) describe inspection methods for textile aircraft coverings;
 - (F) identify and discuss composite repair methods, techniques, fasteners, and practices;
 - (G) differentiate between composite structure fiber, core, and matrix materials;
 - (H) identify and discuss types of composite structure defects such as delamination, crush core, and surface gouges;
 - (I) identify inspection and testing of composite structures such as tap testing and ultrasonics;
 - (J) research and describe the care and maintenance of windows;
 - (K) research and describe thermoplastic material inspection and types of thermoplastic material defects;
 - (L) research and describe temporary and permanent window repairs; and
 - (M) research and describe inspection of restraints and upholstery.
- (5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for non-metallic structures, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect and repair fiberglass, composite, plastic, or glass-laminated structures;
 - (B) clean and inspect acrylic-type windshields;
 - (C) perform a tap test on composite material;
 - (D) locate and explain repair procedures for elongated bolt holes; and
 - (E) perform lay up for a repair to a composite panel, including preparation for vacuum bagging, using a manufacturer's repair manual.
- (6) The student understands the academic knowledge and skills for flight controls. The student is expected to:
- (A) identify and compare types of aircraft control cables and control cable maintenance techniques;
 - (B) identify and explain the function of cable connectors, cable guides, and control stops;
 - (C) identify and explain the function of push-pull tubes and torque tubes;
 - (D) identify bellcranks and explain their function;
 - (E) explain the purpose of maintaining a calibration schedule for cable tension meters and other rigging equipment;
 - (F) explain the use and interpretation of cable tensiometer equipment and a cable tension chart;
 - (G) define and explain flutter and flight control balance;
 - (H) identify and explain primary aircraft flight controls, stabilizer systems, and flight control rigging; and
 - (I) identify and explain secondary and auxiliary control surfaces and other aerodynamic wing features.

- (7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for flight controls, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify fixed-wing aircraft rigging adjustment locations;
 - (B) inspect and report findings on primary and secondary flight control surfaces;
 - (C) inspect and report findings on primary control cables;
 - (D) adjust and secure a primary flight control cable;
 - (E) adjust push-pull flight control systems;
 - (F) check the balance of a flight control surface and balance a control surface;
 - (G) determine allowable axial play limits for a flight control bearing; and
 - (H) identify and locate appropriate data to verify aircraft flight control travel limits.
- (8) The student understands the academic knowledge and skills for airframe inspection. The student is expected to:
- (A) explain the use of inspection requirements under 14 Code of Federal Regulations (CFR) Part 91;
 - (B) discuss maintenance recordkeeping requirements under 14 CFR Part 43;
 - (C) research and describe requirements for complying with airworthiness directives, as found in 14 CFR Part 39;
 - (D) identify and differentiate between FAA-approved data and other data sources such as manufacturer manuals;
 - (E) explain the need for compliance with service letters, service bulletins, instructions for continued airworthiness, and airworthiness directives;
 - (F) explain the purpose and methods of visual inspections;
 - (G) describe the method to select and use checklists and other maintenance publications, including service letters, service bulletins, instructions for continued airworthiness, and airworthiness directives; and
 - (H) describe the importance of maintenance record documentation.
- (9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for airframe inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) perform a portion of a 100-hour inspection in accordance with 14 CFR Part 43 such as a records check using the appropriate checklist;
 - (B) enter results of a 100-hour inspection, including airworthy and unairworthy conditions, in a maintenance record; and
 - (C) analyze and inspect applicable equipment and documents to determine compliance with a specific airworthiness directive.
- (10) The student understands the academic knowledge and skills for landing gear. The student is expected to:
- (A) identify and discuss safety precautions when using aircraft jacks;
 - (B) identify and discuss safety precautions when working with high pressure fluids and gases;
 - (C) identify and discuss safety precautions in the storage and handling of hydraulic fluids;

- (D) identify and discuss safety precautions in the operation of retractable landing gear systems around personnel;
 - (E) identify and discuss safety precautions in landing gear, tire, and wheel maintenance operations;
 - (F) describe fixed and retractable landing gear systems and components;
 - (G) explain the necessity of landing gear strut servicing and lubrication;
 - (H) describe and compare the method of inspection of bungee and spring steel landing gear systems;
 - (I) describe and compare aircraft steering systems;
 - (J) explain landing gear position and warning system inspection, check, and servicing;
 - (K) explain brake assembly servicing and inspection; and
 - (L) describe and compare brake actuating systems.
- (11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for landing gear, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect and service landing gear such as fixed or retractable systems;
 - (B) jack an aircraft for a gear retraction check;
 - (C) inspect wheels, brakes, bearings, and tires;
 - (D) bleed air from a hydraulic brake system;
 - (E) inspect a tire for defects;
 - (F) replace shock strut air valve;
 - (G) locate and explain the process for checking landing gear alignment;
 - (H) troubleshoot aircraft steering system issues such as nose-wheel shimmy;
 - (I) identify landing gear position and warning system components;
 - (J) troubleshoot landing gear position and warning systems;
 - (K) inspect a brake for serviceability; and
 - (L) inspect tube landing gear for damage.
- (12) The student understands the academic knowledge and skills for hydraulic and pneumatic systems. The student is expected to:
- (A) describe hydraulic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;
 - (B) explain the function of hydraulic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;
 - (C) explain hydraulic system operation, inspections, operational checks, servicing, and troubleshooting;
 - (D) describe pneumatic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;
 - (E) explain the function of pneumatic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;
 - (F) explain pneumatic system operation, inspections, operational checks, servicing, and troubleshooting;

- (G) identify types of hydraulic seals and hydraulic seal fluid compatibility;
 - (H) research and identify the risks associated with high pressure gases and fluids;
 - (I) research and identify the risks of not properly relieving system pressure prior to system servicing;
 - (J) research and identify the risks associated with storage and handling of hydraulic fluids; and
 - (K) research and identify the risks of cross-contamination of hydraulic fluids.
- (13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for hydraulic and pneumatic systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify different types of hydraulic fluids;
 - (B) install seals and backup rings in a hydraulic component;
 - (C) remove, clean, inspect, and install a hydraulic system filter;
 - (D) service a hydraulic system reservoir;
 - (E) purge air from a hydraulic system;
 - (F) inspect a hydraulic system and a pneumatic system for leaks;
 - (G) troubleshoot a hydraulic system and a pneumatic system for leaks;
 - (H) locate and explain hydraulic fluid servicing instructions;
 - (I) identify and select hydraulic fluid for a given aircraft; and
 - (J) locate installation procedures for a seal, backup ring, or gasket.
- (14) The student understands the academic knowledge and skills for environmental systems. The student is expected to:
- (A) explain the operation and purpose of pressurization systems and bleed air heating systems;
 - (B) explain and compare aircraft instrument cooling methods;
 - (C) differentiate between exhaust heat exchanger system and combustion heater system components, functions, and operations;
 - (D) differentiate between vapor-cycle system and air-cycle system components, function, and operation;
 - (E) explain cabin pressurization systems, components, and operation;
 - (F) differentiate between types of aircraft oxygen systems;
 - (G) differentiate between types of aircraft oxygen system components;
 - (H) identify and assess risks associated with oxygen system maintenance;
 - (I) identify and assess risks associated with the recovery of vapor-cycle refrigerant;
 - (J) identify and assess risks associated with storage, handling, and use of compressed gas cylinders;
 - (K) identify and assess risks associated with disregarding manufacturer's recommended refrigerant servicing procedures; and
 - (L) identify and assess risks associated with maintenance of combustion heaters.

- (15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for environment systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect and service an oxygen system;
 - (B) clean and inspect emergency oxygen masks and supply hoses;
 - (C) inspect an oxygen system cylinder for serviceability;
 - (D) locate and describe the procedures to troubleshoot a combustion heater;
 - (E) locate and describe the procedures for servicing a refrigerant (vapor-cycle) system;
 - (F) locate and describe the troubleshooting procedures for an air-cycle system;
 - (G) inspect a cabin heater system equipped with an exhaust heat exchanger for cracks; and
 - (H) locate troubleshooting procedures for a pressurization system.
- (16) The student understands the academic knowledge and skills for aircraft instrument systems. The student is expected to:
- (A) describe annunciator indicating systems and define the meaning of warning, caution, and advisory lights;
 - (B) differentiate between fuel quantity indicating systems;
 - (C) differentiate between types of gyroscopic instruments; and
 - (D) explain the function and operation of:
 - (i) magnetic compasses and compass swinging procedures;
 - (ii) pressure and temperature indicating instruments;
 - (iii) position indication sensors and instruments;
 - (iv) engine indication and crew alerting systems;
 - (v) instrument vacuum and pneumatic systems;
 - (vi) pitot-static systems;
 - (vii) electronic displays and flight instrument systems;
 - (viii) transponder and encoder systems;
 - (ix) angle of attack and stall warning systems; and
 - (x) takeoff and landing gear configuration warning systems.
- (17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft instrument systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) remove and install an aircraft instrument;
 - (B) determine barometric pressure using an altimeter;
 - (C) verify proper range markings on an instrument for a particular aircraft using approved data;
 - (D) locate the procedures for troubleshooting a vacuum-operated instrument system;
 - (E) identify exhaust gas temperature system components;
 - (F) inspect an aircraft's alternate static air source; and
 - (G) locate and explain the adjustment procedures for a stall warning system.

- (18) The student understands the academic knowledge and skills for aircraft communication and navigation systems. The student is expected to:
- (A) describe radio operating principles and radio components;
 - (B) identify and explain mounting requirements of antennas, static discharge wicks, and avionics components;
 - (C) identify the components of communication systems, including very high frequency (VHF), high frequency (HF), satellite communications (SATCOM), and Aircraft Communication Addressing and Reporting System (ACARS);
 - (D) explain the basic operation of communications systems, including VHF, HF, SATCOM, and ACARS;
 - (E) identify the components of emergency locator transmitters (ELT) and explain the basic operation of ELTs;
 - (F) identify the components of navigation systems, including distance measuring equipment (DME), instrument landing system (ILS), global positioning system (GPS), automatic direction finder (ADF), and VHF omnidirectional range (VOR);
 - (G) explain the basic operation of navigation systems, including DME, ILS, GPS, ADF, and VOR;
 - (H) identify the components of collision avoidance systems, including radio altimeter (RA), automatic dependent surveillance-broadcast (ADS-B), traffic collision avoidance systems (TCAS), and ground proximity warning system (GPWS);
 - (I) explain the basic operation of collision avoidance systems, including RA, ADS-B, TCAS, and GPWS;
 - (J) identify the components and explain the basic operation of intercom systems;
 - (K) identify the components and explain the basic operation of weather radar;
 - (L) identify the components and explain the basic operation of autopilot and auto-throttle systems;
 - (M) research and identify the risks of improper ELT testing procedures;
 - (N) research and identify the risks of performing maintenance on high power/high frequency systems such as weather radar and SATCOM systems; and
 - (O) research and identify the risks of improper mounting of antennas.
- (19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft communication and navigation systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) locate and explain autopilot inspection procedures;
 - (B) identify navigation and communication antennas;
 - (C) perform an operational check of a VHF communications system;
 - (D) locate proper testing procedures for an ELT, inspect ELT batteries for expiration date, and perform an operational check of an ELT; and
 - (E) locate and explain the installation procedures for antennas, including mounting and coaxial connections.
- (20) The student understands the academic knowledge and skills for aircraft fuel systems. The student is expected to:
- (A) identify fuel system types and fuel system components, including filters and selector valves;

- (B) differentiate between types of aircraft fuel tanks and types of fuel cells;
 - (C) explain fuel flow during fuel transfer, fueling, defueling, and fuel jettisoning;
 - (D) describe characteristics of fuel types;
 - (E) describe fuel system maintenance industry best practices;
 - (F) differentiate between fuel quantity indication methods such as float type, electrical resistance, or visual indicators;
 - (G) research and identify the risks of improper fuel system maintenance;
 - (H) research and identify the risks of fuel system contamination and spills;
 - (I) research and identify the risks of fuel system maintenance requiring fuel tank entry; and
 - (J) research and identify the risks when defueling aircraft.
- (21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft fuel systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect a metal, bladder, or integral fuel tank;
 - (B) inspect a fuel selector valve;
 - (C) drain a fuel system sump;
 - (D) service a fuel system strainer; and
 - (E) identify and locate fuel system operating instructions, inspection procedures, crossfeed procedures, required placards, and defueling procedures.
- (22) The student understands the academic knowledge and skills for aircraft electrical systems. The student is expected to:
- (A) identify the components of generators, direct current (DC) generation systems, and DC power distribution systems;
 - (B) explain the basic operation of generators, DC generation systems, and DC power distribution systems;
 - (C) identify the components of alternators, alternating current (AC) generation systems, and AC power distribution systems;
 - (D) explain the basic operation of alternators, AC generation systems, and AC power distribution systems;
 - (E) identify the components and explain the basic operation of voltage regulators, over-volt protection, and overcurrent protection;
 - (F) identify the components and explain the basic operation of inverter systems;
 - (G) explain aircraft wiring size and type selection criteria;
 - (H) explain the purpose of aircraft wiring shielding;
 - (I) explain the purpose of aircraft bonding and lightning protection;
 - (J) describe basic electrical system troubleshooting practices;
 - (K) identify soldering preparation techniques, types of solder, and flux usage;
 - (L) identify types of aircraft electrical connectors, splices, terminals, and switches;
 - (M) describe methods of aircraft battery troubleshooting and maintenance;
 - (N) research and identify the risks of testing electrical systems, including energized and non-energized systems;

- (O) research and identify the risks of connecting and disconnecting external power;
 - (P) research and identify the risks of maintenance in areas containing aircraft wiring;
 - (Q) research and identify the risks of improperly routing and securing wires and wire bundles;
 - (R) research and identify the risks of improper selection or installation of wire terminals; and
 - (S) research and identify the risks of improper soldering practices.
- (23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect aircraft wiring installation and routing;
 - (B) perform wire terminating and splicing;
 - (C) identify components using a wiring circuit diagram;
 - (D) connect aircraft wires using a solder joint;
 - (E) troubleshoot a simple airframe electrical circuit;
 - (F) install bonding jumpers to electrically connect two isolated components;
 - (G) measure the resistance of an electrical system component;
 - (H) inspect and test anti-collision, position, and landing lights for proper operation;
 - (I) identify components in an electrical schematic where AC is rectified to a DC voltage;
 - (J) perform a continuity test to verify the condition of a conductor; and
 - (K) perform a test on a conductor for a short to ground.
- (24) The student understands the academic knowledge and skills for ice and rain control systems. The student is expected to:
- (A) explain causes and effects of aircraft icing;
 - (B) identify the components of ice detection systems, aircraft anti-ice systems, and de-ice systems;
 - (C) explain the basic operation of ice detection systems, aircraft anti-ice systems, and de-ice systems;
 - (D) explain wind screen rain control systems, including wiper blade, chemical, and pneumatic bleed air systems;
 - (E) research and identify the risks of improper ice and rain control system testing or maintenance;
 - (F) research and identify the risks of improper storage and handling of deicing fluids; and
 - (G) research and identify the risks of improper selection and use of cleaning materials for heated windshields.
- (25) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) clean a pneumatic deicer boot;
 - (B) locate and explain the procedures for inspecting an electrically operated windshield wiper system;
 - (C) locate and explain the procedures for replacing blades on a windshield wiper system; and

- (D) locate and explain the procedures for inspecting a pneumatic rain removal system.
- (26) The student understands the academic knowledge and skills for airframe fire protection systems. The student is expected to:
- (A) explain types of fires and aircraft fire zones;
- (B) identify the components and explain the basic operation of overheat detection and warning systems;
- (C) identify the components and explain the basic operation of fire detection and warning systems;
- (D) identify the components and explain the basic operation of smoke and carbon monoxide detection systems;
- (E) describe types of fire extinguishing systems and extinguishing agents;
- (F) research and identify the risks of maintenance on circuits associated with fire bottle squibs;
- (G) research and explain the use of PPE when working on or testing fire extinguishing systems; and
- (H) explain the risks of exposure to fire extinguishing agents.
- (27) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for airframe fire protection systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) evaluate an installed fire extinguisher system for proper container pressure;
- (B) locate and explain the procedures for checking a smoke detection system;
- (C) locate and explain the procedures for inspecting an overheat detection system; and
- (D) inspect fire protection system cylinders and check for hydrostatic test date.
- (28) The student understands the academic knowledge and skills for rotorcraft fundamentals. The student is expected to:
- (A) explain the characteristics of rotorcraft aerodynamics and flight controls;
- (B) identify the components and explain the function of rotorcraft transmissions;
- (C) explain the need for rigging requirements for rotary wing aircraft;
- (D) identify rotor systems, rotor blade functions, and rotor blade construction;
- (E) explain the need for helicopter skid shoe and tube inspections;
- (F) explain causes of rotor system and drive system vibrations;
- (G) explain the purpose of rotor blade track and balance;
- (H) research and identify the risks of working around helicopter blades during ground operations;
- (I) research and identify the risks of improper ground-handling procedures;
- (J) research and identify the risks of ground operations and functional tests; and
- (K) research and identify the risks of improper maintenance of rotorcraft systems and components.
- (29) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for rotorcraft fundamentals, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) identify components of a helicopter rotor system;
 - (B) identify and locate helicopter rotor blade track and balance procedures;
 - (C) identify and locate procedures needed to rig helicopter controls; and
 - (D) identify and locate procedures to track and balance a rotor system.
- (30) The student understands the academic knowledge and skills for water and waste systems. The student is expected to:
- (A) identify the components and explain the basic operation of potable water systems;
 - (B) identify the components and explain the basic operation of lavatory waste systems;
 - (C) describe servicing requirements for water and waste systems; and
 - (D) research and identify the need for PPE to reduce the risks associated with servicing lavatory waste systems.
- (31) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for water and waste systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) locate and explain the procedures for servicing a lavatory waste system; and
 - (B) locate and explain the procedures for servicing a potable water system.

§127.889. Aircraft Powerplant Technology (Two Credits), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Aircraft Maintenance Technology. Students shall be awarded two credits for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.
 - (3) Aircraft Powerplant Technology is designed to teach the theory of operation of aircraft powerplants and associated maintenance and repair practices of the Federal Aviation Administration (FAA) powerplant curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA Airman Certification Standards. Powerplant maintenance and repair practices include knowledge of the theory, function, diagnosis, and service of powerplants, systems, and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
 - (6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.

- (A) Check means to verify proper operation.
 - (B) Inspect means to examine with or without inspection enhancing tools or equipment.
 - (C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.
 - (D) Repair means to correct a defective condition.
 - (E) Service means to perform functions that assure continued operation.
 - (F) Troubleshoot means to analyze and identify malfunctions.
- (7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance;
 - (B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;
 - (C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;
 - (D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;
 - (E) identify and explain human factors that may impact health and safety in a worksite as addressed by industry standards;
 - (F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;
 - (G) identify and explain how employees' personal responsibility attitudes can affect the success and profitability of a workplace;
 - (H) apply reasoning skills to a variety of simulated workplace situations in order to make ethical decisions;
 - (I) identify standards of industry related to employee appearance and health habits;
 - (J) identify and practice effective written and oral communication skills;
 - (K) identify and practice effective listening skills; and
 - (L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.
 - (2) The student relates academic skills to the requirements of reciprocating engines. The student is expected to:
 - (A) identify the components and types of reciprocating internal combustion aircraft engines, including inline, opposed, V-type, and radial engines;
 - (B) explain the operational theory of reciprocating internal combustion aircraft engines, including inline, opposed, V-type, and radial engines;
 - (C) explain the purpose and methods of reciprocating engine preservation;
 - (D) explain the purpose and methods of reciprocating engine maintenance and inspection;

- (E) locate and explain the procedures for reciprocating engine ground operations;
 - (F) identify the components and explain the basic operation of diesel engines;
 - (G) explain the basic operational theory of diesel engines;
 - (H) research and identify the risks of maintenance that requires moving the propeller;
 - (I) research and identify the risks of ground operating a reciprocating engine;
 - (J) research and identify the actions necessary in the event of a reciprocating engine fire; and
 - (K) research and identify the risks in not using the manufacturer's procedures during maintenance.
- (3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for reciprocating engines, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) perform and document findings from a cylinder assembly inspection;
 - (B) operate and troubleshoot a reciprocating engine;
 - (C) install a wrist pin in a piston;
 - (D) identify the parts of a cylinder and a crankshaft;
 - (E) identify and inspect bearings found in reciprocating engines; and
 - (F) inspect and rig cable and push-pull engine controls.
- (4) The student relates academic skills to the requirements of turbine engines. The student is expected to:
- (A) identify the components and types of turbine engines;
 - (B) explain the basic operational theory of turbine engines;
 - (C) explain the purpose and methods of monitoring turbine engine performance;
 - (D) explain the purpose and methods of turbine engine troubleshooting, maintenance, and inspection;
 - (E) research and explain the causes of turbine engine performance loss;
 - (F) explain the basic operational theory of bleed air systems;
 - (G) explain the purpose and methods of turbine engine preservation;
 - (H) explain the theory and application of auxiliary power units;
 - (I) research and identify the risks of turbine engine operation;
 - (J) research and identify the risks of performing maintenance on a turbine engine;
 - (K) research and identify the actions necessary in the event of a turbine engine fire; and
 - (L) research and identify the risks of foreign object damage (FOD) to turbine engines.
- (5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for turbine engines, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify different turbine compressors;
 - (B) identify different types of turbine engine blades;
 - (C) identify components of turbine engines;
 - (D) map airflow direction and pressure changes in turbine engines;

- (E) identify and locate the procedures for the adjustment of a fuel control unit;
 - (F) identify and locate the installation or removal procedures for a turbine engine;
 - (G) identify damaged turbine engine blades; and
 - (H) analyze causes for turbine engine performance loss.
- (6) The student relates academic skills to the requirements of engine inspection. The student is expected to:
- (A) explain the purpose of inspection requirements under 14 Code of Federal Regulations (CFR) Part 43 and 14 CFR Part 91;
 - (B) explain the purpose and methods of identification of life-limited parts and life-limited parts replacement intervals;
 - (C) explain the purpose and types of special inspections such as sudden engine stoppage, hard landings, and FOD ingestion;
 - (D) explain the purpose of using FAA-approved data;
 - (E) explain the importance of compliance with service letters, service bulletins, instructions for continued airworthiness, airworthiness directives (AD), and Type Certificate Data Sheets (TCDS);
 - (F) explain the purpose of maintenance recordkeeping requirements under 14 CFR Part 43;
 - (G) explain the purpose of engine component inspection, checking, and servicing;
 - (H) explain the importance of inspecting engine mounts and mounting hardware;
 - (I) research and identify the risks of performing a compression test on a reciprocating engine; and
 - (J) research and identify the risks of performing maintenance on an operating reciprocating engine and a turbine engine.
- (7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) evaluate a powerplant for compliance with FAA-approved or manufacturer data;
 - (B) perform a powerplant records inspection;
 - (C) inspect a powerplant for compliance with applicable ADs;
 - (D) determine powerplant installation eligibility in accordance with the TCDS;
 - (E) inspect engine controls for proper operation and adjustment;
 - (F) inspect an aircraft engine accessory for serviceability;
 - (G) inspect engine records for time or cycles on life-limited parts;
 - (H) perform an engine start and inspect engine operational parameters; and
 - (I) inspect an engine mount to determine serviceability.
- (8) The student relates academic skills to the requirements of engine instrument systems. The student is expected to:
- (A) identify the components of engine instrument systems, including fuel flow, temperature, engine speed, pressure, torque meter, engine pressure ratio (EPR), engine indicating and crew alerting system (EICAS), and electronic centralized aircraft monitor (ECAM);
 - (B) explain the operational theory of engine instrument systems, including fuel flow, temperature, engine speed, pressure, torque meter, EPR, EICAS, and ECAM;

- (C) describe the types of annunciator indicators and the functions of annunciator indicating systems;
 - (D) define the meaning of annunciator indicating system warning, caution, and advisory lights;
 - (E) identify the components and explain the operational theory of full authority digital engine controls (FADEC);
 - (F) explain the purpose and methods of marking engine instrument ranges;
 - (G) research and identify the risks of damaging instrument systems or indicating systems during maintenance; and
 - (H) research and identify the risks of inaccurate engine instrument calibration or inaccurate instrument readings.
- (9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) remove, inspect, and install a fuel-flow transmitter;
 - (B) remove, inspect, and install a fuel-flow gauge;
 - (C) identify components of an electric tachometer system;
 - (D) inspect tachometer markings for accuracy;
 - (E) locate procedures for troubleshooting a turbine EPR system;
 - (F) inspect exhaust gas temperature (EGT) probes;
 - (G) locate and inspect engine low fuel pressure warning system components; and
 - (H) troubleshoot an EGT indicating system.
- (10) The student relates academic skills to the requirements of engine fire protection systems. The student is expected to:
- (A) identify types of fires such as electrical, structural, and petroleum-based fires and explain the purpose of engine fire zones;
 - (B) identify the components and explain the basic operation of fire detection warning systems;
 - (C) explain the purpose of fire detection system maintenance and inspection requirements;
 - (D) identify fire extinguishing agents and types of fire extinguishing systems;
 - (E) explain the purpose and methods of fire extinguishing system maintenance and inspection;
 - (F) research and identify the risks of container discharge cartridges;
 - (G) research and identify the risks of extinguishing agents; and
 - (H) research and identify the risks of maintenance on circuits associated with electrically activated container discharge cartridges.
- (11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine fire protection systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify fire detection sensing units;
 - (B) locate troubleshooting procedures for a fire detection system;
 - (C) inspect fire extinguisher discharge circuit;

- (D) check operation of fire warning press-to-test and troubleshoot faults; and
 - (E) identify continuous-loop fire detection system components.
- (12) The student relates academic skills to the requirements of engine electrical systems. The student is expected to:
- (A) identify the components of engine electrical systems, including alternating current generators, direct current generators, alternators, starter generators, voltage regulators, overvoltage protection, and overcurrent protection;
 - (B) explain the operational theory of engine electrical systems, including alternating current generators, direct current generators, alternators, starter generators, voltage regulators, overvoltage protection, and overcurrent protection;
 - (C) explain the procedure for locating the correct electrical wire size needed to fabricate a wire;
 - (D) explain the purpose of engine electrical wiring, switches, and protective devices;
 - (E) research and identify the risks of reversing polarity when performing electrical system maintenance;
 - (F) research and identify the actions necessary in response to a warning or caution annunciator light;
 - (G) research and identify the risks of performing maintenance on energized aircraft systems; and
 - (H) research and identify the risks of improper routing and securing wiring near flammable fluid lines.
- (13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect engine electrical wiring, switches, cable, and protective devices;
 - (B) analyze the suitability of a replacement component by part number;
 - (C) troubleshoot a direct-drive electric starter system;
 - (D) select the appropriate wire size for engine electrical system;
 - (E) repair a broken engine electrical system wire;
 - (F) troubleshoot an electrical system using a schematic or wiring diagram;
 - (G) fabricate a bonding jumper; and
 - (H) inspect engine electrical connectors.
- (14) The student relates academic skills to the requirements of engine lubrication systems. The student is expected to:
- (A) describe types, grades, and uses of engine oil;
 - (B) identify the components and explain the basic operation of lubrication systems, including wet-sumps and dry-sumps;
 - (C) explain the purpose of chip detectors;
 - (D) explain the purpose and methods of lubrication system maintenance, inspection, servicing, and analysis;
 - (E) explain the causes of excessive aircraft engine oil consumption;
 - (F) research and identify the risks of mixing engine oils;

- (G) research and identify the risks in not using the manufacturer's recommendations regarding the use of engine lubricants; and
 - (H) research and identify the risks of improper handling, storage, and disposal of used lubricating oil.
- (15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine lubrication systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
 - (A) inspect an oil cooler or oil lines;
 - (B) identify the correct type of oil for a specific engine;
 - (C) identify approved oils for different climatic temperatures;
 - (D) identify and locate procedures for obtaining oil samples;
 - (E) inspect an oil filter or screen based on industry standards;
 - (F) identify oil system components;
 - (G) replace an oil system component;
 - (H) identify oil system flow through the engine;
 - (I) troubleshoot an engine oil pressure malfunction;
 - (J) troubleshoot an engine oil temperature system; and
 - (K) identify types of metal found in an oil filter.
- (16) The student relates academic skills to the requirements of ignition and starting systems. The student is expected to:
 - (A) identify the components of ignition systems, including spark plugs, shower of sparks, magnetos, impulse couplings, solid-state ignitions, and FADECs;
 - (B) explain the operational theory of ignition systems and components, including spark plugs, shower of sparks, magnetos, impulse couplings, solid-state ignitions, and FADECs;
 - (C) identify the components and explain the basic operation of engine starters;
 - (D) identify the components and explain the basic operation of turbine engine ignition systems;
 - (E) research and identify the risks of advanced and retarded ignition timing on piston engines;
 - (F) research and identify the risks of maintenance on engines with capacitor discharge ignition systems; and
 - (G) research and identify the risks of working around reciprocating engines with an ungrounded magneto.
- (17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for ignition and starting systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
 - (A) remove, clean, inspect, and install a spark plug;
 - (B) inspect an electrical starting system;
 - (C) troubleshoot an electrical starting system;
 - (D) troubleshoot an ignition switch circuit;
 - (E) identify the correct spark plugs used for replacement installation; and

- (F) identify the correct igniter plug on a turbine engine.
- (18) The student relates academic skills to the requirements of engine fuel and fuel metering systems. The student is expected to:
- (A) explain the purpose of proper fuel to air ratios and fuel metering;
 - (B) identify the components, basic operation, and adjustment of fuel metering systems, including float carburetor, pressure carburetor, continuous-flow fuel injection, FADEC, and hydromechanical fuel control;
 - (C) explain the purpose and basic operation of fuel heaters, lines, pumps, valves, filters, and drains;
 - (D) explain the basic operation of fuel nozzles and manifolds;
 - (E) identify the components and explain the basic operation of turbine engine fuel metering systems;
 - (F) locate and explain inspection requirements for an engine fuel system;
 - (G) explain fuel system operation;
 - (H) research and identify the risks of adjusting turbine engine fuel controls;
 - (I) research and identify the risks of adjusting reciprocating engine fuel controls;
 - (J) research and identify the risks of handling fuel metering system components or fuel control units that may contain fuel; and
 - (K) research and identify the risks of fuel system maintenance.
- (19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine fuel and fuel metering systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify carburetor components;
 - (B) identify fuel and air flow through a float-type carburetor;
 - (C) remove and install a carburetor main metering jet;
 - (D) inspect the needle, seat, and float level on a float-type carburetor;
 - (E) adjust carburetor idle speed and mixture;
 - (F) research and locate procedures for a turbine engine revolutions per minute overspeed inspection;
 - (G) research and locate procedures for adjusting a hydromechanical fuel control unit;
 - (H) explain procedures for removing and installing a turbine engine fuel control unit;
 - (I) identify components of an engine fuel system;
 - (J) identify fuel selector placards;
 - (K) inspect engine fuel system fluid lines and components;
 - (L) locate the procedures for troubleshooting a turbine engine fuel heater system; and
 - (M) inspect fuel selector valve.
- (20) The student relates academic skills to the requirements of reciprocating engine induction and cooling systems. The student is expected to:
- (A) identify the components and explain the theory of operation of reciprocating engine induction and cooling systems;
 - (B) explain the causes and effects of induction system icing;

- (C) identify the components and explain the theory of superchargers, supercharger controls, turbochargers, turbocharger controls, and intercoolers;
 - (D) identify the components and explain the theory of augments cooling systems;
 - (E) identify the components and explain the theory of induction system filtering and carburetor heaters;
 - (F) research and identify the risks of maintenance on turbochargers;
 - (G) research and identify the risks of ground operation of aircraft engines;
 - (H) research and identify the risks of maintenance-related FOD; and
 - (I) research and identify the risks of chemicals used in liquid cooling systems.
- (21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for reciprocating engine induction and cooling systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) inspect a carburetor heat system;
 - (B) inspect an alternate air valve for proper operation;
 - (C) inspect an induction system drain for proper operation;
 - (D) service an induction air filter;
 - (E) inspect an induction system for obstruction;
 - (F) inspect an air intake manifold for leaks;
 - (G) locate the proper specifications for coolant used in a liquid-cooled engine;
 - (H) inspect reciprocating engine cooling ducting and baffle seals for damage;
 - (I) identify components of a turbocharger induction system;
 - (J) identify exhaust augments-cooled engine components;
 - (K) inspect and repair a cylinder baffle;
 - (L) inspect a cowl flap system for normal operation; and
 - (M) inspect cylinder cooling fins for damage.
- (22) The student relates academic skills to the requirements of turbine engine air systems. The student is expected to:
- (A) identify the components and explain the operational theory of air cooling systems, turbine engine induction systems, turbine engine bleed air systems and turbine engine anti-ice systems;
 - (B) explain the purpose and theory of turbine engine cowling air flow and turbine engine internal cooling;
 - (C) identify the components and purpose of turbine engine baffle and methods of seal installation;
 - (D) identify and explain the purpose of turbine engine insulation blankets and shrouds;
 - (E) research and identify the risks of maintenance on compressor bleed air systems; and
 - (F) research and identify the risks of ground operation of aircraft engines following other than manufacturer's instructions.
- (23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for turbine engine air systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) identify location of turbine engine insulation blankets;
 - (B) identify turbine engine cooling air flow;
 - (C) inspect rigid or flexible turbine engine cooling ducting or baffle seals; and
 - (D) identify turbine engine ice and rain protection system components.
- (24) The student relates academic skills to the requirements of engine exhaust and reverser systems. The student is expected to:
- (A) identify the components of reciprocating engine exhaust systems, turbine engine exhaust systems, noise suppression systems, and thrust reversers;
 - (B) explain the operational theory of reciprocating engine exhaust systems, turbine engine exhaust systems, noise suppression systems, and thrust reversers;
 - (C) research and identify the risks of maintenance and inspection of exhaust system components;
 - (D) research and identify the risks of operating reciprocating engines with exhaust systems leaks and exhaust system failures; and
 - (E) research and identify the risks of ground operation of aircraft engines.
- (25) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine exhaust and reverser systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify the type of exhaust system on a particular aircraft;
 - (B) inspect exhaust system;
 - (C) locate and explain procedures for testing and troubleshooting a turbine thrust reverser system; and
 - (D) perform a pressure leak check of a reciprocating engine exhaust system.
- (26) The student relates academic skills to the requirements of propellers. The student is expected to:
- (A) explain the theory and operation of propellers;
 - (B) identify types of propellers and blade design;
 - (C) explain the theory and operation of constant speed propellers, pitch control systems, and propeller governors;
 - (D) explain the theory and operation of turbine engine propeller beta range operation;
 - (E) explain the purpose and methods of propeller servicing, maintenance, and inspections;
 - (F) identify and locate procedures for removal and installation of a propeller;
 - (G) explain the purpose of propeller TCDS;
 - (H) explain the theory and operation of propeller synchronization systems and propeller ice control systems; and
 - (I) research and identify the risks of propeller ground operation, maintenance, and inspections.
- (27) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for propellers, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) check blade static tracking;
 - (B) inspect a propeller for condition and airworthiness;

- (C) measure propeller blade angle;
- (D) locate and explain the procedures for balancing a fixed-pitch propeller;
- (E) identify propeller range of operation; and
- (F) determine what minor propeller alterations are acceptable using the propeller specifications, TCDS, and listings.

§127.890. Aircraft Maintenance Technology (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 9-12. Recommended prerequisites: Introduction to Aircraft Technology. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.
 - (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.
 - (3) Aircraft Maintenance Technology is designed to teach the theory of operation, general maintenance, and repair practices of Federal Aviation Administration (FAA) general curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA airman certification standards. Maintenance and repair practices include knowledge of the function, diagnosis, and service of aircraft and their associated equipment. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
 - (6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.
 - (A) Check means to verify proper operation.
 - (B) Inspect means to examine with or without inspection enhancing tools or equipment.
 - (C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.
 - (D) Repair means to correct a defective condition.
 - (E) Service means to perform functions that assure continued operation.
 - (F) Troubleshoot means to analyze and identify malfunctions.
 - (7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could

trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.

(d) Knowledge and skills.

- (1) The student demonstrates professional standards, interpersonal communication, and employability skills as required by business and industry. The student is expected to:
 - (A) identify employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;
 - (B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;
 - (C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;
 - (D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;
 - (E) identify and explain the technical knowledge and skills related to human factors in health and safety in the worksite as addressed by industry standards;
 - (F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the worksite;
 - (G) identify and explain how employees' personal responsibility attitudes can affect the success and profitability of a worksite;
 - (H) apply reasoning skills to a variety of workplace situations to make ethical decisions;
 - (I) identify industry standards related to employee appearance and health habits;
 - (J) practice effective written and oral communication skills;
 - (K) identify and practice effective listening skills; and
 - (L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.
- (2) The student relates academic skills to the requirements of human factors. The student is expected to:
 - (A) describe safety culture and organizational structures in the work environment;
 - (B) identify and explain types of human error and human factor principles;
 - (C) identify and discuss the chain-of-events theory, including pre-conditions and conditions for unsafe acts;
 - (D) identify and discuss the 12 common causes of mistakes in the aviation workplace; and
 - (E) research and discuss the purpose of safety management systems in the aviation workplace.
- (3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for human factors, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
 - (A) complete and submit a malfunction and defect report; and
 - (B) research and report on information regarding human factor errors.
- (4) The student relates academic skills to the requirements of aviation mathematics. The student is expected to:
 - (A) perform algebraic operations involving addition, subtraction, multiplication, and division, using positive and negative numbers;

- (B) determine areas and volumes of various geometric shapes;
 - (C) solve ratio, proportion, and percentage problems; and
 - (D) extract roots and raise numbers to a given power.
- (5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aviation mathematics, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) compute the volume of a shape such as a baggage compartment, a fuel tank, or an engine cylinder;
 - (B) compute the area of an aircraft wing;
 - (C) convert between fractions and decimals;
 - (D) compute torque value conversions between inch-pounds and foot-pounds; and
 - (E) compute the compression ratio of a reciprocating engine cylinder.
- (6) The student relates academic skills to the requirements of fundamentals of electricity and electronics. The student is expected to:
- (A) explain electron theory, including magnetism, capacitance, induction, direct current electrical circuits, and alternating current electrical circuits;
 - (B) explain electrical theories and laws, including Ohm's Law, Kirchhoff's Law, Watt's Law, Faraday's Law, Lenz's Law, and right-hand rule;
 - (C) identify and explain electrical measurement principles and related tools and procedures for measuring voltage, current, resistance, and power;
 - (D) compare types of batteries; and
 - (E) compare series circuits and parallel circuits.
- (7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for fundamentals of electricity and electronics, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) use multimeters to perform circuit continuity tests, test a switch and fuse, and measure voltage, current, and resistance;
 - (B) interpret aircraft electrical circuit diagrams and symbols;
 - (C) inspect and service an aircraft battery; and
 - (D) identify faults in circuits by using appropriate troubleshooting techniques.
- (8) The student relates academic skills to the requirements of physics for aviation. The student is expected to:
- (A) explain the theory of flight, including lift, weight, thrust, and drag, as related to Bernoulli's Principle, Newton's Laws of Motion, and fluid mechanics;
 - (B) describe the function and operation of aircraft flight controls and additional aerodynamic devices, including vortex generators, wing fences, and stall strips; and
 - (C) analyze and compare standard atmospheric factors affecting atmospheric conditions, including the relationship between temperature, density, weight, and volume.
- (9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for physics for aviation, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) determine density and pressure altitude;

- (B) identify changes to pressure and velocity of a fluid as it passes through a venturi;
 - (C) calculate force, area, and pressure for a given scenario related to aircraft maintenance; and
 - (D) calculate the lift of an aircraft and determine if the aircraft will climb, descend, or maintain altitude given its weight.
- (10) The student relates academic skills to the requirements of weight and balance. The student is expected to:
 - (A) describe the purpose of weighing an aircraft and determining the aircraft's center of gravity;
 - (B) explain the procedures for weighing an aircraft, including the general preparation for weighing, with emphasis on aircraft weighing area considerations;
 - (C) explain the procedures for calculating center of gravity, including arm, positive and negative moment, center of gravity, and moment index; and
 - (D) explain adverse loading considerations, proper empty weight configuration, and ballast placement.
- (11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for weight and balance, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
 - (A) calculate aircraft weight and balance, including equipment changes, empty weight, and empty weight center of gravity; and
 - (B) locate datum, weight and balance information, placarding, and limitation requirements for an aircraft in an appropriate reference such as the type certificate data sheet.
- (12) The student relates academic skills to the requirements of aircraft drawings. The student is expected to:
 - (A) identify and use aircraft drawing terminology; and
 - (B) interpret aircraft drawings, blueprints, sketches, charts, graphs, and system schematics related to repairs, alterations, and inspections.
- (13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft drawings, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
 - (A) identify and describe the meaning of lines and symbols used in an aircraft drawing;
 - (B) interpret dimensions used in an aircraft drawing;
 - (C) identify changes to aircraft drawings; and
 - (D) identify material requirements indicated by an aircraft drawing.
- (14) The student relates academic skills to the requirements of regulations, forms, and publications. The student is expected to:
 - (A) identify recency of experience requirements, the privileges and limitations of mechanic certificates, and how to reestablish privileges once they are lost;
 - (B) define maintenance terminology as defined in 14 Code of Federal Regulations (CFR) Part 1, including time in service, maintenance, preventive maintenance, major alteration, major repair, minor alteration, and minor repair;
 - (C) describe requirements for maintenance record entries for approval for return to service after maintenance, alterations, and inspections;

- (D) identify compliance requirements for manufacturer-specified maintenance methods, techniques, practices, and inspection intervals;
 - (E) explain FAA-approved maintenance data, including maintenance manuals and other methods acceptable by the administrator; and
 - (F) describe mechanic change of address notification procedures.
- (15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for regulations, forms, and publications, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) evaluate a 100-hour inspection aircraft maintenance record entry for accuracy;
 - (B) locate applicable FAA aircraft specifications and FAA Type Certificate Data Sheets (TCDS) for an aircraft or component;
 - (C) determine the conformity of aircraft instrument range markings and placarding;
 - (D) use a manufacturer's illustrated parts catalog to locate specific part numbers for aircraft parts such as door handles, rudder pedals, or seat latches;
 - (E) determine whether a given repair or alteration is major or minor; and
 - (F) explain the difference between approved data such as data required for major repairs or alterations and acceptable data such as data required for minor repairs or alterations.
- (16) The student relates academic skills to the requirements of fluid lines and fittings. The student is expected to:
- (A) identify rigid tubing and flexible hose materials, applications, sizes, and fittings;
 - (B) describe rigid tubing and flexible hose fabrication, installation, and inspection techniques;
 - (C) explain the importance of properly using a torque wrench and torque seal when securing fluid hose and line fittings; and
 - (D) analyze and describe the risks associated with high-pressure hydraulic system configuration prior to and during maintenance.
- (17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for fluid lines and fittings, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) fabricate and install a rigid line with a flare and a bend;
 - (B) fabricate and install a flexible hose; and
 - (C) perform a rigid line and flexible hose inspection.
- (18) The student relates academic skills to the requirements of aircraft materials, hardware, and processes. The student is expected to:
- (A) identify and describe material markings and hardware markings commonly used in aircraft;
 - (B) compare suitability and compatibility of materials and hardware used for maintenance;
 - (C) explain forces placed on aircraft materials, including tension, compression, torsion, bending, strain, and shear;
 - (D) identify safety wire and safety clip requirements and techniques;
 - (E) describe precision measurement tools, principles, and procedures;
 - (F) explain soldering preparation, types of solder, and flux usage;

- (G) analyze torquing tools, principles, and procedures and the relationship between torque and fastener preload; and
 - (H) differentiate between the characteristics of acceptable and unacceptable welds.
- (19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft materials, hardware, and processes, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) select aircraft materials and hardware such as bolts, turnbuckles, washers, and rivets based on manufacturer's markings appropriate for a specific scenario;
 - (B) install safety wire on hardware such as nuts, bolts, and turnbuckles;
 - (C) check for proper calibration of a precision-measurement tool and record precision measurements with an instrument that has a Vernier scale;
 - (D) determine required torque values and properly torque aircraft hardware; and
 - (E) inspect welds and differentiate between acceptable and unacceptable welds.
- (20) The student relates academic skills to the requirements of ground operations and servicing. The student is expected to:
- (A) describe proper towing and securing procedures for aircraft using approved data;
 - (B) describe proper aircraft ground servicing, including oil, oxygen, hydraulic, pneumatic, and deicing systems and fueling and defueling procedures;
 - (C) differentiate between characteristics of aviation gasoline, turbine fuels, and fuel additives;
 - (D) explain engine starting, ground operation, and aircraft taxiing procedures;
 - (E) explain airport operation area procedures and air traffic control communications, including runway incursion prevention;
 - (F) identify the types and classes of fire extinguishers;
 - (G) analyze the importance of proper tool and hardware use and accountability;
 - (H) describe the need for proper material handling and parts protection;
 - (I) identify hazardous materials, locate the appropriate safety data sheet (SDS), and select the indicated personal protection equipment (PPE); and
 - (J) analyze and describe the potential effects of foreign object damage on aircraft.
- (21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for ground operations and servicing, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) perform a foreign object damage control procedure;
 - (B) connect external power to an aircraft;
 - (C) prepare an aircraft for towing;
 - (D) use appropriate hand signals for the movement of aircraft;
 - (E) identify different grades of aviation fuel and select an approved fuel for an aircraft;
 - (F) prepare an aircraft for fueling and inspect an aircraft fuel system for water and foreign object debris (FOD) contamination;
 - (G) follow a checklist to start up or shut down an aircraft reciprocating or turbine engine;
 - (H) identify procedures for extinguishing fires in an engine induction system;

- (I) secure an aircraft by locating and following the correct procedures for a turbine-powered aircraft after engine shutdown; and
 - (J) locate and explain procedures for securing a turbine-powered aircraft after engine shutdown.
- (22) The student relates academic skills to the requirements of cleaning and corrosion control. The student is expected to:
- (A) explain the need for aircraft cleaning procedures;
 - (B) explain corrosion theory, including types and effects of corrosion, corrosion-prone areas in aircraft, and corrosion preventive maintenance procedures;
 - (C) describe corrosion identification and inspection techniques, corrosion removal and treatment procedures, the selection of optimal corrosion preventive compounds (CPC), and the frequency of corrosion treatment;
 - (D) describe the use of high-pressure application equipment;
 - (E) identify and discuss the effects of improper use of cleaners on aluminum or composite materials;
 - (F) explain accelerated corrosion caused by dissimilar metals and the role of protective barriers, including conversion coatings, materials used for protection of airframe structures, and primer materials, to mitigate this risk;
 - (G) identify topcoat materials and discuss concerns regarding surface preparation for a desired finishing material, effects of ambient conditions on finishing materials, and effects of improper surface preparation on finishing materials; and
 - (H) identify health concerns when using paints, solvents, and finishing materials and processes, including the use of PPE.
- (23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for cleaning and corrosion control, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:
- (A) identify types of protective finishes;
 - (B) inspect finishes for corrosion and identify, select, and use aircraft corrosion prevention and cleaning materials; and
 - (C) apply aircraft corrosion prevention and coating materials.

§127.920. Advanced Transportation Systems Laboratory (One Credit), Adopted 2024.

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12 as a corequisite course for students participating in a coherent sequence of career and technical education courses in the Transportation, Distribution, and Logistics Career Cluster. This course provides an enhancement opportunity for students to develop the additional skills necessary to pursue industry certification. Recommended prerequisite: a minimum of one credit from the courses in the Transportation, Distribution, and Logistics Career Cluster. Corequisites: Automotive Technology II: Automotive [Service](#) [[Services](#)] , Diesel Equipment Technology II, Collision Repair, Paint and Refinishing, Aircraft Airframe Technology, Aircraft Maintenance Technology, or Aircraft Powerplant Technology. This course must be taken concurrently with a corequisite course and may not be taken as a stand-alone course. Districts are encouraged to offer this lab in a consecutive block with the corequisite course to allow students sufficient time to master the content of both courses. Students shall be awarded one credit for successful completion of this course.
- (c) Introduction.

- (1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.
 - (2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.
 - (3) Advanced Transportation Systems Laboratory provides the opportunity to extend knowledge of the major transportation systems and the principles of diagnosing and servicing these systems. Topics in this course may include alternative fuels such as hybrid, bio diesel, hydrogen, compressed natural gas (CNG), liquidized natural gas (LNG), propane, and solar; total electric vehicles and power trains; advanced transportation systems such as collision avoidance, telematics, vehicle stability control, navigation, vehicle-to-vehicle communications; and other technologies. This study will allow students to have an increased understanding of science, technology, engineering, and mathematics in all aspects of these systems. This will reinforce, apply, and transfer academic knowledge and skills to a variety of relevant activities, problems, and settings.
 - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.
 - (5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- (d) Knowledge and skills.
- (1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:
 - (A) demonstrate knowledge of the technical knowledge and skills related to health and safety in the workplace such as safety glasses and other personal protective equipment (PPE) and safety data sheets (SDS);
 - (B) identify employment opportunities, including entrepreneurship opportunities and internships, and industry-recognized certification requirements in the transportation field of study;
 - (C) demonstrate the principles of group participation, team concept, and leadership related to citizenship and career preparation;
 - (D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation in the transportation industry;
 - (E) discuss certification opportunities;
 - (F) discuss response plans to emergency situations;
 - (G) identify employers' expectations and appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills; and
 - (H) develop personal goals, objectives, and strategies as part of a plan for future career and educational opportunities.
 - (2) The student demonstrates an understanding of the technical knowledge and skills that form the core of knowledge of transportation services. The student is expected to:
 - (A) extend knowledge of new and emerging transportation technologies related to the corequisite course and its industry such as hybrid, avionics, unmanned aerial systems, collision avoidance, and light duty diesel systems;
 - (B) demonstrate advanced technical skills related to the corequisite course and its industry;

- (C) demonstrate an understanding of the use of advanced tools and equipment; and
 - (D) demonstrate an understanding of research and development in the transportation industry of the corequisite course.
- (3) The student develops an elevated aptitude for the essential knowledge and skills listed for the corequisite course. The student is expected to:
- (A) demonstrate deeper understanding of the corequisite course;
 - (B) develop hands-on skills at an industry-accepted standard; and
 - (C) exhibit progress toward achieving industry-recognized documentation of specific expertise in a transportation field or skill.

**Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements,
Subchapter B, Graduation Requirements
(First Reading and Filing Authorization)**

April 12, 2024

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

SUMMARY: This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements. The proposed amendments would update titles of courses and career and technical education (CTE) career clusters, align all CTE programs of study with endorsements, and make technical edits.

STATUTORY AUTHORITY: Texas Education Code, (TEC) §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

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

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

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed amendments is August 1, 2024. 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 2025-2026 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

PREVIOUS BOARD ACTION: The SBOE adopted rules in Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. The SBOE adopted amendments to Chapter 74, Subchapter B, effective August 22, 2016; August 28, 2017; August 27, 2018; August 1, 2019; August 1, 2020; and August 1, 2021. The SBOE last adopted amendments effective August 1, 2022. A discussion item regarding Chapter 74, Subchapter B, was presented to the Committee of the Full Board during the January-February 2024 SBOE meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: In November 2020, the SBOE adopted revisions to the Texas Essential Knowledge and Skills (TEKS) for physical education (PE) with an

effective date of August 1, 2022. The revisions to the TEKS for the high school PE courses revised the amount of credit available to one credit for each course. The proposed amendment to §74.12 would make a technical edit to update the amount of credit associated with these courses to one credit. Additionally, the proposed amendment would revise the language for PE substitutions to align with the reduction in the number of high school PE courses.

At the November 2021 SBOE meeting, the board approved for second reading and final adoption revised CTE TEKS, which have historically been codified in 19 TAC Chapter 130. To accommodate the addition of these new courses and future courses, the SBOE took action to begin moving the CTE TEKS in Chapter 130 to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and to rename the chapter "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." CTE subchapters are being moved from Chapter 130 to Chapter 127 as the TEKS are revised by the SBOE. In November 2021, the board gave final approval to new 19 TAC Chapter 127, Subchapters G, I, J, M, and O. At the January 2022 SBOE meeting, the board took action to repeal the associated subchapters from Chapter 130 and move the sections to Chapter 127. In April 2022, the graduation requirements in 19 TAC §74.11 and §74.13 were updated to reflect the move of CTE TEKS from Chapter 130 to Chapter 127 and the new title for Chapter 127.

In November 2023, the board took action to approve revisions to the CTE TEKS for career preparation and entrepreneurship courses. The proposed amendment to §74.13 would update titles of CTE courses and career clusters to align with these revisions.

Texas recently refreshed state-level programs of study to ensure coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study are aligned with state and regional labor market information, including high-wage, high-skill, and in-demand occupations. When the rule for endorsements was first adopted, programs of study were determined locally rather than at the state level. The proposed amendment to §74.13 would ensure all programs of study are specifically aligned to an endorsement and would eliminate language related to coherent sequences of CTE courses that is outdated.

The attachment to this item reflects the text of proposed amendments to 19 TAC Chapter 74, Subchapter B, 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, the proposed rulemaking would expand an existing regulation by the proposed rulemaking would be in effect, the proposed rulemaking would expand an existing regulation by eliminating language related to coherent sequences of CTE courses that is outdated and replacing it with programs of study that are related to each endorsement category.

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 the rules by updating out-of-date language. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements.

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter B. Graduation Requirements

§74.11. High School Graduation Requirements.

- (a)-(j) (No change.)
- (k) A district may exempt a student from a specific career and technical education (CTE) course prerequisite for a CTE course that satisfies a mathematics or science credit if the district determines the student is not using the course to complete a CTE program of study.
- (l)-(p) (No change.)

§74.12. Foundation High School Program.

- (a) (No change.)
- (b) Core courses. A student must demonstrate proficiency in the following.
 - (1)-(5) (No change.)
 - (6) Physical education--one credit.
 - (A) The required credit may be selected from one full credit or a combination of two half credits from two different courses from ~~any combination of~~ the following ~~one half to one credit~~ courses:
 - (i) Lifetime Fitness and Wellness Pursuits;
 - (ii) Lifetime Recreation and Outdoor Pursuits; and
 - (iii) Skill-Based Lifetime Activities.
 - (B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.
 - (C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:
 - (i) Athletics;
 - (ii) Junior Reserve Officer Training Corps (JROTC); and
 - (iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.
 - (I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level

may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- (II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.
- (D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:
 - (i) Drill Team;
 - (ii) Marching Band; and
 - (iii) Cheerleading.
- (E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.
- (F) Credit may not be earned more than once for the courses [any course] identified in subparagraph (A)(i) and (iii) [~~(A)~~] of this paragraph. Credit may not be earned more than twice for the course identified in subparagraph (A)(ii) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.
- (G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1), for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:
 - (i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;
 - (ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or
 - (iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.
- (7) (No change.)
- (c)-(d) (No change.)

§74.13. Endorsements.

- (a)-(e) (No change.)
- (f) A student may earn any of the following endorsements.
 - (1) Science, technology, engineering, and mathematics (STEM). Students who entered high school prior to the 2022-2023 school year [A student] may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:

- (A) a coherent sequence of courses for four or more credits in career and technical education (CTE) that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education), Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education), or CTE innovative courses approved by the commissioner of education. The final course in the sequence must be selected from Chapter 127, Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; ~~☐~~
 - (B) courses required to complete a TEA-designated program of study related to STEM; ~~☐~~
 - (C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; ~~☐~~
 - (D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
 - (E) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.
- (2) Business and industry. Students who entered high school prior to the 2022-2023 school year ~~A student~~ may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:
 - (i) Chapter 127, Subchapter C, of this title (related to Agriculture, Food, and Natural Resources);
 - (ii) ~~(i)~~ Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); ~~☐~~
 - (iii) ~~(ii)~~ Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); ~~☐~~
 - (iv) ~~(iii)~~ Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); ~~☐~~
 - (v) Chapter 127, Subchapter F, of this title (relating to Business, Marketing, and Finance);
 - (vi) ~~(iv)~~ Chapter 130, Subchapter D, of this title (relating to Business Management and Administration); ~~☐~~
 - (vii) ~~(v)~~ Chapter 130, Subchapter F, of this title (relating to Finance); ~~☐~~
 - (viii) ~~(vi)~~ Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism); ~~☐~~
 - (ix) ~~(vii)~~ Chapter 130, Subchapter K, of this title (relating to Information Technology); ~~☐~~
 - (x) ~~(viii)~~ Chapter 130, Subchapter M, of this title (relating to Manufacturing); ~~☐~~

- (xi) ~~(ix)~~ Chapter 130, Subchapter N, of this title (relating to Marketing); ~~[or]~~
 - (xii) Chapter 127, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics);
 - (xiii) ~~(x)~~ Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); ~~[or]~~
 - (xiv) ~~(xi)~~ Chapter 130, Subchapter Q, of this title (relating to Energy); or
 - (xv) ~~(xii)~~ Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i)-(xiv) ~~(i)-(xi)~~ of this subparagraph; ~~[or]~~
- (B) courses required to complete a TEA-designated program of study related to business and industry; ~~[or]~~
 - (C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:
 - (i) public speaking; ~~[or]~~
 - (ii) debate; ~~[or]~~
 - (iii) advanced broadcast journalism; ~~[or]~~
 - (iv) advanced journalism: newspaper; ~~[or]~~
 - (v) advanced journalism: yearbook; or
 - (vi) advanced journalism: literary magazine; or
 - (D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.
- (3) Public services. Students who entered high school prior to the 2022-2023 school year ~~[A student]~~ may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:
 - (i) Chapter 127, Subchapter G, of this title (relating to Education and Training); ~~[or]~~
 - (ii) Chapter 127, Subchapter I, of this title (relating to Health Science); [or]
 - (iii) Chapter 130, Subchapter J, of this title (relating to Human Services); ~~[or]~~
 - (iv) Chapter 127, Subchapter M, of this title (relating to Law and Public Service); or
 - (v) Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph; ~~[or]~~
 - (B) courses required to complete a TEA-designated program of study related to public services; or
 - (C) four courses in Junior Reserve Officer Training Corps (JROTC).
- (4)-(5) (No change.)

- (6) STEM. Students who entered high school in the 2022-2023 school year or later may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:
- (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to STEM:
 - (i) biomedical sciences;
 - (ii) civil engineering;
 - (iii) cybersecurity;
 - (iv) electrical engineering;
 - (v) engineering foundations;
 - (vi) geospatial engineering and land surveying;
 - (vii) mechanical and aerospace engineering;
 - (viii) networking systems;
 - (ix) nursing science;
 - (x) programming and software development;
 - (xi) renewable energy;
 - (xii) robotics and automation technology; or
 - (xiii) web development;
 - (B) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section;
 - (C) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
 - (D) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), and (C) of this paragraph.
- (7) Business and industry. Students who entered high school in the 2022-2023 school year or later may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:
- (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry:
 - (i) accounting and financial services;
 - (ii) agriculture business, leadership, and communications;
 - (iii) agricultural technology and mechanical systems;
 - (iv) animal science;
 - (v) architectural drafting and design;
 - (vi) automotive and collision repair;
 - (vii) aviation maintenance;
 - (viii) aviation pilots;
 - (ix) business management;
 - (x) carpentry;

- (xi) construction management and inspection;
- (xii) cosmetology;
- (xiii) culinary arts;
- (xiv) diesel and heavy equipment maintenance and commercial drivers;
- (xv) digital communications;
- (xvi) distribution, logistics, and warehousing;
- (xvii) drone (unmanned vehicle);
- (xviii) electrical;
- (xix) entrepreneurship;
- (xx) environmental and natural resources;
- (xxi) food science and technology;
- (xxii) graphic design and interactive media;
- (xxiii) HVAC and sheet metal;
- (xxiv) industrial maintenance;
- (xxv) information technology support and services;
- (xxvi) lodging and resort management;
- (xxvii) manufacturing technology;
- (xxviii) maritime;
- (xxix) marketing and sales;
- (xxx) masonry;
- (xxxi) oil and gas exploration and production;
- (xxxii) plant science;
- (xxxiii) plumbing and pipefitting;
- (xxxiv) printing and imaging;
- (xxxv) real estate;
- (xxxvi) refining and chemical processes;
- (xxxvii) retail management;
- (xxxviii) travel, tourism, and attractions; or
- (xxxix) welding;

(B) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry, if the mathematics and science requirements for the STEM endorsement are not met:

- (i) civil engineering;
- (ii) cybersecurity;
- (iii) electrical engineering;
- (iv) engineering foundations;
- (v) geospatial engineering and land surveying;
- (vi) mechanical and aerospace engineering;

- (vii) networking systems;
- (viii) programming and software development;
- (ix) renewable energy;
- (x) robotics and automation technology; or
- (xi) web development;
- (C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:
 - (i) public speaking;
 - (ii) debate;
 - (iii) advanced broadcast journalism;
 - (iv) advanced journalism: newspaper;
 - (v) advanced journalism: yearbook; or
 - (vi) advanced journalism: literary magazine; or
- (D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.
- (8) Public services. Students who entered high school in the 2022-2023 school year or later may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:
 - (A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to public services:
 - (i) biomedical science, if the mathematics and science requirements for the STEM are not met;
 - (ii) diagnostic and therapeutic services;
 - (iii) early learning;
 - (iv) exercise science, wellness, and restoration;
 - (v) family and community services;
 - (vi) fire science;
 - (vii) government and public administration;
 - (viii) health and wellness;
 - (ix) health informatics;
 - (x) law enforcement;
 - (xi) legal studies;
 - (xii) nursing science, if the mathematics and science requirements for the STEM are not met; or
 - (xiii) teaching and training; or
 - (B) four courses in Junior Reserve Officer Training Corps (JROTC).
- (g) (No change.)

Approval of Proposed Updates to the *Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act (Perkins V)*

April 12, 2024

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

SUMMARY: This item presents for approval proposed updates to Texas’s Perkins V State Plan. The current approved plan has been in effect since the 2021-2022 school year. The proposed updates would streamline the plan and provide opportunities to focus resources and technical assistance in response to needs identified through the Career and Technology Education (CTE) program of study refresh process. The proposed updates reflect feedback received through public comment.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.109.

TEC, §7.109 designates the State Board of Education (SBOE) as the State Board for Career and Technology Education. The commissioner is the executive officer through whom the State Board for Career and Technology Education shall carry out its policies and enforces its rules.

TEC, §7.109(d) permits the State Board for Career and Technology Education to allocate funds appropriated to the board by the legislature or federal funds received by the board under the Carl D. Perkins Vocational Education Act (20 U.S.C. Section 2301 et seq.) or other federal law to an institution or program approved by the (SBOE), the Texas Higher Education Coordinating Board, or another state agency specified by law.

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

PREVIOUS BOARD ACTION: In April 2019, the SBOE approved the Texas State Transition Plan for Perkins V. In April 2020, the SBOE approved the Texas State Plan for Perkins V.

BACKGROUND INFORMATION AND JUSTIFICATION: On July 31, 2018, the president of the United States signed the *Strengthening Career and Technical Education for the 21st Century Act* into law. Commonly referred to as Perkins V, Section 122 (a) of the law requires each state to prepare and submit to the United States Department of Education (USDE) Secretary a state plan for a four-year period, except that, during the first fiscal year following the enactment of the Act, each eligible agency may fulfill its obligation by submitting a one-year transition plan. In April 2019, the SBOE approved the Texas Perkins V Transition Plan.

The requirements in the Perkins Act support a renewed vision of CTE programs for the 21st century. The Act envisions that all students will achieve challenging academic, technical, and employability skills and be prepared for high-skill, high-wage, and in-demand occupations in current or emerging professions. The Act provides an increased focus on the academic achievement of CTE students, alignment with regional labor market needs, and improves state and local accountability, and strengthens the connections between secondary and postsecondary education.

The required state plan narrative includes seven key areas: planning, coordination, and collaboration prior to state plan submission; program administration; provision of services to special populations; accountability and evaluation; financial requirements; and Education Department General Administrative

Regulations (EDGAR) certifications and other assurances. The four-year CTE plan must be approved by the SBOE in order to meet the April 2020 submission deadline set by the (USDE).

At the January-February 2024 meeting, TEA staff presented a proposal to make targeted updates to the Texas Perkins V State Plan that has been in effect since the 2021-2022 school year. The proposal included incorporating clear measures of success, adding language that reflects recently refreshed programs of study, embedding the state's Tri-Agency Goals and Strategies and the vision defined in the new Texas Workforce Investment Council (TWIC) strategic plan, ensuring the plan is forward looking, and streamlining and clarifying the content for clarity and ease of use.

PUBLIC COMMENTS: Following the January-February 2024 meeting, notice of proposed updates to the Texas Perkins V State Plan was filed with the Texas Register, initiating a public comment period. The public comment period on the proposal began March 1, 2024, and ended at 5:00 p.m. on March 31, 2024. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2024 meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve updates to the *Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act* (Perkins V).

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs
Alexis Bauserman, Director, College, Career, and Military Preparation

Separate Exhibit:

Final draft of the *Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act* (Perkins V)
(to be provided at the April 2024 SBOE meeting)

Ethics Training

April 10, 2024

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

SUMMARY: This item provides an opportunity for the State Board of Education (SBOE) to discuss ethics statutes and rules that apply to SBOE members.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [§43.0031](#) and 19 Texas Administrative Code (TAC), §33.5(s).

TEC, §43.0031 requires the SBOE to adopt an ethics policy.

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

BACKGROUND INFORMATION AND JUSTIFICATION: Under the Permanent School Fund (PSF) Code of Ethics, the SBOE is required to participate in yearly ethics training.

Staff Members Responsible:

Von Byer, General Counsel, Legal Services

Christopher Maska, TEA Ethics Advisor, Legal Services

Attachment I:

A Guide to Ethics Laws for State Officers and Employees

Attachment II:

Can I Take It?

Attachment III:

Can I Take This Trip?

Attachment IV:

Revolving Door

Attachment V:

Ethics Opinion 598 SBOE Revolving Door

TEXAS ETHICS COMMISSION

A GUIDE TO ETHICS LAWS FOR STATE OFFICERS AND EMPLOYEES



Revised January 1, 2022

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

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Promoting Public Confidence in Government

**A GUIDE TO ETHICS LAWS
FOR STATE OFFICERS AND EMPLOYEES**

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INTRODUCTION

As a public servant, you owe a responsibility to the people of Texas in the performance of your official duties. This guide sets out laws that govern your conduct as a public servant. As you read this guide, you should bear in mind that ethical conduct involves more than merely following these laws. As a public servant, you should act fairly and honestly and should avoid creating even the appearance of impropriety.

Laws Interpreted by the Texas Ethics Commission

The Texas Ethics Commission interprets various laws governing the conduct of state officers and employees: the provisions in chapter 572 of the Government Code; the restrictions on benefits, gifts, and honoraria in chapter 36 of the Penal Code and in the lobby law, chapter 305 of the Government Code; and the restrictions on the use of government resources in chapter 39 of the Penal Code.

Some laws governing public servants, such as the nepotism law, are not under the jurisdiction of the Ethics Commission. Also, officers and employees of particular state agencies may be subject to statutes, rules, or personnel guidelines specifically applicable to that agency. Your general counsel or the Office of the Attorney General are the appropriate sources for advice about such laws.

Advisory Opinions

If you are concerned about how any of the laws subject to interpretation by the Ethics Commission apply to you, you may request an advisory opinion. The request must be about the application of one or more of those laws to a specific factual situation, either existing or hypothetical. Gov't Code § 571.091. Unless you waive confidentiality in writing, the Ethics Commission must keep your name confidential.

The legal effect of an Ethics Commission advisory opinion is described in section 571.097 of the Government Code as follows:

It is a defense to prosecution or to imposition of a civil penalty that the person reasonably relied on a written advisory opinion of the commission relating to the provision of the law the person is alleged to have violated or relating to a fact situation that is substantially similar to the fact situation in which the person is involved.

Copies of Ethics Advisory Opinions are available from the Ethics Commission at (512) 463-5800 or at <http://www.ethics.state.tx.us> on the Internet.

PART I. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST

The “Should Nots”

The legislature has adopted the following standards of conduct for state employees:

A state officer or employee should not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer’s or employee’s official conduct;
- (2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the officer’s or employee’s independence of judgment in the performance of the officer’s or employee’s official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer’s or employee’s private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer’s or employee’s official powers or performed the officer’s or employee’s official duties in favor of another.

Gov’t Code § 572.051. A state agency may not use appropriated funds to compensate a state employee who violates those standards. Gov’t Code § 2113.014. Also, in some cases failure to follow the standards of conduct will violate one of the criminal statutes discussed in this guide.

Private Interest in Measure or Decision

If a board member has a private or personal interest in a measure, proposal, or decision pending before the board, the board member must disclose that fact to the rest of the board in an open meeting and must refrain from voting or otherwise participating in the matter. Gov’t Code § 572.058. The law specifies that a person does not have a “private or personal interest” in a matter if the person is engaged in a profession, trade, or occupation, and the person’s interest in the matter is the same as others similarly engaged.

Note: This guide addresses only the laws that the Ethics Commission interprets. Other laws may contain additional “conflict of interest” provisions. In particular, state agency counsels should be aware of the common-law rule restricting a contract between agencies and agency board members. *See* Attorney General Opinion JM-671 (1987).

PART II. ACCEPTANCE OF BENEFITS

Chapter 36 of the Penal Code prohibits public servants from accepting certain gifts or benefits. Violations of the laws in this chapter carry criminal penalties, and complaints alleging such violations are handled by local prosecutors, not by the Texas Ethics Commission.

Bribery

As a public servant, you commit the offense of bribery if you solicit, offer, or accept a “benefit” in exchange for your decision, opinion, recommendation, vote, or other exercise of official discretion. Penal Code § 36.02. Common sense should tell you if something is a bribe. If it is, don’t take it.

Honoraria

You may not solicit, agree to accept, or accept an honorarium in consideration for services you would not have been asked to provide but for your official position. Penal Code § 36.07. Thus, for example, you may not take a speaker’s fee for speaking if your position with the state is one of the reasons you were asked to speak. The honorarium law does not, however, prohibit acceptance of food, transportation, and lodging in connection with a speech that is more than merely perfunctory. If a state officer or the executive head of an agency accepts food, transportation, or lodging under these circumstances, the officer must report it on Part XIII of the annual personal financial statement. (A travel regulation provides that a state employee may not accept money for a travel expense reimbursement from a person that the employee’s employing state agency intends to audit, examine, or investigate or is auditing, examining, or investigating. Gov’t Code § 660.016.)

Prohibitions on Gifts

Most public servants are subject to one or more prohibitions on the acceptance of “benefits” from persons subject to their jurisdiction. Penal Code § 36.08. For example, a public servant in an agency performing regulatory functions or conducting inspections or investigations may not accept a benefit from a person the public servant “knows to be subject to regulation, inspection, or investigation by the public servant or his agency.” *Id.* § 36.08(a). Similarly, a public servant who “exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions” of the agency may not accept a benefit from a person the public servant knows is interested in or likely to become interested in such a transaction. *Id.* § 36.08(d). (The Appendix contains the full text of section 36.08.) *These prohibitions apply regardless of whether the donor is asking for something in return.*

The statutory definition of “benefit” is “anything reasonably regarded as pecuniary gain or pecuniary advantage.” Penal Code § 36.01(3). In advisory opinions, the Ethics Commission has stated that the following gifts are benefits: a \$50 clock, a hotel room, a hunting trip, football tickets, a \$160 rifle, and a \$60 restaurant meal. Texas Ethics Comm’n Op. Nos. 97, 94, 90, 69, 60 (1992).

Exceptions to Gift Prohibitions

There are exceptions to the prohibitions set out in Penal Code section 36.08. These exceptions are exceptions to criminal liability under that section. You should also make sure that the laws and rules specifically applicable to your agency permit you to accept a benefit permitted under the Penal Code. Even if the acceptance of a gift is legally permissible, you should consider whether the gift raises the appearance of impropriety.

The following exceptions are most likely to be relevant to state officers or employees. (The Appendix contains the full text of section 36.10, which sets out the exceptions to section 36.08.)

- You may accept non-cash items of less than \$50 in value. Penal Code § 36.10(a)(6). If a *lobbyist* provides you with food, beverages, entertainment, lodging, or transportation, however, the lobbyist must be present at the event.
- You may accept benefits in the form of food, lodging, transportation, or entertainment in any amount if you accept them as a “guest” and report them if there is an applicable reporting requirement. Penal Code § 36.10(b). In order for you to accept something as a “guest,” the donor must be present.

Lobbyists may provide you with transportation and lodging only in connection with a fact-finding trip related to your official duties or in connection with an event, such as a conference, at which you will be providing “more than perfunctory” services in your official capacity.

State officers and agency heads: You will be required to report on your personal financial statement the acceptance of gifts worth more than \$470, except for gifts from a member of your immediate family or from a lobbyist required to report the gift. You must also report on your personal financial statement your acceptance of meals, transportation, or lodging provided in connection with a speech or other services you provided in your official capacity. (*See above discussion on “Honoraria.”*)

- You may accept a benefit from a person such as a friend, relative, or business associate with whom you have a relationship independent of your official status *if the benefit is given on account of that relationship rather than your official status*. Penal Code § 36.10(a)(2).
- You may accept a payment for which you give legitimate consideration *in a capacity other than as a public servant*. Penal Code § 36.10(a)(1). The use of the term “legitimate consideration” means that the payment you receive must reflect the actual value of the services or goods you provide in exchange for the payment. Texas Ethics Comm’n Op. No. 41 n.1 (1992).
- You may accept certain gifts, awards, and mementos from persons required to register as lobbyists. “Gift” in this context does not include food, entertainment, transportation, or lodging, which are discussed above. Penal Code § 36.10(a)(5). (*See discussion of “Gifts Prohibited by the Lobby Statute” below.*)

Gifts Prohibited by the Lobby Statute

The lobby law, chapter 305 of the Government Code, contains restrictions on gifts from a person required to register under that chapter. For the most part, the lobby statute is stricter than the Penal Code. For instance, you may not accept transportation and lodging in connection with a pleasure trip from a lobbyist. There is, however, one exception to the general rule that the lobby law is stricter than the Penal Code: Under section 36.10(a)(5) of the Penal Code, there is an exception from the Penal Code prohibition on the acceptance of benefits for a gift, award, or memento that is required to be reported by a lobbyist. Because of this exception, there are circumstances in which it is permissible for you to accept a gift from a lobbyist that you could not accept from a non-lobbyist. If you are thinking about relying on this exception, you should ask the Ethics Commission for advice before you do so.

Gifts to State Agencies

The Ethics Commission has issued several opinions in response to questions about the acceptance of gifts by a state agency. Texas Ethics Comm'n Op. Nos. 118 (1993), 63, 62, 51, 31 (1992). Chapter 305 of the Government Code, which regulates lobbying, and chapter 36 of the Penal Code, which regulates gifts to public officers and employees, do not apply to gifts given to a state agency. Texas Ethics Comm'n Op. Nos. 62, 31 (1992). The statutes applicable to a specific state agency determine whether the agency has authority to accept gifts. *Id.* Also, even if an agency has authority to accept gifts, it may do so only in accordance with the provisions of Government Code chapter 575.

Although questions about the specific authority of a state agency to accept gifts are outside the Ethics Commission's advisory opinion authority, previous ethics advisory opinions have set out some general guidelines about the acceptance of gifts by a state agency. First, the commission has noted that even if a state agency has authority to accept gifts generally, the agency may accept gifts on behalf of the agency only if the gifts can be used in carrying out the agency's powers and duties. A gift to a state agency becomes state property, and an officer or employee of the agency cannot be permitted to use it for private purposes. Consequently, acceptance of gifts by a state agency is not a permissible way of acquiring gifts for the personal enjoyment of individual state officers and employees.

Gifts to state agencies, even if legally permissible, may raise questions about impropriety. If the donor is subject to agency regulation or oversight, or engages in a business that can be affected by agency action, then it may be that the donor hopes or expects to gain favor with the agency. Even if that is not the case, it may appear to be so, especially to someone whose interests are different from those of the donor and who may feel at a disadvantage because of the donor's generosity.

Donation of Gifts to Charity

What should you do if someone sends you an unsolicited gift that you may not accept? Often public servants would prefer to donate such gifts to charity or to a governmental body, rather than returning them to the donor. A provision of the Penal Code allows such donations in specified circumstances:

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under [section 36.08] may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Penal Code § 36.08(i).

PART III. ABUSE OF OFFICE

Chapter 39 of the Penal Code contains several provisions prohibiting a public servant from using his or her official position in various ways for non-governmental purposes.

Misuse of Government Property

As a public servant, you commit an offense if, with intent to obtain a benefit or harm another, you *misapply any thing of value belonging to the government* that has come into your custody or possession by virtue of your public office or employment. Penal Code § 39.02(a)(2). Simply stated, this means that you are to use government property for governmental purposes, not for personal or private purposes.

Frequent Flyer Miles: Penal Code section 39.02(d) specifically provides that travel discount awards such as “frequent flyer” miles, hotel or rental car discounts, or food coupons are not things of value belonging to the government for purposes of the criminal law prohibiting misapplication of a thing of value belonging to the government. This means that personal or private use of travel awards accrued on state business is not a crime. The law does not, however, prevent a particular agency from adopting a policy requiring that such travel awards be used for agency purposes.

Political Campaigns: Do not use state time or state equipment to work on an individual’s political campaign. See Texas Ethics Comm’n Op. No. 172 (1993). Also, chapter 556 of the Government Code prohibits a state agency from using appropriated funds in connection with a political campaign. Further, it prohibits a state officer or employee from using official authority to interfere with or attempt to influence the result of an election. Gov’t Code § 556.004. The Ethics Commission does not have authority to interpret chapter 556 of the Government Code.

Misuse of Official Information

As a public servant, you may have access to information that has not been made public. Chapter 39 of the Penal Code restricts your use of such information in the following ways:

- You may not use the information to acquire or help another person to acquire a pecuniary interest in any property, transaction, or enterprise affected by the information. Penal Code § 39.06(a)(1).
- You may not speculate or aid another to speculate on the basis of the information. Penal Code § 39.06(a)(2).
- You may not disclose or use the information with the intent to obtain a benefit or to harm another. Penal Code § 39.06(b).

PART IV. OTHER EMPLOYMENT

Concurrent Employment

Some of the laws under the jurisdiction of the Ethics Commission are relevant to questions about other employment by a state officer or employee. For example, under the bribery law, you may not solicit or accept a “benefit” in exchange for your decision, opinion, recommendation, vote, or other exercise of discretion as a public servant. Penal Code § 36.02. A salary is a benefit. *See generally* Texas Ethics Comm’n Op. No. 155 (1993). Therefore, the crime of bribery occurs if a state officer accepts other employment in exchange for official action or inaction. In addition, under the honorarium law a state officer may not accept an honorarium for performing services that he or she would not have been asked to provide but for his or her official status. Other laws outside the Ethics Commission’s jurisdiction may also restrict your employment. For information about such laws, consult your general counsel or the Office of the Attorney General.

Future Employment

If you are about to leave your position with the state, you should be aware of laws that might restrict your future employment. Chapter 572 of the Government Code contains three “revolving door” provisions. Each provision applies to different groups of former officers and employees of state agencies.

Note: If other law restricts you from representing a person before an agency after you leave your position, that law prevails over the second and third Government Code provisions (in section 572.054) discussed below.

Revolving Door #1

The first revolving door provision will apply to you if you are a former state officer or employee of a state agency. For two years after you cease to be a state officer or employee of an agency, you may not accept employment from a person if you participated on behalf of the state agency in a procurement or contract negotiation involving that person.

Note: The first revolving door provision only applies to a state officer or employee whose service or employment with a state agency ceases on or after September 1, 2015.

Revolving Door #2

The second revolving door provision will apply to you if you are a former board member or executive director of a regulatory agency. For two years after you cease to be a member of the board, you may not make any communication to or appearance before an officer or employee of the board on behalf of any person with the intent to influence agency action in connection with any matter on which that person seeks official action. The restriction applies even if the agency initiates the contact and even if you are communicating on your own behalf (subject to your due process rights). It does not, however, prevent you from merely providing information to the agency, as long as you are not doing so with the intent to influence agency action on behalf of a person.

Revolving Door #3

The third revolving door provision applies to all former board members and executive directors of regulatory agencies. It also applies to former employees who, at the time of leaving the agency, were compensated at or above a certain salary level. The law applies to a former employee whose compensation at the time of leaving state employment was at or above the level prescribed by the general appropriations act for step 1, salary group A17, of the position classification salary schedule. (The 2022-2023 General Appropriations Act prescribed the minimum annual salary for that salary group (A17) as \$36,976 for fiscal years 2022 and 2023.)

A former board member or employee covered by the third provision may *never* represent a person or receive compensation for services rendered on behalf of any person regarding a “particular matter” in which he or she “participated” while serving with the agency. A “particular matter” is a *specific* matter before the agency, such as an investigation, application, contract, rulemaking proceeding, administrative proceeding, request for a ruling, etc. This revolving door provision prohibits you from representing a person, or getting paid to help a person, regarding a *specific* matter in which you were either personally involved or that was a matter within your official responsibility while a state officer or employee. It does not prohibit you from working on the *type of matters* you worked on at the agency. *This restriction lasts forever.*

Note: For purposes of the Government Code revolving door statutes, a “person” is an individual or business entity. Gov’t Code § 572.002(7). The statutes do not restrict former state officers or employees from representing or providing services on behalf of nonprofit or governmental entities. Texas Ethics Comm’n Op. No. 232 (1994).

Violation of either of the second or third revolving door provisions is a Class A misdemeanor. The Texas Ethics Commission may assess a civil penalty for a violation of any of the three revolving door laws.

PART V. PERSONAL FINANCIAL STATEMENTS

Board members and executive directors of most state agencies are required to file a personal financial statement with the commission on or before April 30 each year if they served at any time beginning on January 1 and continuing through April 30 of that year. Gov’t Code § 572.026(a). If your term as a board member is ending or if you plan to resign from a board, you should be aware of the “holdover” provision of the Texas Constitution. Under this provision, a state officer “holds over” in office until replaced. A person who no longer attends meetings may nonetheless “holdover” as a board member. Thus, if you resign or your term expires before January 1 of a given year, you will still be required to file a financial statement for that year if your successor was not appointed before January 1.

However, if you are an appointed officer, as defined by section 572.002 of the Government Code, you are not required to file a personal financial statement if the following criteria are met before January 1 of the year the statement is due: (1) your term expired, you resigned, your agency was abolished, or your agency functions were transferred to another agency; and (2) you ceased to participate in the state agency’s functions. If your term expired or if you resigned, you

are required to provide written notice of your intent to not participate in the agency's functions to the Office of the Governor and to the Texas Ethics Commission.

Anyone who asks for extra time to file by April 30 is entitled to a one-time, 60-day extension. Call the Ethics Commission legal staff at (512) 463-5800 if you have questions when completing the form.

Note: New state law requires a personal financial statement filed with the Ethics Commission to be filed electronically. Please visit the Ethics Commission website at www.ethics.state.tx.us for information regarding the filing application and instructions.

Note: The commission imposes a civil penalty of \$500 for late filings. The commission has the authority to raise this penalty. There are criminal penalties for failing to file at all.

PART VI. LOBBYING BY STATE OFFICERS AND EMPLOYEES

The provisions of Government Code chapter 556 prohibit the use of appropriated funds to influence legislation. Those provisions are not under the Ethics Commission's jurisdiction. The lobby law, chapter 305 of the Government Code, is not applicable in this context. Note, however, that a *gift* from a state agency to a legislator may be prohibited under the Penal Code.

SUMMARY

This guide is intended to make you familiar with the laws interpreted by the Texas Ethics Commission that govern your conduct as a state officer. For further guidance, you should consult your agency's ethics advisor or general counsel. Also, feel free to call the Ethics Commission at (512) 463-5800 for advice or visit our Internet site at <http://www.ethics.state.tx.us>.

APPENDIX

Penal Code Provisions Regarding Gifts to a Public Servant

§ 36.08. Gift to Public Servant by Person Subject to His Jurisdiction

- (a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.
- (b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.
- (c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.
- (d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.
- (e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the public servant or tribunal.
- (f) A member of the legislature, the governor, the lieutenant governor, or a person employed by a member of the legislature, the governor, the lieutenant governor, or an agency of the legislature commits an offense if he solicits, accepts, or agrees to accept any benefit from any person.
- (g) A public servant who is a hearing examiner employed by an agency performing regulatory functions and who conducts hearings in contested cases commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from any person who is appearing before the agency in a contested case, who is doing business with the agency, or who the public servant knows is interested in any matter before the public servant. The exception provided by Section 36.10(b) does not apply to a benefit under this subsection.
- (h) An offense under this section is a Class A misdemeanor.
- (i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the

benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

§ 36.09. Offering Gift to Public Servant

- (a) A person commits an offense if he offers, confers, or agrees to confer any benefit on a public servant that he knows the public servant is prohibited by law from accepting.
- (b) An offense under this section is a Class A misdemeanor.

§ 36.10. Non-Applicable

- (a) Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:
 - (1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
 - (2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
 - (3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - (A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
 - (4) a political contribution as defined by Title 15, Election Code;
 - (5) a gift, award, or memento to a member of the legislative or executive branch that is required to be reported under Chapter 305, Government Code;
 - (6) an item with a value less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
 - (7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
 - (8) transportation, lodging, and meals described by Section 36.07(b); or
 - (9) complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered:

- (A) to a public servant who is a first responder; and
- (B) through a program or clinic that is:
 - (i) operated by a local bar association or the State Bar of Texas; and
 - (ii) approved by the head of the agency employing the public servant, if the public servant is employed by an agency.
- (b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.
- (c) Section 36.09 (Offering Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donor is required by law to report those items, reported by the donor in accordance with that law.
- (d) Section 36.08 (Gift to Public Servant) does not apply to a gratuity accepted and reported in accordance with Section 11.0262, Parks and Wildlife Code. Section 36.09 (Offering Gift to Public Servant) does not apply to a gratuity that is offered in accordance with Section 11.0262, Parks and Wildlife Code.
- (e) In this section, “first responder” means:
 - (1) a peace officer whose duties include responding rapidly to an emergency;
 - (2) fire protection personnel, as that term is defined by Section 419.021, Government Code;
 - (3) a volunteer firefighter who performs firefighting duties on behalf of a political subdivision and who is not serving as a member of the Texas Legislature or holding a statewide elected office;
 - (4) an ambulance driver; or
 - (5) an individual certified as emergency medical services personnel by the Department of State Health Services.

- ✓ **FEES FOR SERVICES:** You may accept a payment to which you are lawfully entitled in a capacity other than your official status. In this case you may accept the offer without restriction. Remember, you may not take an honorarium for a service that you would not have been asked to provide but for your official status.
- ✓ **POLITICAL CONTRIBUTIONS:** You may accept a political contribution as a candidate or officeholder.
- ✓ **GOVERNMENT PROPERTY:** You may accept an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the entity.
- ✓ **FOOD, ENTERTAINMENT, TRANSPORTATION, & LODGING:** Benefits in the form of food, lodging, transportation, or entertainment are permissible if accepted as a "guest" and reported in accordance with any applicable reporting requirement. To accept something as a guest, the donor must be present. As to reporting requirements, certain elected officeholders, state agency board members, and state agency heads are required to file annual personal financial statements on which they must report certain gifts worth more than \$470. For most state *employees*, there is no applicable reporting requirement. Board members and agency heads may be required to report certain gifts on their annual personal financial statement.

DONATIONS TO CHARITY

If you receive an unsolicited benefit that you are prohibited from accepting, you may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes.

Texas Ethics Commission

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Can I Take It?



A Guide for Officers and Employees in the Executive Branch of State Government.

Note: Employees of the Governor or Lieutenant Governor should refer to the "Can I Take It?" brochure specifically applicable to those offices.

Revised March 16, 2021

Can I Take It?

RULE NO. 1

YOU MAY NEVER TAKE ANYTHING AS CONSIDERATION FOR AN OFFICIAL ACT

The bribery law prohibits payments or gifts made in exchange for an official act. An official act includes a vote, a recommendation, and any other exercise of official discretion.

RULE NO. 2

YOU MAY NOT ACCEPT AN HONORARIUM FOR SERVICES YOU WOULD NOT HAVE BEEN ASKED TO PROVIDE BUT FOR YOUR OFFICIAL STATUS

This means, for example, that you may not accept a gift or payment for giving a speech if your official position was a reason for your being asked to give the speech. You may, however, accept meals, transportation, and lodging in connection with a speech as long as your speech is more than merely perfunctory. Also, you may accept a gift that is not a "benefit" such as a plaque or something of minimal value like a coffee cup, key chain, or "gimme" cap.

THE OTHER RULES: If acceptance of a gift or payment is permissible under Rule Nos. 1 and 2, the next step is to determine whether or not the person making the offer is a registered lobbyist.

A. IF THE PERSON MAKING THE OFFER IS A REGISTERED LOBBYIST:

1. You may not accept:

- ✗ Loans, cash, or negotiable instruments other than political contributions.
- ✗ Travel or lodging for a pleasure trip. (Incidental transportation such as a short ride in a car or taxi is permissible.)

2. You may accept:

- ✓ Food and beverages if the lobbyist is with you. There is no annual limit on the value of food and beverages you may accept from a lobbyist.
- ✓ Entertainment worth up to \$500 in a calendar year. (Entertainment includes, for example, sports events and concerts.) The lobbyist providing the entertainment must be present for the event.
- ✓ Gifts, other than awards and mementos, that together do not exceed \$500 in value during a calendar year.
- ✓ Awards and mementos worth not more than \$500. This is not an annual cap, but a cap on the value of each individual award or memento.
- ✓ Travel and lodging in connection with a fact-finding trip or to a seminar or conference at which you are providing services, such as speaking, and the services are more than perfunctory. Any lobbyist who is providing travel or lodging must be present at the event.
- ✓ Tickets or other expenditures for attendance at a political fundraiser or charitable event if the lobbyist is present at the event.

Note: You can find out if someone is a registered lobbyist by calling the disclosure filings section of the Texas Ethics Commission at 512-463-5800 or by going to www.ethics.state.tx.us/search/lobby.html.

PLEASE NOTE

Your name will appear on a lobbyist's activities report:

- if expenditures for your food, lodging, transportation, or entertainment in a day exceed \$132.60,* which is 60 percent of the amount of the legislative per diem;
- if expenditures for a gift, award, or memento exceed \$90; or
- each time an expenditure is made for you to attend political fundraisers or charity events, regardless of the amount spent.

* effective January 6, 2019

B. IF THE PERSON MAKING THE OFFER IS NOT A REGISTERED LOBBYIST:

A state officer or employee may not take any benefit from a person subject to the regulation, inspection, or investigation by that person or that person's agency. (A "benefit" is anything reasonably regarded as pecuniary gain or advantage.) There are, however, many exceptions to this general rule. **You may accept a gift, payment, or contribution as long as the gift, payment, or contribution fits into *any one* of the following categories.**

- ✓ ITEMS WORTH LESS THAN \$50: You may accept an item with a value of less than \$50. This exception does not apply to cash, checks, or negotiable instruments.
- ✓ INDEPENDENT RELATIONSHIP: There is an exception from the general prohibition on the acceptance of benefits for a gift based on
 - kinship
 - a personal relationship independent of your official status
 - a professional relationship independent of your official status
 - a business relationship independent of your official status.

(over)

HONORARIUM LAW

As a public servant, you may not accept an honorarium in consideration for services that you would not have been requested to provide but for your official position or duties. You may, however, accept food, transportation, and lodging in connection with services rendered at a conference or seminar.

CAMPAIGN AND OFFICEHOLDER CONTRIBUTIONS

A candidate or elected officeholder must report all campaign or officeholder contributions, this includes contributions in the form of transportation or lodging.

No corporate contributions. A candidate may not accept a campaign contribution, nor may an officeholder accept an officeholder contribution, from a corporation or labor union.

FINANCIAL STATEMENT

Some government officials are required to file an annual personal financial statement. A filer must report any gifts, including trips, that exceed \$250 in value, except gifts reportable as a political contribution, or a lobby expenditure, or a gift received from an individual related within the second degree by consanguinity or affinity. Also, a filer must report transportation, meals, or lodging provided by a third party in connection with a conference or similar event, unless a lobbyist reports the expenditures.

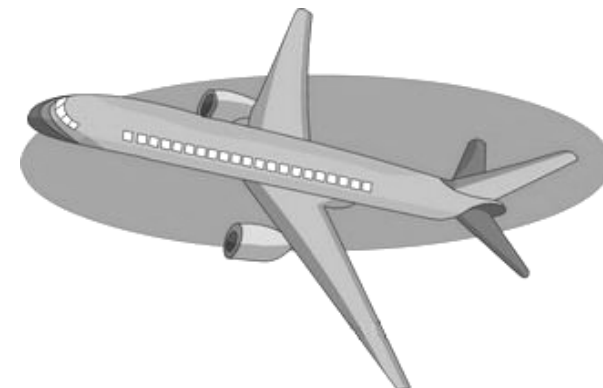
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Can I Take This Trip?



A Texas Ethics Commission guide
to the acceptance of trips by
government officers and employees.

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Revised February 24, 1997

Can I Take This Trip?

Officers and employees of governmental bodies often ask the Ethics Commission whether it is permissible to take a trip paid for by a third party. To answer such questions, it is first necessary to determine whether the third party is providing the trip to the governmental body or to the individual. If the trip is being provided to an individual government officer or employee, rather than to the governmental body itself, the individual must consider the restrictions and reporting requirements in *all* of the following laws:

- ◆ the lobby law in chapter 305, Government Code
- ◆ the gift laws in chapter 36, Penal Code
- ◆ the honorarium law in chapter 36, Penal Code
- ◆ the campaign finance law in title 15, Election Code
- ◆ the law requiring certain government officials to file an annual personal financial statement in chapter 572, Government Code.

It is important to review the restrictions in all of those laws because what is permissible under one law may not be permissible under another.

GIFTS TO THE GOVERNMENT

Under the appropriate circumstances, a governmental body may accept an offer by a third party to pay travel expenses for a government officer or employee to conduct government business.

Whether a governmental body may accept a gift depends on the laws specifically applicable to the governmental body, not on the laws under the jurisdiction of the Texas Ethics Commission. Individual employees may not make decisions about accepting gifts on behalf of a governmental body; only the governing board may make such decisions.

An individual government officer or employee who intends to accept a trip for himself or herself should first review the restrictions and reporting requirements in the laws discussed below.

LOBBY LAW

Under the lobby law, an officer or employee in the legislative or executive branch of *state government* is subject to a general prohibition on the acceptance of transportation and lodging from a registered lobbyist. There are exceptions to this rule: one for transportation and lodging in connection with a fact-finding trip, one for transportation and lodging in connection with a conference or similar event, and one for incidental transportation.

Fact-finding trips. There is an exception to the prohibition on lobbyist-paid trips for necessary expenditures for transportation and lodging when the purpose of the travel is to explore matters directly related to the duties of a member of the legislative or executive branch, such as fact-finding trips, but not including attendance at merely ceremonial events or pleasure trips. A lobbyist who provides transportation or lodging in connection with a fact-finding trip must be present at the event.

Conferences or similar events. There is also an exception for necessary expenditures for transportation and lodging provided in connection with a conference or similar event in which the member renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory. A lobbyist who provides transportation or lodging in connection with a conference or similar event must be present at the event.

Incidental transportation. The prohibition on lobbyist-paid transportation does not apply to transportation of incidental value, such as a short ride in a car or taxi.

Note: A lobbyist is required to report lobby expenditures, including expenditures for transportation and lodging.

GIFT LAWS

Under chapter 36 of the Penal Code, most public servants, at both the state and local level, are subject to a prohibition on the acceptance of a benefit from someone subject to their jurisdiction. (The Governor and the Governor's employees, the Lieutenant Governor and the Lieutenant Governor's employees, and members of the legislature and legislative employees are subject to a prohibition on the acceptance of a benefit from anyone.) There are, however, exceptions to those prohibitions, including an exception for something worth less than \$50 and an exception for something from a close friend or family member. There is also a specific exception for benefits in the form of transportation and lodging accepted as a "guest" and reported in accordance with any applicable reporting requirement. In order for something to be accepted as a guest, the donor must be present.

Revolving Door

A GUIDE TO THE REVOLVING DOOR PROVISIONS

THIS GUIDE IS FOR former board members, officers, and employees of certain agencies in the executive branch of state government. Chapter 572 of the Government Code contains three revolving door provisions. Each provision applies to different groups of former members, officers, and employees.

The revolving door provisions do not apply to former officers or employees of the legislative or judicial branches of state government.

Caveat: *Other law “that restricts the representation of a person before a particular state agency by a former state officer or employee of that agency” prevails over the second and third provisions in section 572.054. For example, a former employee of the Public Utility Commission is not subject to the second or third revolving door provisions because the Public Utilities Regulatory Act contains a specific revolving door provision that applies to former employees of the Public Utility Commission.*

The First Revolving Door Rule

Two-year Prohibition Applicable to Former State Officers and Employees

The first revolving door rule applies to all former state officers and employees of a state agency.

With respect to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications between September 1, 2015, and August 31, 2017, if a state officer or employee has participated on behalf of the agency in a procurement or contract negotiation involving any person, then he or she may not accept employment from that person for two years after the date he or she leaves the agency.

With respect to a contract for which a state agency first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after September 1, 2017, if a state officer or employee of a state agency participated on behalf of the agency in a procurement or contract negotiation involving any person, then he or she may not accept employment from that person for two years after the date the contract is signed or the procurement is terminated or withdrawn.

The Second Revolving Door Rule

Two-year Prohibition Applicable to Former Board Members and Executive Directors

The second revolving door rule applies to all former board members and former executive heads of regulatory agencies. For two years after a board member or executive head leaves a regulatory agency, he or she *may not* appear before or communicate with officers or employees of the agency with the intent to influence the board on behalf of any person in connection with any matter on which the person seeks official action.

The law is not an absolute prohibition on communications to an agency by a former board member or former executive head of the agency. *The restriction applies only to communications and appearances intended to influence agency action.* If, for example, a current board member calls a former board member to get information about past board activities, the former board member is free to provide information -- as long as the former board member does not try to influence the actions of the current board. This restriction applies regardless of who initiated the contact and even if a former board member or executive head is communicating on their "own behalf" with the intent to influence agency action, subject to any constitutional due process right to be heard by the agency.

The Third Revolving Door Rule

Continual Prohibition Applicable to Former Board Members and Upper-level Employees

The third revolving door rule deals with work on specific “matters” and applies to all former officers and certain former employees of regulatory agencies.

Former Officers. The provision applies to a former “officer” of a regulatory agency. Board members of state agencies are officers. An individual elected or appointed as the head of an agency that does not have a board is an officer.

For example, the Agriculture Commissioner and the Insurance Commissioner are state officers.

Former Employees Paid at or Above Certain Level. The provision applies to a former employee of a regulatory agency whose ending pay was at or above the amount prescribed for salary group A17, of the state position classification salary schedule. (The 2020-2021 General Appropriations Act prescribed the minimum annual salary for that salary group (A17) as \$36,976 for fiscal years 2020 and 2021.) A former employee who received that amount or more at the time of leaving state employment is subject to the third revolving door rule, regardless of whether the former employee held a classified position or a position exempt from the classification schedule.

An officer or employee subject to the third revolving door prohibition *may never* represent a person or receive compensation for services rendered on behalf of any person regarding a "particular matter" in which he or she "participated" while serving with the agency, either through personal involvement or because the matter was within his or her official responsibility. In this context, "participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

The most common question raised about the third revolving door rule is whether proposed future employment would involve work on a "particular matter" that a person participated in as a state officer or employee. A "particular matter" is defined narrowly to mean something quite specific, such as an investigation, application, contract, rulemaking, or other administrative proceeding.

This means a person subject to the third revolving door prohibition may work on matters similar to matters he or she worked on as a state employee, but not on exactly the same matters. For example, a former employee of a regulatory agency who worked on Permit Application X at the agency could not leave the agency and work on Permit Application X on behalf of the applicant. The former employee could, however, work on Permit Application Z, even if Permit Application Z involved issues similar to the issues raised in connection with Permit Application X.

**Representation of
Nonprofit Organizations or
Governmental Bodies**

All of the revolving door laws apply to activity on behalf of a "person." Under the revolving door laws, a "person" is an individual or business entity. It does not include a nonprofit organization or governmental body.

Penalties

A violation of the second or third revolving door provisions is a Class A misdemeanor.

The Texas Ethics Commission may assess a civil penalty for a violation of any of the three revolving door laws.

Texas Ethics Commission

P.O. Box 12070

Austin, Texas 78711

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If you have questions, please contact the Ethics Commission at (512) 463-5800.

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Revised October 3, 2019

REVOLVING DOOR



LEAVING A STATE AGENCY?

*A Texas Ethics Commission Guide to the
Revolving Door Provisions in Chapter 572
of the Texas Government Code*



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 598

December 18, 2023

ISSUE

Whether the Chapter 572 of the Government Code revolving door provisions apply to a former State Board of Education member's appearing before the Texas Education Agency, the Texas Commissioner of Education, or the Texas Permanent School Fund Corporation. (AOR-685).

SUMMARY

A former State Board of Education (SBOE) member must wait two years before appearing before or seeking to influence the Permanent School Fund Corporation on behalf of another because the Corporation board contains SBOE members. Tex. Gov't Code § 572.054(a).

A former SBOE member must wait two years after ceasing service as an officer before appearing before or seeking to influence the Commissioner of Education on behalf of another because the Commissioner is an officer of the SBOE for purposes of Section 572.054(a).

The requestor would be subject to the Section 572.054(a) restriction with respect to Texas Education Agency employees if they were also employees of the SBOE under the common law employee-employer test.

Section 572.054(b) would prohibit a former SBOE member from ever receiving compensation for working on contracts in which they participated as a SBOE member even if the SBOE subsequently amended these contracts to make the Permanent School Fund Corporation a party rather than the SBOE.

FACTS

The requestor is a former member of the Texas State Board of Education (SBOE). The requestor asks a series of questions involving the revolving door provisions in Chapter 572 of the Government Code and their applicability to the SBOE and three related entities, the Commissioner of Education (Commissioner), the Texas Education Agency (TEA), and the Texas Permanent School Fund Corporation (Corporation).

Texas Education Agency

The Texas Education Agency is comprised of agency staff and the Commissioner. Tex. Educ. Code §§ 5.001, 7.002(a). The Commissioner is the TEA's "executive officer." Tex. Educ. Code § 7.055(b)(1), (2). As TEA's executive officer, the Commissioner is responsible for managing the powers and duties of the TEA laid out in Section 7.021 of the Education Code. The Legislature provides an appropriation for the TEA.

The Commissioner of Education

The Commissioner is the "educational leader of the state," appointed to a four year term of office as the "executive officer" of the TEA and the "executive secretary" of the SBOE by the governor, with the advice and consent of the senate. Tex. Educ. Code §§ 7.051, .052, .055(b)(1), (2). The Commissioner is only removable by the governor with the advice and consent of senate. *Id.* § 7.053.

As the executive secretary of the SBOE, the Commissioner both carries out duties imposed by the SBOE and advises and assists the SBOE with carrying out its duties. See Tex. Educ. Code §§ 7.055(b)(3), 7.102(b).

The SBOE

The SBOE is comprised of 15 elected members. Tex. Educ. Code § 7.101. Under the heading of “officers,” the Education Code specifies that the chair of the SBOE is appointed by the governor with the advice and consent of the senate. Tex. Educ. Code § 7.107. The SBOE elects its own vice chair and a secretary. *Id.*

The SBOE has no staff. The Commissioner is its executive secretary and TEA provides staff for the SBOE. The SBOE must carry out the duties assigned to it in the Education Code “with the advice and assistance of the [C]ommissioner.” Tex. Educ. Code § 7.102(b).

The Legislature does not provide an appropriation for the SBOE. The SBOE has four standing committees, one of which is the Committee on School Finance/Permanent School Fund. See SBOE Operating Rules § 1.2. At issue here is the SBOE’s duty to manage and distribute the Permanent School Fund (PSF) through its own control or through a corporation it created to manage the fund. See Tex. Educ. Code ch. 43, Tex. Const. art. 7, §§3(b), 5.

The Corporation

The PSF was created in 1845 as a perpetual fund to support the state’s public schools. Until 2021, the SBOE administered the Texas Permanent School Fund. In 2021, the Legislature authorized the SBOE to form a corporation and delegate to it the authority to manage the PSF. See Tex. Educ. Code § 43.052. The SBOE formed the Corporation on December 1, 2021, and effective January 1, 2023, transferred the PSF’s assets to the Corporation. The SBOE also transferred all contracts relating to the PSF to the Corporation, which were amended to specify that the contracts were now with the Corporation, despite initially being executed with the SBOE. Finally, the SBOE also delegated the authority to manage the PSF to the Corporation.

A nine-member board of directors governs the Corporation. Tex. Educ. Code § 43.053(a).

However, the SBOE still exercises some degree of control. Five members of the Corporation's directors must be SBOE members, appointed by the SBOE. *Id.* § 43.053(a)(1). Any changes to the articles of incorporation or the Corporation's bylaws must be approved by the SBOE. Tex. Educ. Code § 43.063(a), (b). Currently, the Corporation's staff is composed of both new hires and individuals who were previously employed by TEA to manage the PSF. The Legislature does not provide an appropriation for the Corporation.

ANALYSIS

Chapter 572 of the Texas Government Code contains three different "revolving door" provisions applicable to former state officers or employees. Tex. Gov't Code §§ 572.054(a), 572.054(b), and 572.069.

The First Revolving Door Applies to the Requestor

Section 572.054(a) prohibits a former member of the governing body or former executive head of a regulatory agency, for two years after ceasing to be a member or executive head of a regulatory agency from, "mak[ing] any communication to or appearance before an officer or employee of the agency in which the member or executive head served ... if the communication or appearance is made: (1) with the intent to influence; and (2) on behalf of any person in connection with any matter on which the person seeks official action." Tex. Gov't Code § 572.054(a).

As a former member of the SBOE, the requestor is subject to Section 572.054(a). The requestor asks whether he must wait two years from ceasing to be an SBOE member before making communications or appearing before the Corporation, Commissioner, or TEA employees.

The answer to each depends on the relationship between the SBOE, the Commissioner, the Corporation, and the TEA. The overlapping structure and responsibilities of each make this a novel question. Even the

TEA's own organization chart reflects the ambiguity by placing the SBOE on its organizational chart, level with the Commissioner, but with arrows touching no other part of the chart¹.

Communications with the Corporation

The requestor must wait two years before appearing before or seeking to influence the Corporation on behalf of another because the Corporation board contains SBOE members.

Section 572.054 prohibits certain communications or appearances before “*an officer or employee* of the agency in which the member . . . served.” Tex. Gov’t Code § 572.054(a). Although the SBOE and Corporation are separate entities, five SBOE members sit on the Corporation’s board. Appearing before the Corporation will therefore inevitably require the requestor to appear before “an officer . . . of the agency in which the member . . . served.” *Id.*

Communications with the Commissioner

The requestor must wait two years before appearing before or seeking to influence the Commissioner on behalf of another because the Commissioner is an officer of the SBOE.

Chapter 572 of the Government Code defines a “state officer” as “an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.” Tex. Gov’t Code § 572.002(12).

An appointed officer is, in relevant part, “an officer of a state agency who is appointed for a term of office specified by the Texas Constitution or a statute of this state.” Tex. Gov’t Code § 572.002(1).

In our opinion, the Commissioner is an officer of the SBOE for purposes of Chapter 572 because he is appointed to a term of service as the “executive secretary” of the SBOE. Tex. Educ. Code § 7.055(b)(2); see also Tex. Ethics Comm’n Op. No. 381 (1997) (EAO 381) (finding a salaried, solitary gubernatorial appointee who serves for a specific term pursuant to statute and oversees an agency’s daily operation is an “appointed

officer”). As executive secretary, the Commissioner plays an integral role for the SBOE. The Commissioner provides staff for the SBOE through the TEA and the SBOE is required to carry out its duties “with the advice and assistance of the [C]ommissioner.” Tex. Educ. Code § 7.102(b). Similar to the appointed official in EAO 381, the Commissioner is an officer of the SBOE.

Communications with TEA Employees

As noted above, Section 572.054(a) prohibits certain communications or appearances “before an officer or employee of the agency in which the member or executive head served.” Whether Section 572.054(a) would apply to communications or appearances before TEA employees turns on whether some or all TEA employees can be considered employees of the SBOE.

The SBOE does not have staff. Instead, the TEA provides administrative staff to the SBOE. However, in interpreting the terms “employee” or “employed,” in Chapter 572, we have applied the common law test of employment. Tex. Ethics Comm’n Op. No. 545 (2017). Generally, an employer’s right or ability to control the manner and means by which an individual renders services is sufficient to establish an employment relationship. *See id.*

An individual also may be the employee of more than one employer. *St. Joseph Hosp. v. Wolff*, 94 S.W.3d 513, 538 (Tex. 2002). An individual is an employee of two or more joint employers if: (i) the individual renders services to at least one of the employers and (ii) that employer and the other joint employers each control or supervise such rendering of services. Restatement (Third) of Employment Law: Employees of Two or More Employers § 1.04(b) (2015).

The requestor would be subject to the Section 572.054(a) restriction with respect to TEA employees if they were also employees of the SBOE under the common law employee-employer test. Whether TEA employees are also employees of the SBOE depends on specific facts not provided in the advisory opinion request. We are not able to resolve disputed facts in an advisory opinion. 1 Tex. Admin. Code § 8.3(d).

Revolving Door #2

The requestor next asks whether the revolving door prohibition that generally prohibits a former state officer or employee from receiving compensation for working on the same particular matter in which the officer or employee participated as a state officer applies to contracts that were originally entered into by the SBOE, but amended to be contracts with the Corporation. The requestor specifically asks:

Does Texas Government Code § 572.054(b) prohibit former SBOE members from ever receiving compensation under contracts in which they participated when the contracts were with the SBOE if the contracts were subsequently amended to be contracts with the Corporation?

For the reasons stated below, Section 572.054(b) would prohibit such activity.

Section 572.054(b) prohibits *all* former state officers and employees of regulatory agencies from receiving any compensation for services rendered on behalf of any person “regarding a particular matter in which the former officer or employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the officer’s or employee’s official responsibility.” Tex. Gov’t Code § 572.054(b).

The statutory definition of “particular matter” is “a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding.” Tex. Gov’t Code § 572.054(h)(2). We have previously opined that the “term ‘particular matter’ refers to a particular proceeding rather than to a particular subject matter” Tex. Ethics Comm’n Op. No. 496 (2011). Similarly, former state employees are not prohibited from working in subject areas or for employers with which they became familiar in the course of their state employment. *Id.*(citing Tex. Ethics Comm’n Op. No. 364 (1997)). Furthermore, in Ethics Advisory Opinion No. (“EAO”) 397, we determined that “[s]eparate contracts are separate ‘matters’ for purposes of the revolving door provision in Government Code section 572.054(b).” Tex. Ethics Comm’n Op. No. 397 (1998).

The facts provided by the requestor presume that the requestor participated in the contracts that the SBOE later transferred to the Corporation. In this case, it is irrelevant whether the original contract with the SBOE and the amended contract with the Corporation are different particular matters. Even if the amended contract is a different particular matter, the SBOE member would have participated in that matter by effecting the transfer as a board member. Therefore, the requestor would be prohibited from receiving compensation under contracts in which they participated as a SBOE member regardless of whether the contract was subsequently transferred to the Corporation.

Revolving Door #3

Finally, the requestor asks whether the third revolving door provision, related to procurements and contract negotiations, applies to previously executed investment transactions conducted by the Corporation that were ratified by the SBOE.

Section 572.069 prohibits all former state officers and employees who “participated on behalf of a state agency in a procurement or contract negotiation” from accepting employment from a “person” involved in that procurement or contract negotiation for two years after the contract is signed or the procurement is terminated or withdrawn. Tex. Gov’t Code § 572.069.

The Government Code does not define procurement or contract negotiation. However, we have looked to the State of Texas Procurement and Contract Management Guide, published by the Texas Comptroller of Public Accounts, which identifies “common characteristics between all procurements,” including “defin[ing] the business need,” “select[ing] the vendor that provides the best value to the State,” and “ensur[ing] that the awarded contract complies with applicable procurement law and contains provisions that achieve the procurement objectives.” Tex. Ethics Comm’n Op. No. 571 (2022).² We have emphasized that a procurement involves an agency’s acquisition of goods and services. *Id.*

Although Section 572.069 does not define the word “participated,” we have previously applied the definition found in a companion revolving door law prohibition, Section 572.054. See Tex. Ethics Comm’n Op. Nos. 568 (2021), 586 (2023). We apply that same definition here. “Participated” means “to have taken action as

an officer or employee through *decision, approval, disapproval*, recommendation, giving advice, investigation, or similar action.” Tex. Gov’t Code § 572.054(h)(1) (emphasis added).

The requestor asks whether ratification by the SBOE of previously executed investment transactions constitutes participation in a procurement under Section 572.069. The SBOE often votes to ratify the purchase and sale of investments executed by the PSF staff. The requestor asserts that the SBOE never engaged in contract negotiations for these purchases and sales before voting to ratify the transactions.

The purchase or sale of investments clearly constitutes a procurement or contract negotiation. Ratification is a form of approval by the SBOE of these procurements or contract negotiations. See 572.054(h)(1) (participation includes decision, approval, or disapproval). Therefore, regardless of the involvement in the contract negotiations before ratification, the requestor participated in a procurement for each transaction subject to a ratification vote for purposes of Texas Government Code § 572.069.

¹<https://tea.texas.gov/about-tea/welcome-and-overview/tea-organization-chart.pdf>

²<https://comptroller.texas.gov/purchasing/docs/96-1809.pdf>

Discussion of Pending Litigation

April 10, 2024

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:

Book People, INC. VBK, INC d/b/a Blue Willow Bookshop, American Booksellers Association, Association of American Publishers, Authors Guild, INC., Comic Book Legal Defense Fund v. Martha Wong in her official capacity as chair of the Texas State Library and Archives Commission, Keven Ellis in his official capacity as chair of the Texas Board of Education, Mike Morath in his official capacity as Commissioner of Education; in the United States District Court for the Western District of Texas, Austin Division, Case No. 1:23-cv-858; and

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

BOARD RESPONSE: Board may advise and comment.

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

Staff Member Responsible:

Von Byer, General Counsel, Legal Services

COMMITTEE ON INSTRUCTION

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

April 12, 2024

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

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and 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 dyslexia evaluation, identification, and instruction. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§7.102(c)(28), 29.0031, and 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

TEC, §7.102(c)(28), as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, requires the State Board of Education (SBOE) to approve a program for screening and testing students for dyslexia and related disorders.

TEC, §29.0031, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, requires that dyslexia is considered and meets the definition of specific learning disability, as this is defined in the Individuals with Disabilities Education Act. It also requires certain actions when a student is suspected of having dyslexia and in the evaluation for dyslexia.

TEC, §29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, requires that providers of dyslexia instruction be fully trained in the local educational agency's materials in order to provide that instruction.

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 2024-2025 school year. The earlier effective date will allow districts of innovation and open-enrollment charter schools 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 HB 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. The rule was also amended effective February 10, 2022. A discussion item was held with the Committee on Instruction on August 31, 2023, to discuss potential amendments to align with HB 3928, 88th Texas Legislature, Regular Session, 2023. At the January-February 2024 SBOE meeting, the board approved the proposed amendment to §74.28 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 74.28 provides the requirements 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).

The section was amended again effective February 10, 2022, to clarify that evaluations for dyslexia and related disorders must go through the process required by the Individuals with Disabilities Education Act.

This item provides the board with an opportunity to consider for second reading and final adoption updates to the section and the *Dyslexia Handbook* that would align with the passage of HB 3928.

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

TEA has determined there are no additional costs to state or local government to comply with the proposal, including school districts and open-enrollment charter schools, beyond what is required by federal Individuals with Disabilities Education Act (IDEA) regulations.

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by clarifying requirements related to student evaluation, identification, and instruction for dyslexia and related disorders in accordance with HB 3928, 88th Texas Legislature, Regular Session, 2023.

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

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

The proposal would clarify requirements related to dyslexia evaluation, identification, and instruction in alignment with recent statutory changes. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no new data and reporting impact.

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

TEA has determined that the proposal may require a written report or other paperwork to be completed by a principal or classroom teacher. However, any requirements would impose the least burdensome requirement possible to achieve the objective of the rule and are necessary to fulfill federal IDEA regulations.

PUBLIC COMMENTS: Following the January-February 2024 SBOE meeting, notice of the proposal was filed with the Texas Register, initiating the public comment period. The public comment period began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. 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 the April 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders; and

Make an affirmative finding that immediate adoption of 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of 20 days after filing 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 Member Responsible:

Kristin McGuire, Associate Deputy Commissioner, Special Populations Policy, Technical Assistance, and Systemwide Integration

Attachment I:

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

Attachment II:

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders

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) Definitions. The following words and terms, when used in this section, shall have the following meanings.
- (1) Screening a student for dyslexia or a related disorder, a term used in Texas Education Code (TEC), §38.003, means the administration of a universal screening instrument required for students in Kindergarten and Grade 1.
 - (2) Testing a student for dyslexia or a related disorder, a term used in TEC, §38.003, means a comprehensive evaluation as required under 34 Code of Federal Regulations (CFR), Part 300, and includes evaluation components as stated in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," referenced in subsection (c) of this section, for the identification of dyslexia or a related disorder.
 - (3) Treatment for a student identified with dyslexia or a related disorder, a term used in TEC §38.003, means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).
 - (4) Direct dyslexia instruction, a term used in TEC, §7.102(c)(28), or dyslexia instruction means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the handbook referenced in subsection (c) of this section and as described by a student's IEP under TEC, §29.005.
 - (5) Provider of dyslexia instruction (PDI) means a provider who meets the requirements of TEC, §29.0032.
- ~~[(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 adopt and implement a policy requiring the district or school to comply with this section, inclusive of the handbook referenced in subsection (c) of this section and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee [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 policy [procedures] must be implemented according to the State Board of Education's (SBOE's) [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. Before adopting changes to the handbook, the SBOE will consider input provided by [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 , as well as parents and other stakeholders, 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.]~~

(d) ~~[(e)]~~ A school district or open-enrollment charter school must provide evidence-based dyslexia instruction by a trained PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components [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 handbook referenced in subsection (c) of this section ["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.]

(e) ~~[(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).

(f) ~~(+)~~ Each school district and open-enrollment charter school shall provide to parents of students enrolled in the district or school information on 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) evaluation and identification ~~information on testing and diagnosis~~ of dyslexia and related disorders;
- (3) ~~information on~~ effective instructional strategies for teaching students with dyslexia and related disorders;
- (4) ~~information on~~ qualifications of and contact information for PDIs at each campus or school ~~those delivering services to students with dyslexia and related disorders~~ ;
- (5) instructional ~~awareness of information on~~ accommodations and modifications ~~especially those allowed for standardized testing~~ ;
- (6) the steps in the special education process, as described in the form developed by the Texas Education Agency to comply with TEC, §29.0031(a)(1); and
- (7) how to request a copy and access the electronic version of the handbook referenced in subsection (c) of this section.

~~[(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."]~~

(g) ~~(+)~~ 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).

(h) School districts and open-enrollment charter schools must include the member required by TEC, §29.0031(b), on the multidisciplinary team and ARD committee, as appropriate, who meets the requirements of TEC, §29.0031(b)(1) or (2), or who meets the training requirements established by the SBOE as described in the handbook referenced in subsection (c) of this section.

THE DYSLEXIA HANDBOOK

2024~~[2021]~~ Update

Procedures Concerning
Dyslexia and Related
Disorders

TEXAS EDUCATION AGENCY • AUSTIN, TEXAS

INSERT MONTH, 2024 ~~[SEPTEMBER 2021]~~-

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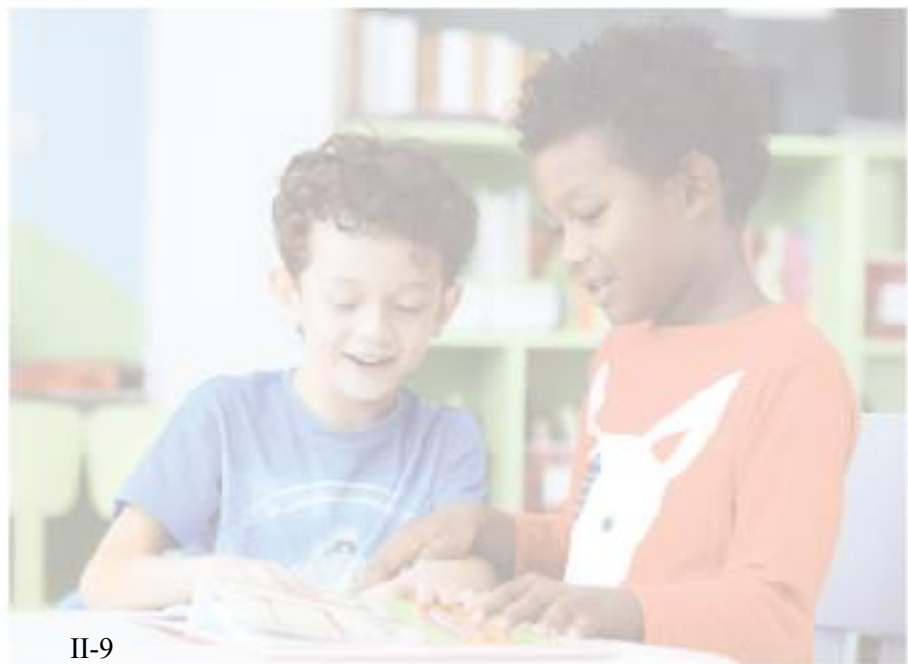
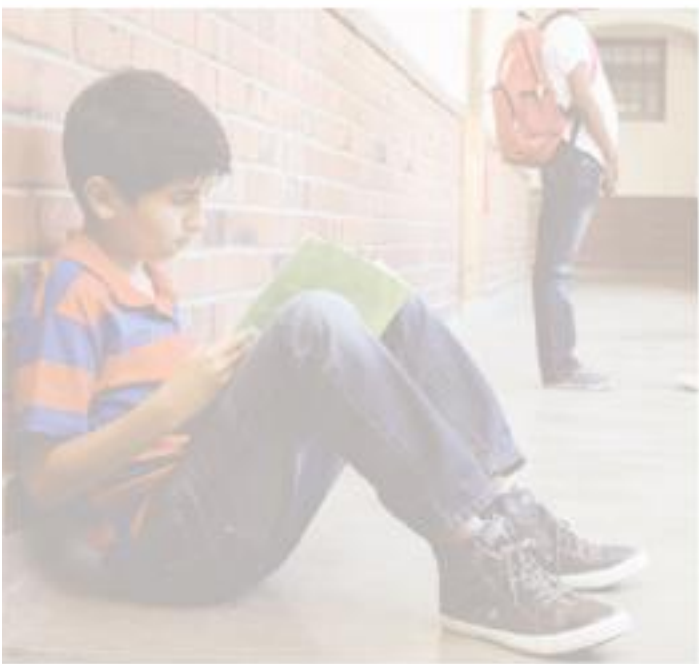


THE DYSLEXIA HANDBOOK

Procedures Concerning
Dyslexia and Related Disorders

2024 Update

TEXAS EDUCATION AGENCY | AUSTIN, TEXAS
FEBRUARY 2024



Procedures Concerning Dyslexia and Related Disorders 2024 [~~2021~~] Update

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FOREWORD

Reading is the fundamental skill upon which all formal education depends. Research now shows that a child who doesn't learn the reading basics early is unlikely to learn them at all. Any child who doesn't learn to read early and well will not easily master other skills and knowledge and is unlikely to ever flourish in school or life.

—Moats. L.C. *Reading is Rocket Science: What Expert Teachers of Reading Should Know and be Able to Do*, 1999

Texas has a long history of supporting the fundamental skill of reading. This history includes a focus on early identification and intervention for children who experience reading difficulties. In support of dyslexia legislation passed by the Texas Legislature, the State Board of Education (SBOE) first approved the handbook, *Dyslexia and Related Disorders: An Overview of State and Federal Requirements* in January 1986.

The SBOE approved new guidelines called the *Revised Procedures Concerning Dyslexia and Related Disorders* in 1992, which were revised in 1998. The handbook was updated again in 2001 and was called *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*. The SBOE continued to stress the importance of using research-based strategies to prevent reading difficulties and provide appropriate instruction to struggling readers in November 2006 when *The Dyslexia Handbook Revised 2007: Procedures Concerning Dyslexia and Related Disorders* was approved. In the summer of 2010, the need arose for an update of the handbook to include new legislation and additional research.

Legislation passed in the 82nd and 83rd sessions of the Texas Legislature resulted in the need for revision of the handbook. Consequently, *The Dyslexia Handbook—Revised 2014: Procedures Concerning Dyslexia and Related Disorders* was approved by the SBOE in July 2014. The most recent version, *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* implements statutory requirements added by the 85th Texas Legislature. The *Dyslexia Handbook* provides guidelines for school districts to follow as they identify and provide services for students with dyslexia and related disorders. Additionally, the handbook provides school districts and parents/guardians with information regarding the state's dyslexia laws and their relation to these federal laws: the Rehabilitation Act of 1973, Section 504 as amended in 2008 (Section 504), the Americans with Disabilities Amendments Act and the Individuals with Disabilities Education Act (IDEA). This handbook replaces all previous handbooks and guidelines.

The Handbook was amended again effective February 10, 2022, to clarify that evaluations for dyslexia and related disorders must go through the process required by the Individuals with Disabilities Education Act (IDEA).

The 88th regular session of the Texas Legislature, through the passage of HB 3928, made additional changes to how dyslexia is evaluated and identified, as well as to dyslexia instruction requirements. 19 TAC 74.28 and the handbook are being revised as a result.

There are also designated consultants at each regional education service center (ESC) available to assist district stakeholders with implementing state law and SBOE rules and procedures regarding dyslexia.

[Appendix E of this handbook contains information for the 20 ESCs. Or visit]

In addition to *The Dyslexia Handbook*, resources include a State Dyslexia Network, a State Dyslexia Coordinator [Consultant], and a helpline (1-800-232-3030) at Regional Education Service Center (ESC) 10.

ACKNOWLEDGMENTS

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Dedication

*The 2018 Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders
was dedicated in honor of Geraldine “Tincy” Miller in recognition of her tireless work on behalf of all Texas
children with dyslexia.]*

PREFACE

In the state of Texas, students who continue to struggle with reading, despite appropriate or intensified instruction, are provided organized systems of reading support. Some students struggle during early reading acquisition while others do not struggle until the later grades, even at the postsecondary level. Here they face more complex language demands, for example reading textbooks, academic texts, and other print materials. For many struggling readers, the difficulty may be due to dyslexia. Dyslexia is found in all student populations and languages. Some students with dyslexia may be emergent bilingual (EB) [English Learners (ELs)] who struggle with reading not only in English, but also in their native language. In Texas, evaluation for dyslexia is conducted from kindergarten through grade 12.

The purpose of The *Dyslexia Handbook* is to provide procedures for school districts, charter schools, campuses, teachers, students, and parents/guardians in early identification of, instruction for, and accommodations for students with dyslexia. This handbook will be used by school districts and charter schools as they develop their written procedures regarding students with dyslexia. It will also serve as a resource for educator preparation programs and other entities seeking guidance in serving students with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders, mandates screening and testing students for dyslexia and the provision of instruction for students with dyslexia and gives the State Board of Education (SBOE) authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Additionally, TEC 7.102(c)(28) charges the SBOE with approving a program for testing students with dyslexia and related disorders. HB 3928, passed during the 88th regular legislative session, requires the program, which is described in [Texas Education Code §7.028(b) assigns the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees.]Title 19 of the Texas Administrative Code (TAC) §74.28 and this handbook, to not include a distinction between standard protocol dyslexia instruction, as this was included in the 2021 handbook version, and other types of direct dyslexia instruction, including specially designed instruction. [outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the]The Individuals with Disabilities Education Act (IDEA) [and the Rehabilitation Act of 1973, Section 504,]establishes assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA) [, Part 104 (Section 504)]).

~~[This handbook reflects current law as well as legislative action from the 84th and 85th sessions of the Texas Legislature and replaces all previous handbook editions. Recent legislation includes the following:~~

- ~~• TEC §21.044(c)(2) outlines the curriculum requirement for teacher preparation programs to include the characteristics of dyslexia, identification of dyslexia, and multisensory strategies for teaching students with dyslexia.~~
- ~~• TEC §21.054(b) and 19 TAC §232.11(e) mandate continuing education requirements for educators who teach students with dyslexia.~~
- ~~• TEC §28.021(b) establishes guidelines for districts when measuring academic achievement or proficiency of students with dyslexia.~~
- ~~• TEC §38.003(a) requires students to be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. Screening must occur at the end of the school year of each student in kindergarten and each student in the first grade.~~
- ~~• TEC §38.0032 requires the Texas Education Agency (TEA) to annually develop a list of training opportunities regarding dyslexia that satisfy continuing education requirements for educators who teach students with dyslexia.~~
- ~~• TEC §38.0031 requires the agency to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.~~
- ~~• TEC §42.006(a-1) requires school districts and open-enrollment charter schools to report through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) the number of enrolled~~

~~students who have been identified as having dyslexia.~~

- ~~• 19 TAC §230.23 requires TEA to provide accommodations for persons with dyslexia who take licensing examinations.]~~

The following chapters are included in this handbook:

- I. Definitions and Characteristics of Dyslexia
- II. Screening
- III. Procedures for the Evaluation and Identification of Students with Dyslexia
- IV. Critical, Evidence-Based Components of Dyslexia Instruction
- V. Dysgraphia

The Dyslexia Handbook has 2 [~~12~~] appendices:

- A. Frequently Asked Questions ~~Questions and Answers~~
- B. Overview of Special Education for Parents [~~Sources of Laws and Rules for Dyslexia Identification and Instruction~~]
- C. [~~State Laws and Rules Related to Dyslexia~~]
- D. ~~IDEA/Section 504 Side-by-Side Comparison~~
- E. ~~Contacts for Further Information~~
- F. ~~Associated Terms~~
- G. ~~Bibliography~~
- H. ~~Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities~~
- I. ~~2015 U.S. Department of Education Dyslexia Guidance~~
- J. ~~Pathways for the Identification and Provision of Instruction for Students with Dyslexia~~
- K. ~~Addressing Concerns about Dyslexia Programs~~
- L. ~~History of Dyslexia Law~~

I. DEFINITIONS AND CHARACTERISTICS OF DYSLEXIA

The student who struggles with reading and spelling often puzzles teachers and parents. The student displays the ability to learn in the absence of print and receives the same classroom instruction that benefits most children; however, the student continues to struggle with some or all of the many facets of reading and spelling. This student may be a student with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way:

“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.

“Related disorders” include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

TEC §38.003(d)(1)-(2) (1995)

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003>

The International Dyslexia Association defines “dyslexia” in the following way:

Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Adopted by the International Dyslexia Association Board of Directors,
November 12, 2002

Students identified as having dyslexia typically experience primary difficulties in phonological awareness, including phonemic awareness and manipulation, single-word reading, reading fluency, and spelling.

Consequences may include difficulties in reading comprehension and/or written expression. These difficulties in phonological awareness are unexpected for the student’s age and educational level and are not primarily the result of language difference factors. Additionally, there is often a **family history** of similar difficulties.

The following are the primary reading/spelling characteristics of dyslexia:

- Difficulty reading words in isolation
- Difficulty accurately decoding unfamiliar words
- Difficulty with oral reading (slow, inaccurate, or labored without prosody)
- Difficulty spelling

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above.

The reading/spelling characteristics are most often associated with the following:

- Segmenting, blending, and manipulating sounds in words (phonemic awareness)
- Learning the names of letters and their associated sounds
- Holding information about sounds and words in memory (phonological memory)
- Rapidly recalling the names of familiar objects, colors, or letters of the alphabet (rapid naming)

Consequences of dyslexia may include the following:

- Variable difficulty with aspects of reading comprehension
- Variable difficulty with aspects of written language
- Limited vocabulary growth due to reduced reading experiences

Sources for Characteristics and Consequences of Dyslexia

Branum-Martin, L., Fletcher, J. M., & Stuebing, K. K. (2013). Classification and identification of reading and math disabilities: The special case of comorbidity. *Journal of Learning Disabilities, 12*, 906–915.

Fletcher, J. M., Lyon, G. R., Fuchs, L. S., & Barnes, M. A. (2018) [2007]. *Learning disabilities: From identification to intervention*. (2nd ed.) New York, NY: The Guilford Press.

The International Dyslexia Association. (2018). *Knowledge and practice standards for teachers of reading*, (2nd ed.). Retrieved from <https://app.box.com/s/21gdk2k1p3bnagdfz1xy0v98j5ytl1w>.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Evidence-Based Core Reading Instruction (Tier I)

TEC §28.0062 requires each LEA to provide for the use of a phonics curriculum that uses systematic direct instruction, without the incorporation of three-cueing, in kindergarten through third grade to ensure all students obtain necessary early literacy skills. LEAs must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, LEAs must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. Schools must ensure that all students receive explicit systematic Tier 1 reading instruction. [House Bill 3, passed by the 86th Legislature, requires each school district and open enrollment charter school to provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills. Districts and charter schools must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, districts and charter schools must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. This handbook assumes that all students have received strong systematic reading instruction in Tier 1.]

Connecting Research and Practice

Research in understanding dyslexia as a neurodevelopmental disorder is ongoing. Future research will assist in learning more about the phonological awareness deficit and how this deficit interacts with other risk factors related to dyslexia. Research is now also focusing on the developmental cause of neural abnormalities and how these predict treatment response.

Pennington, B. F. (2019). *Diagnosing Learning Disorders: From Science to Practice* (3rd ed.). New York, NY: The Guilford Press.

[Pennington, B. F. (2009). *Diagnosing learning disorders: A neuropsychological framework* (2nd ed.). New York, NY: The Guilford Press.]

Peterson, R. L., & Pennington, B. F. (2012). Developmental dyslexia. *The Lancet*, 379(9830), 1997–2007.

Common Risk Factors Associated with Dyslexia

If the following behaviors are unexpected for an individual's age, educational level, or cognitive abilities, they may be risk factors associated with dyslexia. A student with dyslexia usually exhibits several of these behaviors that persist over time and interfere with his/her learning. A family history of dyslexia may be present; in fact, recent studies reveal that the whole spectrum of reading disabilities is strongly determined by genetic predispositions (inherited aptitudes) (Olson, Keenan, Byrne, & Samuelsson, 2014).

The following characteristics identify risk factors associated with dyslexia at different stages or grade levels.

Preschool

- Delay in learning to talk

- Difficulty with rhyming
- Difficulty pronouncing words (e.g., “pusgetti” for “spaghetti,” “mawn lower” for “lawn mower”)
- Poor auditory memory for nursery rhymes and chants
- Difficulty adding new vocabulary words
- Inability to recall the right word (word retrieval)
- Trouble learning and naming letters and numbers and remembering the letters in his/ her name
- Aversion to print (e.g., doesn’t enjoy following along if a book is read aloud)

Kindergarten and First Grade

- Difficulty breaking words into smaller parts, or syllables (e.g., “baseball” can be pulled apart into “base” “ball” or “napkin” can be pulled apart into “nap” “kin”)
- Difficulty identifying and manipulating sounds in syllables (e.g., “man” sounded out as /m/ /ă/ /n/)
- Difficulty remembering the names of letters and recalling their corresponding sounds
- Difficulty decoding single words (reading single words in isolation)
- Difficulty spelling words the way they sound (phonetically) or remembering letter sequences in very common words seen often in print (e.g., “sed” for “said”)

Second Grade and Third Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty recognizing common sight words (e.g., “to,” “said,” “been”)
- Difficulty decoding single words
- Difficulty recalling the correct sounds for letters and letter patterns in reading
- Difficulty connecting speech sounds with appropriate letter or letter combinations and omitting letters in words for spelling (e.g., “after” spelled “eftr”)
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Reliance on picture clues, story theme, or guessing at words
- Difficulty with written expression

Fourth Grade through Sixth Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty reading aloud (e.g., fear of reading aloud in front of classmates)
- Avoidance of reading (particularly for pleasure)
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Acquisition of less vocabulary due to reduced independent reading
- Use of less complicated words in writing that are easier to spell than more appropriate words (e.g., “big” instead of “enormous”)
- Reliance on listening rather than reading for comprehension

Middle School and High School

Many of the previously described behaviors remain problematic along with the following:

- Difficulty with the volume of reading and written work
- Frustration with the amount of time required and energy expended for reading
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Difficulty with written assignments
- Tendency to avoid reading (particularly for pleasure)
- Difficulty learning a foreign language

Postsecondary

Some students will not be identified as having dyslexia prior to entering college. The early years of reading difficulties evolve into slow, labored reading fluency. Many students will experience extreme frustration and fatigue due to the increasing demands of reading as the result of dyslexia. In making a diagnosis for dyslexia, a student's reading history, familial/genetic predisposition, and assessment history are critical. Many of the previously described behaviors may remain problematic along with the following:

- Difficulty pronouncing names of people and places or parts of words
- Difficulty remembering names of people and places
- Difficulty with word retrieval
- Difficulty with spoken vocabulary
- Difficulty completing the reading demands for multiple course requirements
- Difficulty with notetaking
- Difficulty with written production
- Difficulty remembering sequences (e.g., mathematical and/or scientific formulas)

~~[Appendix H, Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities has been included for additional information.]~~

Since dyslexia is a neurobiological, language-based disability that persists over time and interferes with an individual's learning, it is critical that identification and intervention occur as early as possible.

Associated Academic Difficulties and Other Conditions

The behaviors in the previous sections represent common difficulties that students with dyslexia may exhibit. In addition, students with dyslexia may have problems in written expression, reading comprehension, and mathematics as well as other complicating conditions and/or behaviors.

Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors. The most common co-occurring disorders with dyslexia are attention deficit hyperactivity disorder (ADHD) and specific developmental language disorders (Snowling & Stackhouse, 2006, pp. 8–9). Some, though not all, students with dyslexia may also experience symptoms such as anxiety, anger, depression, lack of motivation, or low self-esteem. In such instances, appropriate instructional/referral services need to be provided to ensure each student's needs are met.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dyslexia. Motivation, in particular, has been shown to be critical to the success or failure of instructional practices. Regarding motivation, Torgesen states (as cited in Sedita, 2011), "even technically sound instructional techniques are unlikely to succeed unless we can ensure that, most of the time, students are engaged and motivated to understand what they read" (p. 532). Acknowledging that students with dyslexia must exert extra effort to meet grade-level expectations, all the factors that may affect learning must be considered when identifying and providing instruction for students with dyslexia. ADHD or symptoms of anxiety, anger, depression, or low self-esteem may lower a student's engagement in learning. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.

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II. SCREENING

Overview of Chapter II

The purpose of Chapter II is to further clarify the following topics related to screening for dyslexia:

- The definition of universal screening
- Administration of screening instruments
- Interpretation of screening results
- Best practices for ongoing monitoring

Part A of Chapter II will cover the definition of universal screening as well as the local, state, and federal requirements related to dyslexia and related disorders, including the Child Find requirement imposed under the Individuals with Disabilities Education Act (IDEA).

Part B will address the administration of the required screening instruments for kindergarten and grade 1 students.

Part C will cover how the interpretation of the screening results affect the decisions that the school will make to determine when a student is at risk for reading difficulties, including dyslexia and related disorders.

Part D will address ongoing monitoring of students throughout their academic careers.

Part A: Universal Screening and State and Federal Requirements

The Importance of Early Screening

If the persistent achievement gap between dyslexic and typical readers is to be narrowed, or even closed, reading interventions must be implemented early, when children are still developing the basic foundation for reading acquisition. The persistent achievement gap poses serious consequences for dyslexic readers, including lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lowered college attainment. Implementing effective reading programs early, even in preschool and kindergarten, offers the potential to reduce and perhaps even close the achievement gap between dyslexic and typical readers and bring their trajectories closer over time.

—Ferrer, et al., Achievement Gap in Reading Is Present as Early as First Grade and Persists through Adolescence, 2015

The early identification of students with dyslexia along with corresponding early intervention programs for these students will have significant implications for their future academic success. In the book *Straight Talk about Reading*, Hall and Moats (1999) state the following:

- Early identification is critical because the earlier the intervention, the easier it is to remediate.
- Inexpensive screening measures identify at-risk children in mid-kindergarten with 85 percent accuracy.
- If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75 percent (pp. 279–280).

Research continues to support the need for early identification and assessment (Birsh, 2018; Sousa, 2005; Nevills & Wolfe, 2009). The rapid growth of the brain and its responsiveness to instruction in the primary years make the time

from birth to age eight a critical period for literacy development (Nevills & Wolfe, 2009). Characteristics associated with reading difficulties are connected to spoken language. Difficulties in young children can be assessed through screenings of phonemic awareness and other phonological skills (Souza, 2005). Additionally, Eden (2015) points out that “when appropriate intervention is applied early, it is not only more effective in younger children, but also increases the chances of sparing a child from the negative secondary consequences associated with reading failure, such as decline in self-confidence and depression.”

Keeping the above information in mind, it is essential to screen students for dyslexia and related disorders early in their academic careers.

State Requirements

In 2017, the 85th Texas Legislature passed House Bill (HB) 1886, amending Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia,^[4] to require that all kindergarten and first-grade public school students be screened for dyslexia and related disorders. Additionally, the law requires that all students beyond first grade be screened or tested as appropriate.

In response to the screening requirements of HB 1886, the SBOE amended its rule in 19 Texas Administrative Code (TAC) §74.28, Students with Dyslexia and Related Disorders. While this rule speaks primarily to evaluation and identification of a student with dyslexia or related disorders, it also requires that evaluations only be conducted by appropriately trained and qualified individuals. Guidelines regarding the required screening for kindergarten and first-grade students are discussed in Part B of this chapter.

A related state law adds an additional layer to screening requirements for public school students. Texas Education Code §28.006, Reading Diagnosis, requires each school district to administer to students in kindergarten, first grade, and second grade a reading instrument to diagnose student reading development and comprehension. This law also requires school districts to administer a reading instrument at the beginning of seventh grade to students who did not demonstrate reading proficiency on the sixth-grade state reading assessment. The law requires each school district to administer to kindergarten students a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The commissioner must adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. Districts are permitted to use reading instruments other than those adopted by the commissioner for first, second, and seventh grades only when a district-level committee adopts these additional instruments. Texas Education Code §28.006(d) requires each district to report the results of these reading instruments to the district’s board of trustees, TEA, and the parent or guardian of each student.

Further, a school district is required to notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined to be at risk for dyslexia or other reading difficulties based on the results of the reading instruments. In accordance with TEC §28.006(g), an accelerated reading instruction program must be provided to these students.

^[4]For the full text of the state laws and rules referenced in this chapter, please refer to Appendix C, State Laws and Rules Related to Dyslexia.]

Are the dyslexia screening under TEC §38.003 and the early reading diagnosis under TEC §28.006 the same?

The answer to this question is not a simple one. School districts must meet the requirements of TEC §28.006 and §38.003, both of which deal, at least in part, with early screening for dyslexia. ***Should a district wish to use a single instrument to meet the requirements of both TEC §28.006 and §38.003, the district may, but is not required to do so.***

It is important to note that TEC §38.003 applies only to the screening of kindergarten and first-grade students for dyslexia and related disorders, whereas TEC §28.006 addresses general reading diagnoses for students in kindergarten and grades 1, 2, and 7. Districts that decide to use one instrument to meet the requirements of both the dyslexia screening and the early reading diagnosis for kindergarten and grade 1 must also continue to administer reading instruments to all second-grade students and to students in grade 7 who did not demonstrate proficiency on the state reading assessment for sixth grade.

The approved reading Instruments on the current list meet the requirements of TEC §28.006 and are available on the Texas Education Agency (TEA) website at <https://tea.texas.gov/academics/early-childhood-education/data-tool-selection-guidance>. The approved reading instruments include the required elements of a dyslexia screener. These instruments will meet the requirements of both the early reading diagnosis under TEC §28.006 and the dyslexia screening under TEC §38.003. This allows districts and charter schools to use an instrument from the approved list to satisfy both requirements should they choose to do so.

Should it be determined that funds are not available for the early reading instruments under TEC §28.006, districts are not required to notify parents/guardians of or implement the accelerated reading program. However, districts and charter schools **must** screen all students in kindergarten and grade 1 for dyslexia and related disorders regardless of the availability of funding.

While this chapter primarily addresses the screening required under TEC §38.003 for kindergarten and grade 1, the screening and ongoing monitoring of *all students* should be done regularly according to district, state, and federal laws and procedures.

Federal Requirements – Child Find

In addition to state and local requirements to screen and identify students who may be at risk for dyslexia, there are also overarching federal laws and regulations to identify students with disabilities, commonly referred to as Child Find. Child Find is a provision in the Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA.

Another federal law that applies to students with disabilities in public school is Section 504 of the Rehabilitation Act of 1973, commonly referred to as Section 504. Under Section 504, public schools must annually attempt to identify and locate every qualified student with a disability residing in its jurisdiction and notify them and/or their parents of the requirements of Section 504.

Dyslexia Screening

Universal Screening

For purposes of this chapter, screening is defined as a universal measure administered to **all** students by qualified personnel to determine which students are at risk for dyslexia or reading difficulties and/or a related disorder. Screening is not a formal evaluation.

Timing of Screening

Texas Education Code §38.003 mandates that kindergarten students be screened at the end of the school year. In scheduling the kindergarten screener, districts and charter schools should consider the questions in Figure 2.1 below.

Figure 2.1. Considerations for Local Scheduling of Dyslexia Screening

- Has adequate time for instruction been provided during the school year?
- Has adequate time been provided to compile data prior to the end of the school year?
- How will the timing of the administration of the screener fit in with the timing of other required assessments?
- Has sufficient time been provided to inform parents in writing of the results of the reading instrument and whether the student is at risk for dyslexia or other reading difficulties?
- Has adequate time been provided for educators to offer appropriate interventions to the student?
- Has sufficient time been provided for decision making regarding next steps in the screening process?

Texas Education Code §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (19 TAC §74.28), has determined that students in first grade must be screened no later than the middle of the school year. [~~Screening of first grade students can begin anytime in the fall as the teacher deems appropriate.~~] Grade 1 screening must conclude **no later than January 31 of each year.**

The timing of the grade 1 screening is designed to ensure that students are appropriately screened, and if necessary, evaluated further so that reading difficulties can be addressed in a timely manner. Because kindergarten is not mandatory in the State of Texas, some students will not have been enrolled in kindergarten and will therefore not have been screened prior to the first grade. Waiting too long in the first- grade year would delay critical early intervention for students at risk for dyslexia or reading difficulties. Screening of first grade students by the middle of the school year will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students. Conducting the grade 1 screening no later than the middle of the school year will allow districts and charter schools to complete the evaluation process with enough time for interventions to be provided to the student prior to the end of first grade.

Other Related Disorders

It is important to note that, while TEC §38.003 requires that all students in kindergarten and grade 1 be screened for dyslexia and related disorders, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. For more information, please see Chapter V: Dysgraphia.

Local District Requirements

Each district may have additional policies and procedures in place regarding screening and evaluating students for dyslexia and related disorders. Refer to your district’s website or administrative office for more information on local policies or search for information specific to your school district or charter school by accessing the *Legal Framework for the Child-Centered Special Education Process* at <http://framework.esc18.net/>.

Part B: Kindergarten-Grade 1 Universal Screening: Administration

Dyslexia screening is a tool for identifying children who are at risk for this learning disability, particularly in preschool, kindergarten, or first grade. This means that the screening does not “diagnose” dyslexia. Rather, it identifies “predictor variables” that raise red flags, so parents and teachers can intervene early and effectively.

—Richard Selznick, *Dyslexia Screening: Essential Concepts for Schools and Parents*, 2015

The importance of early interventions for students with reading difficulties cannot be overstated. In order for early interventions to be provided, a student must first be identified as at risk for dyslexia or another reading difficulty. While educators once delayed identification of reading difficulties until the middle elementary grades, recent research has encouraged the identification of children at risk for dyslexia and reading difficulties “prior to, or at the very least, the beginning of formal reading instruction” (Catts, 2017).

The requirement in TEC §38.003 that all kindergarten and first grade students be screened for dyslexia and related disorders is aligned with this shift to identify students at risk for dyslexia and reading difficulties when they are just beginning their formal education. Universal screeners generally measure reading or literacy-related skills such as sound-symbol recognition, letter knowledge, phonological awareness, and other skills. The International Dyslexia Association (2017) describes screening instruments as follows.

Screening measures, by definition, are typically brief assessments of a skill or ability that is highly predictive of a later outcome. Screening measures are designed to quickly differentiate students into one of two groups: 1) those who require intervention and 2) those who do not. A screening measure needs to focus on specific skills that are highly correlated with broader measures of reading achievement resulting in a highly accurate sorting of students.

—International Dyslexia Association, *Universal Screening: K-2 Reading*, 2017

Screening Instruments

While screening instruments can measure the skills and abilities of students at different grade levels, this section is dedicated to a discussion of instruments that may meet the dyslexia screening requirement for kindergarten and first grade students. As previously mentioned, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other

identified related disorders. As a result, the focus of this section is on screening instruments for dyslexia and reading difficulties.

It is important that screening instruments be accurate and comprehensive; however, they need not be as comprehensive as an extensive individualized evaluation. With this in mind, various types of instruments that meet the criteria below could be used to screen for dyslexia.

In developing the criteria for the kindergarten and grade 1 screening instruments for dyslexia and other reading difficulties, it was important to differentiate between the skills and behaviors appropriate at each grade level. Additionally, with a sizable EB student [English Learner (EL)] population in Texas, it was essential that Spanish language screening instruments be addressed. Therefore, criteria for both English and Spanish speakers are included.

Screener Criteria

Regardless of the primary language of the student, instruments used to screen for dyslexia and other reading difficulties

must address the skills in Figure 2.2 below.

Figure 2.2. Criteria for English and Spanish Screening Instruments	
Kindergarten	First Grade
<ul style="list-style-type: none"> • Letter Sounds Knowledge or Letter Naming Fluency • Phonological Awareness 	<ul style="list-style-type: none"> • Word Reading Accuracy or Fluency • Phonological Awareness

While the selected screening instrument will be expected to measure each of the skills identified above, it is important that individuals who administer the screening instrument document student behaviors observed during the administration of the instrument. A list of behaviors that may be observed during the administration of the screening and which should be documented are included in Figure 2.3 below.

Figure 2.3. Student Behaviors Observed During Screening
<ul style="list-style-type: none"> • Lack of automaticity • Difficulty sounding out words left to right • Guessing • Self-correcting • Inability to focus on reading • Avoidance behavior

Other Criteria

In addition to the measures of the skills identified in Figure 2.2 above, other criteria should be considered when selecting a screening instrument. Approved screening instruments must take only a brief time to administer and be cost effective. They must have established validity and reliability and standards. They must also include distinct indicators identifying students as either not at risk or at risk for dyslexia or reading difficulties. Screening instruments must also provide standardized directions for administration as well as clear guidance for the administrator regarding scoring and interpretation of indicators/results. Additionally, each screening instrument must include adequate training for educators on how to administer the instrument and interpret results.

Selecting an Appropriate Screening Instrument

Screening instruments must include a measure for each of the skills noted above. The commissioner of education is expected to periodically issue a request for English and Spanish screening instruments that meet the established criteria. Instruments that meet each of the criteria will be included on the Commissioner’s List of Reading Instruments. A district or charter school must select for use an instrument from the commissioner’s list. In determining which screening instrument to use, a district or charter school must consider the primary language of the student and other factors as determined by the local district or school.

Administration of Screening Instruments

Who May Administer the Dyslexia Screener

A district or charter school must ensure that appropriately trained and qualified individuals administer and interpret the results of the selected screening instrument. Please note that an educational aide is not eligible to administer or interpret the dyslexia screening instrument. Individuals who administer and interpret the screening instrument must, at minimum, meet the following qualifications:

- An individual who is certified/licensed in dyslexia; or
- A classroom teacher who holds a valid certification for kindergarten and grade 1.
- (For a list of current certifications for kindergarten and grade 1, see the State Board for Educator Certification Teacher Assignment Chart at https://tea.texas.gov/Texas_Educators/Certification/.)

BEST PRACTICE: Whenever possible, the student’s current classroom teacher should administer the screening instrument for dyslexia and reading difficulties. For an open enrollment charter school that is not required to have a certified teacher in kindergarten or grade 1, the teacher of record should administer the screener unless an individual who is certified/licensed in dyslexia is available.

Training

The individual who administers and interprets the screening instrument must receive training designed specifically for the selected instrument in the following:

- Characteristics of dyslexia and other reading difficulties
- Interpretation of screening results and at-risk indicators and decisions regarding placement/services

When to Administer the Dyslexia/Reading Screener

Districts and charter schools must implement a screening program that includes each of the following:

- Screening of **each** student in kindergarten at the end of the school year
- Screening of **each** student in the first grade no later than January 31

For more information on considerations regarding the scheduling of the mandated dyslexia screening, please refer to Part A, Dyslexia Screening, on p. 10.

Part C—Kindergarten-Grade 1 Universal Screening: Interpretation

The importance of early intervention cannot be overstated. Intervening early, before difficulties become intractable, offers the best hope for successful outcomes and prevention of long-term deficits. The purpose of screening is to help identify, as early as possible, the students at risk for dyslexia or other reading difficulties so that targeted intervention can be provided. Screening alone will never improve outcomes for students. The screening must lead to effective instruction for it to be useful. Therefore, once the screening has been administered the next steps are to analyze results, identify level of risk for each student, and make informed decisions. The next steps are broadly categorized as: refer for evaluation, implement targeted intervention, and/or continue with core instruction.

There are several important factors to consider when interpreting screening results. First, it is important to remember that there is no definitive test score that invariably identifies dyslexia. Dyslexia is a neurobiological disorder that exists along a continuum of severity. Similar to diabetes or hypertension, dyslexia is identified based on how far an individual’s condition departs from the average range. This makes the identification of dyslexia more challenging than identifying other forms of disability.

Second, it is important to keep the definition and goals of screening in mind. The purpose of screening is to differentiate a smaller set of individuals who may be at risk for dyslexia. Screening, by definition, should never be the final determination of whether a student has dyslexia. Therefore, screening tools must be brief, efficient, and cost effective. Subsequent consideration of other data and information with the smaller group is then used to determine next steps.

However, it is key to remember that “screening” represents the initial step in the process. Dyslexia referral and identification under IDEA must be individualized and based on multiple pieces of information, including results of the screening.

As with any evaluation, it is important that schools administer and interpret the screening instrument with fidelity. Screening tools use criterion-referenced criteria to establish cut points derived by the publisher of the tool. Cut points are used to group students into categories (e.g., at risk or not at risk) based on the results of the screening tool. Districts and charter schools must adhere to the cut points established by the published screening instrument. LEAs cannot modify the publisher’s established cut points, as these are used to determine next steps and those coded at-risk based on the publisher’s established thresholds will be reported by the LEA through the Public Education Information Management System (PEIMS) for the dyslexia at-risk code.

In general, students scoring below the publisher-determined cut point are considered “at risk” for dyslexia, while those who score above the cut point are considered “not at risk” for dyslexia. However, it is important to realize that risk falls on a continuum and there will always be false positives (students who screen at risk when they are not) and false negatives (students who screen not at risk when they are). Consequently, continual progress monitoring and an ongoing review of data is important. Any student may be referred for a full individual and initial evaluation under IDEA, at any time, regardless of the results of the screening instrument.

Students falling well below the cut point have a much higher probability of being at risk for dyslexia while students scoring well above the cut point have lower probability of being at risk for dyslexia. The decision for what to do next is easiest for students whose scores fall at the extreme ends of the continuum. Students falling well above the cut point can be considered at low risk for dyslexia and are much less likely to need additional intervention or evaluation. Students scoring far below the cut point should be considered at high risk for dyslexia.

For students who are identified as at risk for dyslexia, the school should provide targeted intervention provided by the appropriate staff as determined by the district or charter school. The district or school should also continue the data collection and evaluation process outlined in Chapter III, Procedures for the Evaluation and Identification of Students with Dyslexia. It is important to note that the use of a tiered intervention process, such as Response to Intervention or RTI, must not be used to delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.

For students who score close to the cut point, more information will be needed to make an informed decision regarding referral for evaluation, implementation of targeted interventions with progress monitoring, or continuation of core instruction only. Data gathering will provide this additional information.

Screening Data Gathering

Both quantitative and qualitative information are critical components of the screening process. Examples of quantitative and qualitative information used in determining next steps are provided in Figure 2.4 below.

Figure 2.4. Sources and Examples of Screening Data

Quantitative Information	Qualitative Information
<p>Results of—</p> <ul style="list-style-type: none">• Current screening instruments• Previous screening instruments• Formal and informal classroom reading assessments• Additional brief and targeted skill assessments	<ul style="list-style-type: none">• Observations of student during screening (See Figure 2.3, Student Behaviors Observed During Screening)• Other observations of student progress• Teacher observations• Parent/guardian input (e.g., family history, early language skills)• Current student work samples• Work samples from earlier grade(s)• Intervention history

For students who fall close to the predetermined cut points, implementation of short-term, targeted intervention with regular progress monitoring is one way to determine if additional evaluation is needed. Teachers and administrators should also be mindful that screening for risk is an ongoing process. Decisions made based on a single-point-in-time screening instrument should always be reevaluated and altered as more information is obtained as instruction continues. See Part D of this chapter, Best Practices for Ongoing Monitoring, for additional information.

Screening data should always be shared in writing with parents. Screening data should also be used by teachers and school administrators to guide instruction at the classroom level. When large percentages of students fall below the cut point (are at risk for dyslexia), it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.

Interpretation of Data

A qualified team is required to review all data to make informed decisions regarding whether a student exhibits characteristics of dyslexia. This team must consist of individuals who—

- have knowledge of the student;
- are appropriately trained in the administration of the screening tool;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- recognize characteristics of dyslexia.

The team may consist of the student’s classroom teacher, the dyslexia specialist, the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), and an administrator.

It is important to remember that at any point in the data review process a referral for a FIIE under the IDEA may be initiated. Parents also have the right to request a FIIE at any time. Regardless of the process in place for screening and data review, whenever accumulated data indicate that a student continues to struggle with one or more of the components of reading, despite the provision of adequate instruction and intervention, the student must be referred for a full individual and initial evaluation under the IDEA.

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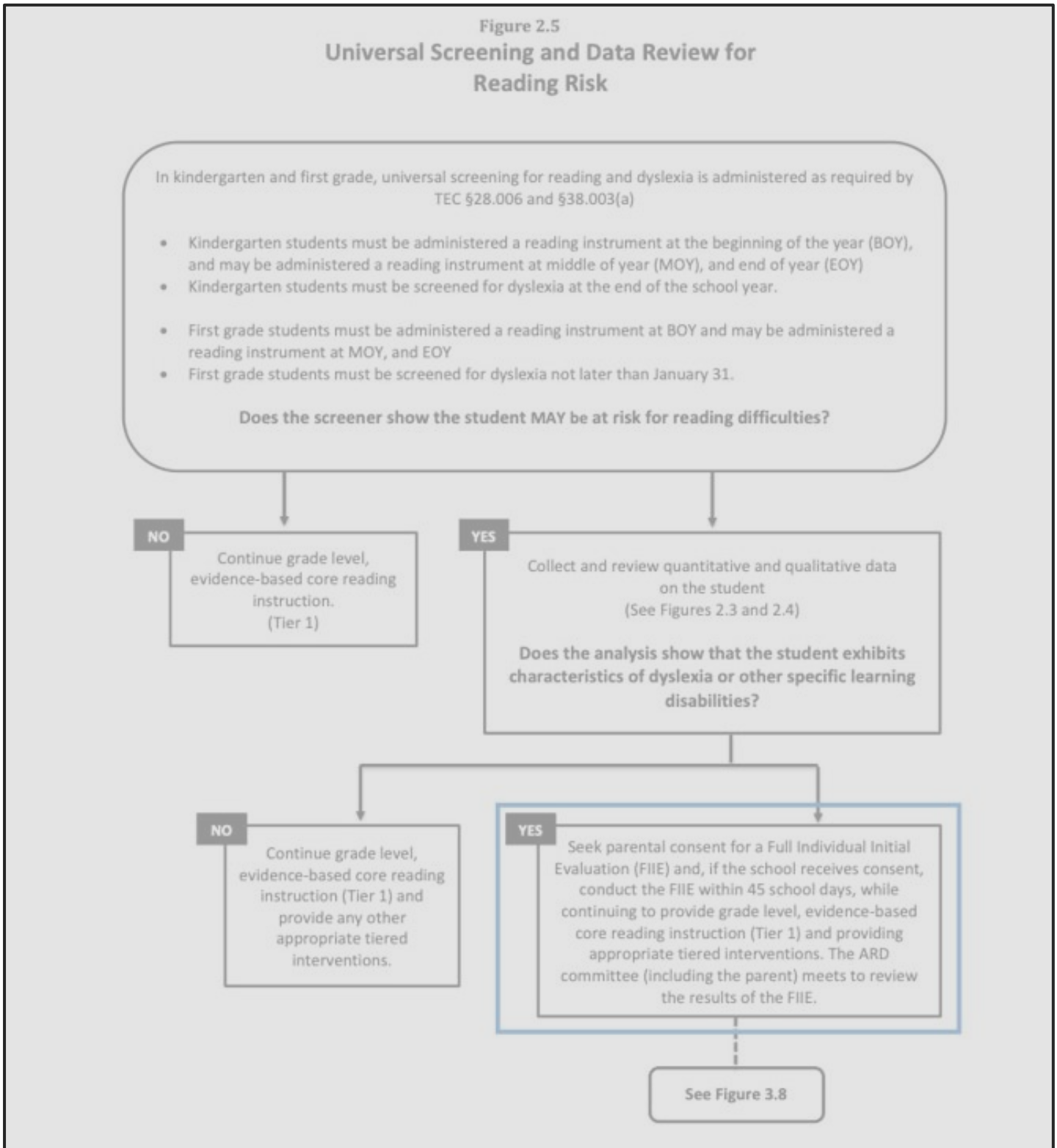


Figure 2.5 Universal Screening and Data Review for Reading Risk

Universal Screening and Data Review for Reading Risk

In kindergarten and first grade, universal screening for reading and dyslexia is administered as required by TEC §28.006 and §38.003(a)

- Kindergarten students must be administered a reading instrument at the beginning of the year (BOY), and may be administered a reading instrument at middle of year (MOY), and end of year (EOY)
- Kindergarten students must be screened for dyslexia at the end of the school year.
- First grade students must be administered a reading instrument at BOY and may be administered a reading instrument at MOY, and EOY
- First grade students must be screened for dyslexia not later than January 31.

Does the screener show the student MAY be at risk for reading difficulties?

NO

Continue grade level, evidence-based core reading instruction. (Tier 1)

YES

Collect and review quantitative and qualitative data on the student
(See Figures 2.3 and 2.4)

Does the analysis show that the student exhibits characteristics of dyslexia?

NO

Continue grade level, evidence-based core reading instruction (Tier 1) and provide any other appropriate tiered interventions.

YES

Seek parental consent for a Full Individual Initial Evaluation (FIIE) and follow all required procedures, including giving parents the required Overview of Special Education for Parents form, and, if the school receives consent, conduct the FIIE within 45 school days, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) meets to review the results of the FIIE.

See Figure 3.8

Part D: Best Practices for Ongoing Monitoring

Ongoing progress monitoring allows educators to assess student academic performance in order to evaluate student response to evidence-based instruction. Progress monitoring is also used to make diagnostic decisions regarding additional targeted instruction that may be necessary for the student.

While some kindergarten and first grade students may not initially appear to be at risk for dyslexia based on screening results, they may actually still be at risk. Students who have learned to compensate for lack of reading ability and twice-exceptional students are two groups who may not initially appear to be at risk for dyslexia based on the results of a screening instrument.

Compensation

Some older students may not appear at first to exhibit the characteristics of dyslexia. They may demonstrate relatively accurate, but not fluent, reading.

The consequence is that such dyslexic older children may appear to perform reasonably well on a test of word reading or decoding; on these tests, credit is given irrespective of how long it takes the individual to respond or if initial errors in reading are later corrected.

—Shaywitz, S.E., Morris, R., Shaywitz, B.A., *The Education of Dyslexic Children from Childhood to Young Adulthood*, 2008

Awareness of this developmental pattern is critically important for the diagnosis in older children, young adults, and beyond. According to Shaywitz, et al., examining reading fluency and reading rate would provide more accurate information for these students.

Twice Exceptionality

Twice-exceptional students may not initially appear to be at risk for dyslexia. Twice exceptional, or 2e, is a term used to describe students who are both intellectually gifted and learning disabled, which may include students with dyslexia. Parents and teachers may fail to notice either giftedness or dyslexia in a student as the dyslexia may mask giftedness or the giftedness may mask dyslexia.

The International Dyslexia Association’s *Gifted and Dyslexic: Identifying and Instructing the Twice Exceptional Student Fact Sheet* (2013), identifies the following common characteristics of twice-exceptional students.

- Superior oral vocabulary
- Advanced ideas and opinions
- High levels of creativity and problem-solving ability
- Extremely curious, imaginative, and questioning
- Discrepant verbal and performance skills
- Clear peaks and valleys in cognitive test profile
- Wide range of interests not related to school
- Specific talent or consuming interest area
- Sophisticated sense of humor

For additional information on twice-exceptional students, see Chapter IV, Critical, Evidence-Based Components of Dyslexia Instruction.

For a description of common risk factors of dyslexia that may be seen in older students, refer to Chapter I, Definitions & Characteristics of Dyslexia.

Best Practices in Progress Monitoring

It is essential that schools continue to monitor students for common risk factors for dyslexia in second grade and beyond. In accordance with TEC §38.003(a), school districts **MUST** evaluate for dyslexia at appropriate times. If regular progress monitoring reflects a difficulty with reading, decoding, and/or reading comprehension, it is appropriate to evaluate for dyslexia and/or other learning disabilities. [~~Free tools approved by the commissioner of education as of the 2021–2022 school year can assist districts in measuring student’s reading development at first and second grade.~~] For more information on these tools, see the TEA Early Childhood Data Tool Selection Guidance. Schools should be aware that a student may have reached middle school or high school without ever being screened, evaluated, or identified; however, the student may have dyslexia or a related disorder. One goal of ongoing monitoring is to identify these students regardless of their grade level.

Therefore, it is important to remember that a referral for a dyslexia evaluation can be considered at any time kindergarten–high school.

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III. PROCEDURES FOR THE EVALUATION AND IDENTIFICATION OF STUDENTS WITH DYSLEXIA

Science has moved forward at a rapid pace so that we now possess the data to reliably define dyslexia, to know its prevalence, its cognitive basis, its symptoms and remarkably, where it lives in the brain and evidence-based interventions which can turn a sad, struggling child into not only a good reader, but one who sees herself as a student with self-esteem and a fulfilling future.

—Shaywitz, S.E. Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives, 2014

The evaluation and identification process for dyslexia can be multifaceted. The process involves both state and federal requirements that must be followed. The evaluation and identification process for students suspected of having dyslexia is guided by the Individuals with Disabilities Education Act (IDEA).

In Texas and throughout the country, there is a focus on a Response to Intervention (RTI) or a Multi-Tiered System of Supports (MTSS) process as a vehicle for meeting the academic and behavioral needs of all students. ~~[The components of the Student Success Initiative (SSI) and other state-level programs offer additional support.]~~ Current federal legislation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), calls for the use of benchmark assessments for early identification of struggling students before they fail. In fact, state law requires the use of early reading assessments that are built on substantial evidence of best practices. Carefully chosen, these assessments can give crucial information about a student’s learning and can provide a basis for the tiered intervention model. Through the tiered intervention process, schools can document students’ learning difficulties, provide ongoing evaluation, and monitor reading achievement progress for students at risk for dyslexia or other reading difficulties.

Early intervention is further emphasized as the result of research using neuroimaging. Diehl, Frost, Mencl, and Pugh (2011) discuss the need to determine the role that deficits in phonological awareness and phonemic awareness play in reading acquisition, thus improving the methodology for early intervention. The authors note that future research will be enabled by longitudinal studies of phonology remediation using various treatments. “It will be especially important to take a multilevel analysis approach that incorporates genetics, neuroanatomy, neurochemistry, and neurocircuitry, and also to combine the strengths of the different neuroimaging techniques” (Diehl et al., 2011, p. 230). Evaluation followed by structured intervention that incorporates new scientific research must be embraced.

State and Federal Law Regarding Early Identification and Intervention Prior to Formal Evaluation

Both state and federal legislation emphasize early identification and intervention for students who may be at risk for reading disabilities such as dyslexia. Those professionals responsible for working with students with reading difficulties should be familiar with the legislation listed in Figure 3.1 below.

Figure 3.1. State and Federal Laws

TEC §28.006, Reading Diagnosis

This state statute requires schools to administer early reading instruments to all students in kindergarten and grades 1 and 2 to assess their reading development and comprehension. Additionally, the law requires a reading instrument from the commissioner’s approved list be administered at the beginning of grade 7 to any student who did not

demonstrate proficiency on the sixth-grade reading assessment administered under TEC §39.023(a). If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia or other reading difficulties, the school must notify the students' parents/guardians. According to TEC §28.006(g), the school must also implement an accelerated (intensive) reading program that appropriately addresses the students' reading difficulties and enables them to catch up with their typically performing peers.

TEC §38.003, Screening and Treatment for Dyslexia

Texas state law requires that public school students be screened and tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program approved by the SBOE must include screening for each student at the end of the kindergarten year and [then again] during first grade.

Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act of 2015 (ESSA) The services offered to students who are reported to be at risk for dyslexia or other reading difficulties should align to the requirements of ESSA, which requires schools to implement comprehensive literacy instruction featuring "age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension" (ESSA, 2015).

Equal Education Opportunity Act (EEOA)

This civil rights law ensures that all students are given equal access to educational services regardless of race, color, sex, religion, or national origin. Therefore, research-based interventions are to be provided to all students experiencing difficulties in reading, including ELs, regardless of their proficiency in English.

Individuals with Disabilities Education Act (IDEA)

The most recent reauthorization of this federal act is consistent with ESSA in emphasizing quality of instruction and documentation of student progress. A process based on the student's response to scientific, research-based intervention is one of the criteria included in IDEA that individual states may use in determining whether a student has a specific learning disability, including dyslexia.

As referenced in the 2011 letter from the Office of Special Education Programs (OSEP) to the State Directors of Special Education, states have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the RTI process (Musgrove, 2011). For more information, please visit <https://sites.ed.gov/idea/idea-files/osep-memo-11-07-response-to-intervention-rti-memo/>.

The Referral Process for Dyslexia and Related Disorders

The determination to refer a student for an evaluation must always be made on a case-by-case basis and must be driven by data-based decisions. The referral process itself can be distilled into a basic framework as outlined below.

Data-Driven Meeting of Knowledgeable Persons

A team of persons with knowledge of the student, instructional practices, and instructional options meets to discuss data collected, including data obtained during kindergarten and/or first grade screening, and the implications of that data. These individuals include, but are not limited to, the classroom teacher, administrator, special education teacher, ~~[dyslexia specialist,]~~ and/or provider of dyslexia instruction. ~~[interventionist.]~~ This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have different names in different districts and/or campuses. For example, the team may be called a student success team, student support team, student intervention team, or even something else. Unless the student is already served under IDEA or Section 504, this team of knowledgeable persons is not an Admission, Review, and Dismissal (ARD) committee or a Section 504

committee, although many of these individuals may be on a future committee if the student is referred for an evaluation.

When the Data Does Not Lead to Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder, or other disability, the team may decide to provide the student with additional support in the classroom or through the RTI/MTSS process. The student should continue to receive grade level, evidence-based core reading instruction. (Tier 1) and any other appropriate tiered interventions. However, the student is not referred for an evaluation at this time.

When the Data Lead to a Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team suspects that the student has dyslexia, a related disorder, or another disability included within the IDEA, the team must refer the student for a full individual and initial evaluation (FIIE). In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a district or charter school receives parental consent. The student should continue to receive grade level, evidence-based core reading instruction (Tier 1) and any other appropriate tiered interventions while the school conducts the FIIE.

If an LEA suspects, or has reason to suspect, a student has dyslexia and may be a child with a disability under IDEA, the LEA must provide parents with a form developed by TEA explaining rights under IDEA that may be additional to rights under Section 504; comply with all federal and state requirements, including this handbook, regarding any evaluation; and if the student is to be evaluated for dyslexia, evaluate the student in all other areas of suspected disabilities. The form can be located on the SPEDTEX website at www.spedtex.org.

Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time. Once a written parent request for dyslexia evaluation has been made to the appropriate administrator, the school district is obligated to review the student's data history (both formal and informal data) to determine whether there is reason to suspect the student has a disability and must respond within 15 school days. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in this chapter. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, a copy of the Overview of Special Education for Parents form as mentioned above, and a copy of the *Notice of Procedural Safeguards*. Should the parent disagree with the school's refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including; mediation, state complaints, and due process hearings.

When an LEA completes an FIIE, and the parent disagrees with the evaluation, [Additionally,] the parent may request an Independent Educational Evaluation (IEE) at public expense. Should the parent believe that their child is eligible for Section 504 aids, accommodations, and services the parent may request an evaluation under Section 504.

Procedures for Evaluation

As discussed in Chapter 2, Child Find is a provision in the federal Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find

mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIE) under the IDEA. For detailed information regarding Child Find see <https://spedsupport.tea.texas.gov/sites/default/files/2024-01/technical-assistance-child-find-and-evaluation-guide.pdf> [<https://tea.texas.gov/sites/default/files/Technical%20Assistance%20-%20Child%20Find%20and%20Evaluation%20-%20June%202020%20Revised%28v5%29.pdf>]

As discussed in Chapter II, all public-school students are required to be screened for dyslexia while in kindergarten and first grade. [grade 1.] Additionally, students enrolling in public schools in Texas must be assessed for dyslexia and related disorders “at appropriate times” (TEC §38.003(a)). The appropriate time depends upon multiple factors including the student’s reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teachers’ input; and input from parents/guardians. The appropriate time for assessing is early in a student’s school career (19 TAC §74.28). Texas Education Code §28.006, Reading Diagnosis, requires assessment of reading development and comprehension for students in kindergarten, first grade, second grade, and as applicable, seventh grade. While earlier is better, students should be recommended for evaluation for dyslexia even if the reading difficulties appear later in a student’s school career.

While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student’s age/grade
- Characteristics and risk factors of dyslexia indicated in Chapter I: Definitions & Characteristics of Dyslexia

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction are defined in Section 2221(b) of ESSA as explicit, systematic, and intentional instruction in the following:

- Phonological awareness
- Phonic coding
- Vocabulary
- Language structure
- Reading fluency
- Reading comprehension

When evaluating a student for dyslexia, the collection of various data, as indicated in Figure 3.2 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with reading and spelling.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dyslexia is not due to lack of appropriate instruction in reading. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 3.2.

Figure 3.2. Sources and Examples of Cumulative Data

- Vision screening
- Hearing screening
- Teacher reports of classroom concerns
- Classroom reading assessments
- Accommodations or interventions provided
- Academic progress reports (report cards)
- Gifted/talented assessments
- Samples of schoolwork
- Parent conference notes
- Results of kindergarten-grade 1 universal screening as required in TEC §38.003
- K–2 reading instrument results as required in TEC §28.006 (English and native language, if possible)
- 7th-grade reading instrument results as required in TEC §28.006
- State student assessment program results as described in TEC §39.022
- Observations of instruction provided to the student
- Previous evaluations
- Outside evaluations
- Speech and language assessment
- School attendance
- Curriculum-based assessment measures
- Instructional strategies provided and student’s response to the instruction
- Screening data
- Parent survey

Environmental and Socioeconomic Factors

Information regarding a child's early literacy experiences, environmental factors, and socioeconomic status must be part of the data collected throughout the data gathering process. These data support the determination that difficulties in learning are not due to cultural factors or environmental or economic disadvantage. Studies that have examined language development and the effects of home experiences on young children indicate that home experiences and socioeconomic status have dramatic effects on cumulative vocabulary development (Hart & Risley, 1995). Having data related to these factors may help in determining whether the student’s struggles with reading are due to a lack of opportunity or a reading disability, including dyslexia.

Language Proficiency

Much diversity exists among EB students [ELs]. A student’s language proficiency may be impacted by any of the following: native language, English exposure, parent education, socioeconomic status of the family, amount of time in the United States, experience with formal schooling, immigration status, community demographics, and ethnic heritage (Bailey, Heritage, Butler, & Walqui, 2000). EB students [ELs] may be students served in bilingual and English as a second language (ESL) programs as well as students designated as EB [Limited English Proficient (LEP)] whose parents have

denied services. In addition to the information discussed in the previous section of this chapter, the Language Proficiency Assessment Committee (LPAC) maintains documentation (TAC §89.1220(g)-(i)) that is necessary to consider when identifying EB students [ELs] with dyslexia. The LPAC is required to meet annually to review student placement and progress and consider instructional accommodations and interventions to address the student’s linguistic needs. Since the identification and service delivery process for dyslexia must be aligned to the student’s linguistic environment and educational background, involvement of the LPAC is required. Additional data sources for EB students [ELs] are provided below in Figure 3.3.

Figure 3.3. Additional Data Sources for Emergent Bilingual [English Learners] Students

- Home Language Survey
- Assessment related to identification for limited English proficiency (oral language proficiency test [~~and norm-referenced tests—all years available~~])
- Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing)
- Instructional interventions provided to address language needs
- Information regarding previous schooling inside and/or outside the United States
- Type of language program model provided and language of instruction

Formal Evaluation

A formal evaluation is not a screening; rather, it is an individualized evaluation used to gather specific data about the student. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence that indicates dyslexia. Information collected from the parents/guardians also provides valuable insight into the student’s early years of language development. This history may help explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dyslexia will need to look beyond scores on standardized assessments alone and examine the student’s classroom reading performance, educational history, early language experiences, and, when warranted, academic potential to assist with determining reading, spelling, and writing abilities and difficulties. As part of the evaluation when dyslexia is suspected, in addition to the parent, the multidisciplinary team (MDT) must include at least one member with specific knowledge regarding: [~~and team of qualified professionals required under IDEA, it is recommended that the multi-disciplinary evaluation team include members who have specific knowledge regarding-~~].

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC §29.0031(b) states this member must:

- (1) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
- (2) hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003; or
- (3) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member’s participation in the evaluation of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual

to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency’s (TEA’s) Texas Dyslexia Academies (TDAs);
- register and complete the TEA’s Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

Notification and Permission

When an FIE is recommended, parents are provided: [When formal evaluation is recommended, the school must complete the evaluation process as outlined in the IDEA. Procedural safeguards under IDEA must be followed. For more information on procedural safeguards, see TEA’s [Parent Guide to the Admission, Review, and Dismissal Process \(Parent’s Guide\)](#) and the]

- Prior Written Notice (PWN)
- Notice of Procedural Safeguards
- Overview of Special Education for Parents form
- Opportunity for parent to provide written consent to evaluate

Tests and Other Evaluation Materials

When formal evaluation is recommended, the school must complete the evaluation procedures as outlined in the IDEA.

Test instruments and other evaluation materials must meet the following criteria:

- Used for the purpose for which the evaluation or measures are valid or reliable
- Include material(s) tailored to assess specific areas of educational need and not merely material(s) that are designed to provide a single, general intelligence quotient
- Selected and administered to ensure that when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude, achievement level, or whatever other factor the test purports to measure rather than reflecting the student’s impaired sensory, manual, or speaking skills
- Selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student’s reading abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, results of informal reading inventories, classroom observations)
- Administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials

- Provided and administered in the student’s native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally unless it is clearly not feasible to provide or administer

Additional Considerations for EB students [English-Learners]

A professional involved in the evaluation, interpretation of evaluation results, and identification of EB students [ELs] with dyslexia must have the following training/knowledge:

- Knowledge of first and second language acquisition theory
- Knowledge of the written system of the first language: transparent (e.g., Spanish, Italian, German), syllabic (e.g., Japanese-kana), Semitic (e.g., Arabic, Hebrew), and morphosyllabic (e.g., Chinese-Kanji)
- Knowledge of the student’s literacy skills in native and second languages
- Knowledge of how to interpret results from a cross-linguistic perspective
- Knowledge of how to interpret TELPAS (Texas English Language Proficiency Assessment System) results
- Knowledge of how to interpret the results of the student’s oral language proficiency in two or more languages in relation to the results of the tests measuring academic achievement and cognitive processes as well as academic data gathered and economic and socioeconomic factors

Although data from previous formal testing of the student’s oral language proficiency may be available, as required by TEC §29.056, additional assessment of oral language proficiency should be completed for a dyslexia evaluation due to the importance of the information for—

- consideration in relation to academic challenges,
- planning the evaluation, and
- interpreting evaluation results.

If there is not a test in the native language of the student, informal measures of evaluation such as reading a list of words and listening comprehension in the native language may be used.

Domains to Assess Specific to Dyslexia

Academic Skills

The school administers measures that are related to the student’s educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student’s age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

Cognitive Processes

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student’s ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading (Berninger & Wolf, 2009, pp. 134–135).

Based on the student’s academic difficulties, characteristics, and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed. Areas for evaluation are provided below in Figure 3.4.

Figure 3.4. Areas for Evaluation		
Academic Skills	Cognitive Processes	Possible Additional Areas
<ul style="list-style-type: none"> • Letter knowledge (name and associated sound) • Reading words in isolation • Decoding unfamiliar words accurately • Reading fluency (rate, accuracy, and prosody are assessed) • Reading comprehension • Spelling 	<ul style="list-style-type: none"> • Phonological/phonemic awareness • Rapid naming of symbols or objects 	<ul style="list-style-type: none"> • Vocabulary • Listening comprehension • Verbal expression • Written expression • Handwriting • Memory for letter or symbol sequences (orthographic processing) • Mathematical calculation/reasoning • Phonological memory • Verbal working memory • Processing speed

Review and Interpretation of Data and Evaluations

The MDT, which includes the parent/guardian, completes the FIIE and determines if the student demonstrates the characteristics of dyslexia, explains the impact of dyslexia on the student’s access and progress in the enrolled grade-level general curriculum. The next step is for the ARD committee, which includes the parent, to determine if a student has dyslexia and the need for special education and related services. Eligibility is determined by federal and state law and regulations.

The ARD committee will review the FIIE and all available data to determine eligibility for special education and related services. When a student is determined to have dyslexia by the ARD committee and the data shows a need for specially designed instruction i.e., evidence-based dyslexia instruction, then the student meets the two prongs of special education eligibility. The student has a qualifying disability – as dyslexia is an SLD under the IDEA and state law – and demonstrates a need for specially designed instruction.

To appropriately **understand** evaluation data, the ARD committee must **interpret** test results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. When considering initial or continued eligibility for the condition of dyslexia, the ARD committee must include at least one member [~~in addition to required ARD committee members, the committee should also include members~~] who ~~have~~ has specific knowledge regarding—

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC §29.0031(b) states this member must:

- (4) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
- (5) hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under

Sections 7.102 and 38.003; or

- (6) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member’s participation in the individualized education program (IEP) of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency’s (TEA’s) Texas Dyslexia Academies (TDAs);
- register and complete the TEA’s Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

A determination must first be made regarding whether a student’s difficulties in the areas of reading and spelling reflect a pattern of evidence for the primary characteristics of dyslexia with unexpectedly low performance for the student’s age and educational level in **some or all** of the following areas:

- Reading words in isolation
- Decoding unfamiliar words accurately and automatically
- Reading fluency for connected text (rate and/or accuracy and/or prosody)
- Spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia)

Another factor to consider when interpreting test results is the student’s linguistic background. The nature of the writing system of a language impacts the reading process. Thus, the identification guideposts of dyslexia in languages other than English may differ. For example, decoding in a language with a transparent written language (e.g., Spanish, German) may not be as decisive an indicator of dyslexia as reading rate. A transparent written language has a close letter/sound correspondence (Joshi & Aaron, 2006). Students with dyslexia who have or who are being taught to read and write a transparent language may be able to decode real and nonwords adequately but demonstrate serious difficulties in reading rate with concurrent deficiencies in phonological awareness and rapid automatized naming (RAN).

Figure 3.5. Dyslexia in Transparent and Opaque Orthographies

Opaque	Transparent
Early and marked difficulty with word-level reading Fluency and comprehension often improve once decoding is mastered	Less difficulty with word-level reading More difficulty with fluency and comprehension

Figure 3.6. Characteristics of Dyslexia in English and Spanish

English	Spanish
Phonological awareness Rapid naming Regular/irregular decoding Fluency Spelling	Phonological awareness – may be less pronounced Rapid naming Decoding – fewer “irregular words” in Spanish Fluency – often a key indicator Spelling – may show fewer errors than in English, but still more than students that do not have dyslexia
Reading comprehension may be a weakness in both English and Spanish.	

Findings support guidance in the interpretation of phonological awareness test scores.

There is evidence that blending skills develop sooner than analysis skills, and that students can have good blending skills and inadequate reading development. Only when both blending and analysis skills are mastered do we see benefits for reading development.

—Kilpatrick, D.A. *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*, 2015

With this in mind, when determining phonological awareness deficits, evaluation personnel should examine subtest scores, including discreet phonological awareness skills, instead of limiting interpretation to composite scores since a deficit in even one skill will limit reading progress.

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weaknesses in reading and spelling, the committee will then examine the student’s data to determine whether these difficulties are **unexpected** in relation to the student’s other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, math reasoning, or verbal ability yet still have difficulty with reading and spelling.

Therefore, it is not one single indicator but a preponderance of data (both informal and formal) that provide the committee with evidence for whether these difficulties are unexpected.

Dyslexia Identification

If the student’s difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dyslexia. For EB students [ELs], an LPAC representative must be included on the ARD committee. The list of questions in Figure 3.7 below must be addressed by the MDT in the evaluation report to assist the ARD committee when determining whether dyslexia is present [considered when making a determination regarding dyslexia].

Figure 3.7. Questions to Determine the Identification of Dyslexia

- Do the data show the following characteristics of dyslexia?
 - Difficulty with accurate and/or fluent word reading
 - Poor spelling skills
 - Poor decoding ability
- Do these difficulties (typically) result from a deficit in the phonological component of language?
(Please be mindful that average phonological scores alone do not rule out dyslexia.)
- Are these difficulties unexpected for the student’s age in relation to the student’s other abilities and provision of effective classroom instruction?

If, through the evaluation process, it is established that the student has the condition of dyslexia, as described in Chapter 1, then the student meets the first prong of eligibility under the IDEA (identification of condition). In other words, the identification of dyslexia, using the process outlined in this chapter, meets the criterion for the condition of a specific learning disability[~~in basic reading and/or reading fluency~~]. Dyslexia is a specific learning disability and should be noted as the specific learning disability.

However, the presence of a disability condition alone, is not sufficient to determine if the student is a student with a disability under the IDEA. Eligibility under the IDEA consists of both identification of the condition and a corresponding need for specially designed instruction as a result of the disability.

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). Section 34 C.F.R. §300.8(c)(10) states the following:

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The term *SLD* does not apply to children who have learning difficulties that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

The IDEA evaluation requirements for SLD eligibility in 34 C.F.R. §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skills (dyslexia), reading fluency skills, and/or reading comprehension. However, for purposes of §TEC 29.0031(a), because dyslexia is an example of and meets the definition of an SLD, dyslexia should be noted as the identified SLD and be included in the evaluation and any resulting IEP for a student.

The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under the IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms *dyslexia*, *dyscalculia*, and *dysgraphia* in the IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

<https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-ideaiep-terms/>

A 2018 Letter to the Administrator Addressed from the Texas Education Agency regarding the provision of services for students with dyslexia and related disorders states that any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for an FIIE should be initiated. The letter further states that all students who are identified with dyslexia or a related disorder *and* who require special education services because of dyslexia or a related disorder are eligible under the IDEA for special education and related services as students with a specific learning disability. For more information, please visit

https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/Provision_of_Services_for_Students_with_Dyslexia_and_Related_Disorders_-_Revised_June_6,_2018/

Once the condition of dyslexia has been identified, a determination must be made regarding the most appropriate way to serve the student. If a student with dyslexia is found eligible for special education (i.e., student requires dyslexia instruction, which is specially designed instruction), the student’s IEP must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction discussed in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. If a student has previously met special education eligibility and is later identified with dyslexia, the ARD committee should include in the IEP goals that reflect the need for dyslexia instruction and determine the least restrictive environment for delivering the student’s dyslexia instruction.

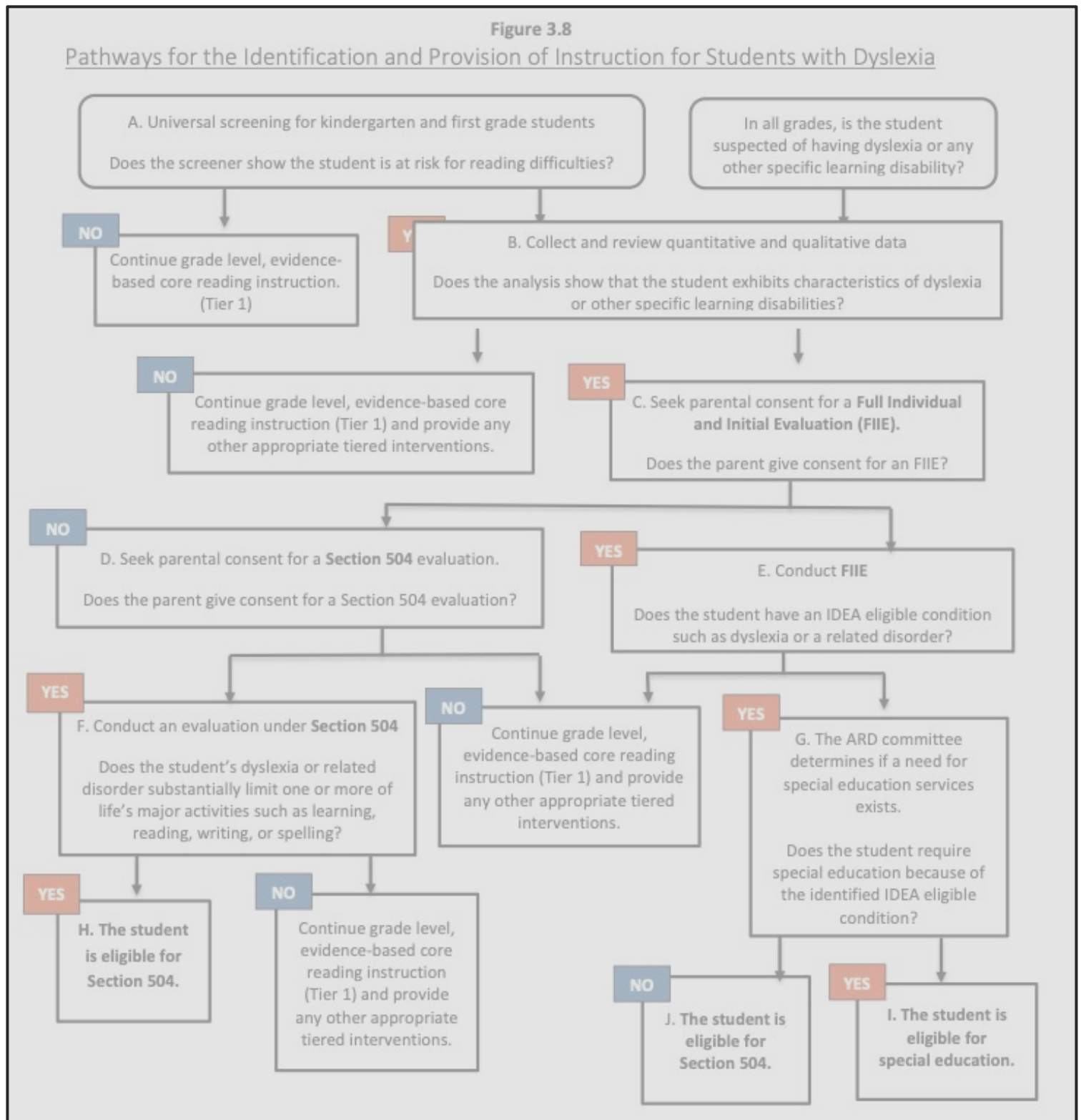
If—based on the data—the student is identified with dyslexia, but is not eligible for special education because the student is determined to not need dyslexia instruction, the student may receive [~~dyslexia instruction and~~] accommodations under Section 504.

A student who is found not eligible under the IDEA, but who is identified with the condition of dyslexia through the FIIE process should not be referred for a second evaluation under Section 504. Instead, the Section 504 committee will use the FIIE and develop an appropriate plan for the student without delay.

For students eligible for Section 504, a Section 504 committee will develop the student’s Section 504 Plan, which must include appropriate instructional accommodations [~~reading instruction~~] to meet the individual needs of the student. A student identified with dyslexia and who needs dyslexia instruction would not be served under Section 504, as this is a specially designed instruction.

[~~Appropriate reading instruction includes the components and delivery of standard protocol dyslexia instruction identified in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. Revision of the Section 504 Plan will occur as the student’s response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).~~]

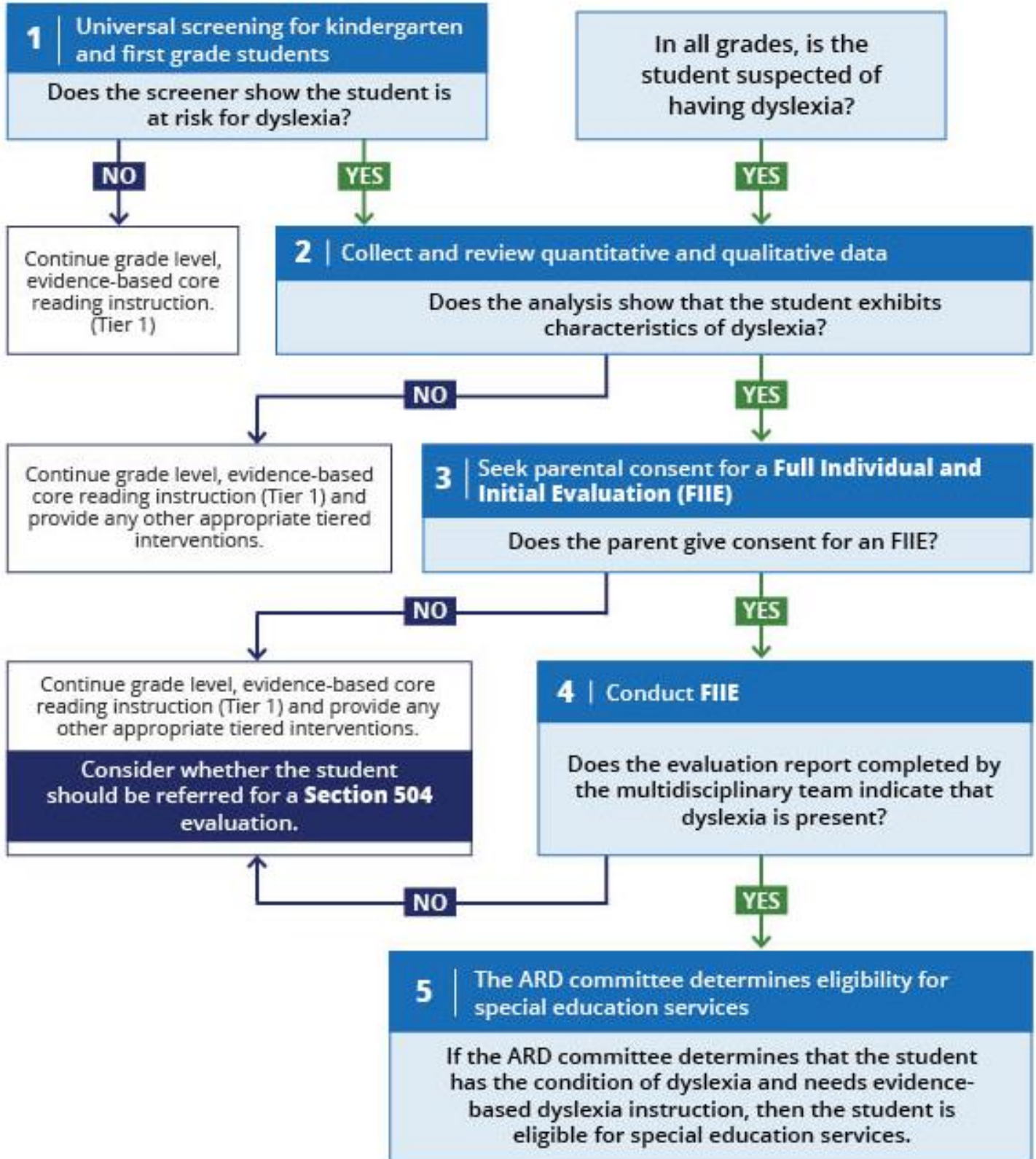
Figure 3.8 has been replaced by the flowchart on the following page.



*See next page for additional detail.

Figure 3.8

Pathway for the Identification and Provision of Instruction for Students with Dyslexia



[Pathway to the Identification and Provision of Instruction for Students with Dyslexia

<p>A. Universal Screening for reading and dyslexia is administered to all students in kindergarten and first grade as required by TEC §28.006 and §38.003(a).</p>
<p>B. If a student is at risk for reading difficulties or the student is suspected of having dyslexia or any other specific learning disability, collect and review quantitative and qualitative data on the student. See Figures 2.3 and 2.4 in Dyslexia Handbook for more information.</p>
<p>C. If the analysis shows that the student exhibits characteristics of dyslexia or other specific learning disabilities, seek parental consent for a Full Individual and Initial Evaluation (FIIIE), while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>

<p>D. For students suspected of having dyslexia, if the parent does not give consent for an FIIIE, seek parental consent for a Section 504 evaluation, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>	<p>E. If the parent gives consent for an FIIIE, conduct the FIIIE within 45 school days (subject to limited exceptions) of the date of receipt of parent consent, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) must meet to review the results of the FIIIE.</p>
<p>F. If the parent gives consent for a Section 504 evaluation, conduct an evaluation under Section 504 while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>	<p>G. If a student has an IDEA eligible condition such as dyslexia or a related disorder, the ARD committee determines if a need for special education services exists.</p>
<p>H. If the student's dyslexia or related disorder substantially limits one or more of life's major activities such as learning, reading, writing, or spelling, the student is eligible for Section 504, the 504 committee (parent participation is recommended) develops a Section 504 plan for the student to provide services including standard protocol dyslexia instruction, accommodations, and/or related aids specific to the student's disability.</p>	<p>I. If the student requires special education because of the identified IDEA eligible condition, the student is eligible for special education. The ARD committee develops the IEP for the student to receive specially designed instruction which can include any appropriate special education and related services, and general education programs and services, including standard protocol dyslexia instruction. While an IEP is individualized to the student, the IEP should address critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. The determination of eligibility and the development of an IEP, if the student is eligible, must be done within 30 days (subject to limited exceptions) from the date that the written FIIIE evaluation report is completed. Obtain parental consent for special education services.</p>
	<p>J. If the parent declines, the LEA must still provide all general education services including any protections available under Section 504.]</p>

Reevaluation for Dyslexia Identification and Accommodations

Dyslexia is a lifelong condition. However, with proper help, many people with dyslexia can learn to read and write well. Early identification and treatment is the key to helping individuals with dyslexia achieve in school and in life.

—The International Dyslexia Association

<http://www.interdys.org/ewebeditpro5/upload/DyslexiaBasicsREVMay2012.pdf>

There are many initiatives, programs, evaluations, and data available for use in identification, placement, and program planning for students, including emergent bilingual students [ELs], who struggle with dyslexia. Evaluation and ongoing progress monitoring are key components that must be considered by trained personnel.

A 2014 U.S. Department of Justice technical assistance document summarized regulations regarding testing accommodations for individuals with disabilities as follows.

The Americans with Disabilities Act (ADA) ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When needed testing accommodations are provided, test-takers can demonstrate their true aptitude.

Sources for Procedures and Evaluation for Students Identified with Dyslexia

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IV. CRITICAL, EVIDENCE-BASED COMPONENTS OF DYSLEXIA INSTRUCTION

Although dyslexia affects individuals over the life span . . . reading skills can be increased with the right early intervention and prevention programs . . . It is clear from the consensus of scientifically based reading research that the nature of the educational intervention for individuals with reading disabilities and dyslexia is critical. (pp. 21–22)

— Birsh, J. R. Connecting Research and Practice, 2018

Effective literacy instruction is essential for all students and is especially critical for students identified with dyslexia. High-quality core classroom reading instruction can give students identified with dyslexia a foundation upon which intervention instruction can have a more significant impact.

Texas Education Code §38.003(b) states, “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.” The board must also adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE to implement the program, including this handbook and guidance published by the commissioner to assist the district in implementing the program. [SBOE rules in 19 TAC §74.28 require that each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in SBOE rule and to the services of a teacher trained in dyslexia and related disorders. While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.]

Evidence-Based Dyslexia Instruction [Standard Protocol Dyslexia Instruction]

While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.

For the student who has not benefited from the research-based core reading instruction, the components of instruction will include additional focused intervention as appropriate for the reading needs of the student with dyslexia. Evidence-based dyslexia instruction [Standard protocol dyslexia instruction] provides evidence-based, multisensory structured literacy instruction for students with dyslexia. This instruction [A standard protocol dyslexia instructional program] must be explicit, systematic, and intentional in its approach. This instruction is designed to likely [for all students with dyslexia and will often] take place in a small group setting. Evidence-based dyslexia instruction [Standard protocol dyslexia instruction] must be—

- evidence-based and effective for students with dyslexia;
- taught by an appropriately trained instructor; and
- implemented with fidelity.

Evidence-based dyslexia programs and instruction are considered specially designed instruction (SDI) and therefore special education services, so the provision of those services must follow the IDEA requirements. This means that evidence-based dyslexia instruction is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services. LEAs must ensure that the provision of evidence-based dyslexia instruction addresses the critical, evidence-based components and methods of delivery described in this chapter.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements included in this handbook. Differentiation that does not compromise the fidelity of the program, such as adjusting the amount of information or pacing of the program, may be necessary to address students' unique needs and to promote progress among students receiving dyslexia instruction. An ARD committee must only consider deviations from the program's fidelity requirements when data collection, a student's present levels of academic achievement and functional performance (PLAAFP), and other areas of the student's IEP clearly indicate the need for more intensive or supplemental supports.

The ARD committee, when discussing how a student will access an LEA's evidence-based dyslexia program, must address the following:

- How the program addresses the required components of dyslexia instruction described in this handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented with a focus on one or more components;
- How the program addresses the required instructional delivery methods described the handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented to meet the student's needs;
- The fidelity statements/requirements that are included with the program, and how those will be delivered and/or intensified for the student; and
- Confirm that the provider of dyslexia instruction (PDI) is fully trained in the instructional materials to implement the program and how to differentiate the program, as determined by the ARD committee.

Evidence-based dyslexia instruction is not considered to be "regular" education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for evidence-based dyslexia instruction crosses over into a special education need. [Instructional decisions for a student with dyslexia must be made by a committee (Section 504 or ARD) that is knowledgeable about the instructional components and approaches for students with dyslexia. It is important to remember that while dyslexia instruction is most successful when provided as early as possible, older children with reading disabilities will also benefit from focused and intensive remedial instruction.]

[In accordance with 19 TAC §74.28(e), districts must purchase or develop an evidence-based reading program for students with dyslexia and related disorders that incorporates all the components of instruction and instructional approaches described in the sections below. As is the case with any instructional program, differentiation that does not compromise the fidelity of a program may be necessary to address different learning styles and ability levels and to promote progress among students receiving dyslexia instruction. While districts and charter schools must implement an evidence-based instructional program for students with dyslexia that meets each of the components described in this chapter, standard protocol dyslexia instruction provided to students may focus on components of the program that best meet the student's needs. For example, this may occur when a student with dyslexia who has participated in standard protocol dyslexia instruction in the past, but continues to need remediation in

some, but not all of, the components (e.g. fluency, written expression).]

[Specially Designed Instruction]

[For students with dyslexia who have been determined eligible for and who are receiving special education services, specially designed instruction must also address the critical, evidence-based components described in this chapter. Specially designed instruction differs from standard protocol dyslexia instruction in that it offers a more individualized program specifically designed to meet a student's unique needs. Note that participation in standard protocol dyslexia instruction must be considered for all students, including those receiving dyslexia instruction under the IDEA. Standard protocol dyslexia instruction could be part of the specially designed instruction and services provided to meet the student's needs.]

Critical, Evidence-Based Components of Dyslexia Instruction

- **Phonological awareness**—“Phonological awareness is the understanding of the internal sound structure of words. A phoneme is the smallest unit of sound in a given language that can be recognized as being distinct from other sounds. An important aspect of phonological awareness is the ability to segment spoken words into their component phonemes [phonemic awareness].” (Birsh, 2018, p. 26).
- **Sound-symbol association**—Sound-symbol association is the knowledge of the various speech sounds in any language to the corresponding letter or letter combinations that represent those speech sounds. The mastery of sound-symbol association (alphabetic principle) is the foundation for the ability to read (decode) and spell (encode) (Birsh, 2018, p. 26). “Explicit phonics refers to an organized program in which these sound symbol correspondences are taught systematically” (Berninger & Wolf, 2009, p. 53).
- **Syllabication**—“A syllable is a unit of oral or written language with one vowel sound. Instruction must include the six basic types of syllables in the English language; closed, open, vowel-consonant- e, r-controlled, vowel pair (or vowel team), and final stable syllable. Syllable division rules must be directly taught in relation to the word structure” (Birsh, 2018, p. 26).
- **Orthography**—Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound- symbol knowledge.
- **Morphology**—“Morphology is the study of how morphemes are combined to form words. A morpheme is the smallest unit of meaning in the language” (Birsh, 2018, p. 26).
- **Syntax**—“Syntax is the set of principles that dictate sequence and function of words in a sentence in order to convey meaning. This includes grammar, sentence variation, and the mechanics of language” (Birsh, 2018, p. 26).
- **Reading comprehension**—Reading comprehension is the process of extracting and constructing meaning through the interaction of the reader with the text to be comprehended and the specific purpose for reading. The reader’s skill in reading comprehension depends upon the development of accurate and fluent word recognition, oral language development (especially vocabulary and listening comprehension), background knowledge, use of appropriate strategies to enhance comprehension and repair it if it breaks down, and the reader’s interest in what he or she is reading and motivation to comprehend its meaning (Birsh, 2018, p.14; Snow, 2002).
- **Reading fluency**—“Reading fluency is the ability to read text with sufficient speed and accuracy to support comprehension” (Moats & Dakin, 2008, p. 52). Fluency also includes prosody. Teachers can help promote fluency with several interventions that have proven successful in helping students with fluency (e.g., repeated readings, word lists, and choral reading of passages) (Henry, 2010, p. 104).

In addition, other areas of language processing skills, such as written expression, which require integration of skills, are often a struggle for students with dyslexia. Moats and Dakin (2008) posit the following:

The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Both the provider of dyslexia instruction [~~teacher of dyslexia~~] and the regular classroom teacher should provide multiple opportunities to support intervention and to strengthen these skills; therefore, responsibility for teaching reading and writing must be shared by classroom teachers, reading specialists, interventionists, and teachers of dyslexia programs.

Delivery of Dyslexia Instruction

While it is necessary that students are provided instruction in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices. Principles of effective intervention for students with dyslexia include **all** of the following:

- **Simultaneous, multisensory (VAKT)**—“Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic, tactile) simultaneously in order to enhance memory and learning” (Birsh, 2018, p. 26). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).
- **Systematic and cumulative**—“Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 26).
- **Explicit instruction**—“Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity**—“The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual’s needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).
- **Synthetic instruction**—“Synthetic instruction presents the parts of the language and then teaches how the parts work together to form a whole” (Birsh, 2018, p. 27).
- **Analytic instruction**—“Analytic instruction presents the whole and teaches how this can be broken into its

component parts” (Birsh, 2018, p. 27).

As appropriate intervention is provided, students with dyslexia make significant gains in reading. Effective instruction is highly-structured, systematic, and explicit, and it lasts for sufficient duration. With regard to explicit instruction, Torgesen (2004) states, “Explicit instruction is instruction that does not leave anything to chance and does not make assumptions about skills and knowledge that children will acquire on their own” (p. 353).

In addition, because effective intervention requires highly structured and systematic delivery, it is critical that those who provide intervention for students with dyslexia be trained in the program used and that the program is implemented with fidelity.

Sources for Critical, Evidence-Based Components and Delivery of Dyslexia Instruction

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp21–34). Baltimore, MD: Paul H. Brookes Publishing.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

The International Multisensory Structured Language Council. (2013). *Multisensory structured language programs: Content and principles of instruction*. Retrieved from <https://www.imslec.org/directory.asp?action=instruction>.

Mather, N., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Student Progress Reports

Any student that is provided an evidence-based reading program must have a progress report prepared and communicated to a parent specifically on the student’s progress as a result of that program at least once per grading period. To the extent that an IEP goal progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report should be sent to comply with TEC §29.0031(d), at least once per grading period (or more often if required in the IEP), the LEA must provide the parent/guardian of a student receiving dyslexia instruction. This includes a student receiving evidence-based dyslexia instruction through a Section 504 accommodation plan during the transition period, which ends beginning with the 2025-2026 school year.

Providers of Dyslexia Instruction

In order to provide effective intervention, school districts are encouraged to employ highly trained individuals to deliver dyslexia instruction. Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers, who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity. This includes training in critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. In addition, they must deliver multisensory instruction that simultaneously uses all learning pathways to the brain, is systematic and cumulative, is explicitly taught, uses diagnostic teaching to automaticity, and includes both analytic and synthetic approaches. See pages 39 – 41 for a description of these components of instruction and delivery.

A provider of dyslexia instruction:

- must be fully trained in the LEA’s adopted instructional materials for students with dyslexia; and
- is not required [does not have] to be certified as a special educator unless he or she is employed in a special education position that requires the certification. [when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction]

The completion of a literacy achievement academy does not satisfy the training requirements.

Although Texas does not have a certification requirement specific to teachers providing intervention to students with dyslexia, opportunities for those who provide dyslexia instruction to pursue a certification and/or license are available through several professional organizations as well as through the Texas Department of Licensing and Regulation. Certification and licensing options are outlined in Figure 4.1 below. More information concerning licensure in the State of Texas, may also be found in Texas Occupations Code, Chapter 403. (See Appendix C, State Laws and Rules Related to Dyslexia).

The effort to train professionals who work with students with dyslexia is also supported by The International Dyslexia Association (IDA) Position Statement: Dyslexia Treatment Programs (March, 2009), which states the following:

Professional practitioners, including teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs (pp. 1–2).

Providers of dyslexia instruction must be prepared to use the techniques, tools, and strategies outlined in the previous sections of this chapter. They may also serve as trainers and consultants in dyslexia and related disorders for regular, remedial, and special education teachers.

Figure 4.1. Training Requirements for Educators Providing Dyslexia Services

Dyslexia Certification/ License	Licensing Body	Degree Required	Training Program	Course Contact Hours	Practicum Hours	Direct Observations	Certification Exam	Continuing Education Requirement
Educator certification* as appropriate	State Board for Educator Certification (SBEC)	Bachelors	Training which meets components of instruction and delivery	Varies with program	Varies with program	Varies with program	None	None
*Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers are not required to hold a specific license or certification to provide dyslexia intervention for students; however, they must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity.								
Licensed Dyslexia Therapist (LDT)	Texas Department of Licensing and Regulation (TDLR)	Masters	IMSLEC Accredited or other MSLE Program	200	700	10	yes	20 hrs/2 yrs
Licensed Dyslexia Practitioner (LDP)	Texas Department of Licensing and Regulation (TDLR)	Bachelors	IMSLEC Accredited or other MSLE	45	60	5	yes	20 hrs/2 yrs
Certified [Certified] Academic Language Therapist (CALT)	Academic Language Therapy Association (ALTA)	Masters [Bachelors]	IMSLEC Accredited or other MSLE	200	700	10	yes	10 hrs/1 yr
Certified Academic Language Practitioner (CALP)	Academic Language Therapy Association (ALTA)	Bachelors	IMSLEC Accredited or other MSLE Program	45	60	5	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Specialist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	135	30	3	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Interventionist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	90	30	3	yes	10 hrs/1 yr
Wilson Level II Certification/Therapist	Wilson Language Training	Bachelors	IDA Accredited	200	215	11+	yes	50 hrs/5 yrs
Wilson Level I Certification/Practitioner	Wilson Language Training	Bachelors	IDA Accredited	105	65	5+	yes	50 hrs/5 yrs
AOGPE Fellow Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Masters	AOGPE	250	600	13	no	none
AOGPE Certified Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	160	300	10	no	none
AOGPE Associate Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	Option A - 60 Option B - 70	Option A - 100 Option B - 50 to 1 hours; & 50 group hours	10	no	none

Please note that certification and licensing requirements may change with time. For more complete and up-to-date information, contact the specific licensing body.

Professional Development Relative to Dyslexia for All Teachers

Research consistently confirms the impact that a knowledgeable teacher can have on the success or failure of even the best reading programs (Shaywitz, 2020 [2003]). To ensure that teachers are knowledgeable about dyslexia, [TEC §21.054\(b\)](#) and [19 TAC §232.11\(e\)](#) require educators who teach students with dyslexia to be trained in new research and practices related to dyslexia as a part of their continuing professional education (CPE) hours.

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm>

<http://ritter.tea.state.tx.us/sbecrules/tac/chapter232/ch232a.html#232.11>

Educator Preparation Programs

According to TEC §21.044(b), all candidates completing an educator preparation program must receive instruction in detection and education of students with dyslexia. This legislation ensures that newly certified teachers will have knowledge of dyslexia prior to entering the classroom.

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.21.htm#21.044>

Instructional Intervention Consideration for EB Students [~~English Learners~~] with Dyslexia

EB students [~~English Learners (ELs)~~] receiving dyslexia services will have unique needs. Provision of dyslexia instruction should be in accordance with the program model the student is currently receiving (e.g., dual language, transitional bilingual, ESL). Interventionists working with EB students [~~ELs~~] should have additional training on the specialized needs of EB students [~~ELs~~].

Learning to read, write, and spell in two languages can be facilitated by building on a student's native language knowledge and helping to transfer that knowledge to a second language. While direct, systematic instruction is still required for all aspects of reading, additional explicit instruction will be needed to address the similarities and differences in sounds, syllable structure, morphology, orthography, and syntax between the first and second languages.

For example, instructional considerations may include capitalizing on familiar sound-symbol correspondences. Direct and systematic instruction of the cross-linguistic correlations is beneficial for EB students [~~ELs~~]. Instruction can subsequently include those sound-symbol correlations that partially overlap or present a slight variation from the native language to the second language. Unfamiliar phonemes and graphemes then can be presented to EB students [~~ELs~~]. A systematic approach will enhance instruction and assist the bilingual student in transferring native language and literacy knowledge to second language and literacy acquisition.

For EB students [~~ELs~~] learning to read in English and not in their native language, progress in reading may be hindered due to limited vocabulary in English. Therefore, in addition to all the components of effective instruction previously discussed, intervention for EB students [~~ELs~~] also must emphasize oral language development (Cardenas- Hagan, 2018). Because the English language is derived from Anglo-Saxon, Latin, Greek, French, and other languages, EB students [~~ELs~~] can expand their oral language and vocabulary knowledge by understanding the cognates (baseball/béisbol or

leader/lider) that exist in their native language and English. The similarities of words in the native language and English must be explicitly taught.

It is also necessary to incorporate ESL strategies during the intervention process and in all content areas. In Texas, school districts are required to implement the English Language Proficiency Standards (ELPS) as an integral part of each subject area in the required curriculum ([TAC §74.4\(a\)](#)). Dyslexia instruction for EB students [ELs] must incorporate the ELPS. A few strategies to consider include the following:

- Establish routines so that EB students [ELs] understand what is expected of them
- Provide native language support when giving directions or when students do not understand the task
- Provide opportunities for repetition and rehearsal so that the new information can be learned to mastery
- Adjust the rate of speech and the complexity of the language used according to the second language proficiency level of each student
- Provide extra time for the EB students [ELs] to process the English language. This is especially necessary during the early stages of second language development
- Provide extra time for the EB students [ELs] to formulate oral and written responses
- Emphasize text that includes familiar content and explain the structure of the text

Source for Instructional Intervention Consideration for EB students [~~English learners~~] with Dyslexia

19 Texas Administrative Code §74.4, English Language Proficiency Standards. (2007).

Cardenas-Hagan, E. (2018). Language and literacy development among English language learners. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed.) (pp. 720–754). Baltimore, MD: Paul H. Brookes Publishing.

Research-Based Best Practices

It is important to note that in Texas, the approach to teaching students with dyslexia is founded on research-based best practices. The ideas upon which the state’s approach is based are summarized here.

- Gains in reading can be significant if students with reading problems are provided systematic, explicit, and intensive reading instruction of sufficient duration in phonemic awareness, phonics, fluency, vocabulary (e.g., the relationships among words and the relationships among word structure, origin, and meaning), reading comprehension strategies, and writing.
- A failure to learn to read impacts a person’s life significantly. The key to preventing this failure for students with dyslexia is early identification and early intervention.
- Instruction by a highly skilled and knowledgeable educator who has specific preparation in the remediation of dyslexia is necessary.

It is vital to start evidence-based interventions as soon as possible. Effective treatments for dyslexia should consist of explicit academic teaching of reading and spelling skills.

The following research reflects the essential components of dyslexia instruction discussed above and may serve as additional sources of information for those working with students identified with dyslexia. The similarities between the state’s approach and the research are noted in bold. Unless otherwise indicated, the following pages contain excerpts from the resources cited.

1. August and Shanahan (2006, pp. 3–5) state the following:

- **Instruction that provides substantial coverage in the key components of reading— identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension**—has clear benefits for language-minority students.
- **Instruction in the key components of reading** is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well, but student performance suggests that it is often overlooked in instruction.
- Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.

August, D., & Shanahan, T. (Eds.). (2006). *Executive summary: Developing literacy in second-language learners: Report of the National Literacy Panel on language-minority children and youth*. Mahwah, NJ: Lawrence Erlbaum.

2. Berninger and Wolf (2009, p. 49–50) state the following:

Until children are reading without effort, each reading lesson should consist of **teacher-directed, explicit, systematic instruction** in 1) phonological awareness; 2) applying phonics (alphabetic principle) and morphology to decoding; 3) applying background knowledge already learned to unfamiliar words or concepts in material to be read (activating prior knowledge); 4) both oral reading and silent reading, with appropriate instructional materials; 5) activities to develop oral reading fluency; and 6) reading comprehension.

Berninger, V. W., & Wolf, B. J. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

3. Birsh (2018, p. 3) states the following:

Teachers need to undergo extensive **preparation in the disciplines inherent in literacy**, which include the following:

- Language development
- **Phonology and phonemic awareness**
- Alphabetic knowledge
- Handwriting
- **Decoding (reading)**
- **Spelling (encoding)**
- **Fluency**
- **Vocabulary**
- **Comprehension**
- Composition
- Testing and assessment
- Lesson planning
- Behavior management
- Study skills
- History of the English language
- Technology
- Needs of older struggling students

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp. 2–34). Baltimore, MD: Paul H. Brookes Publishing.

4. Clark and Uhry (2004, pp. 89–92) state the following:

- Children with dyslexia need the following:
 - **Direct, intensive, and systematic** input from and interaction with the teacher
 - Immediate feedback from the teacher
 - Careful pacing of instruction
 - **Systematic** structured progression from the simple to the complex
- Other components of instruction include the following:
 - Learning to mastery
 - Multisensory instruction

Clark, D., & Uhry, J. (Eds.). (2004). *Dyslexia: Theory and practice of instruction* (3rd ed.). Austin, TX: Pro-Ed.

5. Henry (2010, p. 21) states the following:

By teaching the concepts inherent in the word origin and word structure model across a decoding-spelling continuum from the early grades through at least eighth grade, and by using technology when it serves to reinforce these concepts, teachers ensure that students have strategies to decode and spell most words in the English language. This framework and continuum readily organize a large body of information for teachers and their students. Not only do students gain a better understanding of English word structure, but they also become better readers and spellers.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

6. Mather and Wendling (2012, p. 171) state the following:

Individuals with dyslexia need to:

- understand how phonemes (sounds) are represented with graphemes (letters);
- learn how to blend and segment phonemes to pronounce and spell words;
- learn how to break words into smaller units, such as syllables, to make them easier to pronounce;
- learn to recognize and spell common orthographic graphic patterns (e.g., -tion);
- learn how to read and spell words with irregular elements (e.g., ocean); and
- spend time engaged in meaningful reading and writing activities.

Mather, N. M., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

7. Moats (1999, pp. 7–8) states the following: ~~that~~

Well designed, controlled comparisons of instructional approaches have consistently supported these components and practices in reading instruction:

- **direct teaching** of decoding, comprehension, and literature appreciation;
 - **phoneme awareness** instruction;
-

- **systematic and explicit instruction** in the code system of written English;
- daily exposure to a variety of texts, as well as incentives for children to read independently and with others;
- **vocabulary** instruction that includes a variety of complementary methods designed to explore the relationships among words and the relationships among word structure, origin, and meaning;
- **comprehension** strategies that include prediction of outcomes, summarizing, clarification, questioning, and visualization; and
- frequent **writing** of prose to enable a deeper understanding of what is read.

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

8. Moats (1999, pp. 7– 20) states the following:

The **knowledge and skills needed to teach reading** include the following:

- The psychology of reading and reading development
 - Basic facts about reading
 - Characteristics of poor and novice readers
 - Environmental and physiological factors in reading development
 - How reading and spelling develop
- Knowledge of the language structure
 - **Phonology**
 - **Phonetics**
 - **Morphology**
 - **Orthography**
 - **Semantics**
 - **Syntax and text structure**
- Practical skills of instruction—use of validated instructional practices
- Assessment of classroom reading and writing skills

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

9. The National Reading Panel’s (2000) *Report of the National Reading Panel* highlights the following:

Emphasis is placed on the importance of **identifying early** which children are at risk for reading failure and **intervening quickly** to help them.

How reading is taught matters—reading instruction is most effective when it is taught **comprehensively, systematically, and explicitly**.

National Reading Panel. (2000). *Report of the National Reading Panel: Teaching children to read: An evidence-based assessment of the scientific research literature on reading and its implications for reading instruction*. Washington, DC: National Institute of Child Health and Human Development.

10. Shaywitz (2020, pp. 281–284) [2005, pp. 257–262] outlines the following essentials for a successful reading intervention and effective early intervention program:

Essentials of a successful reading intervention include the following:

- **Early intervention**—The best intervention begins in kindergarten with remediation beginning in first grade.
- **Intense instruction**—Reading instruction must be delivered with great intensity. Optimally, a child who is struggling to read should be given instruction in a group of three and no larger than four students, and the child should receive this focused reading instruction at least four, and preferably five, days a week.
- **High-quality instruction**—High-quality instruction is provided by a highly qualified teacher. Recent studies highlight the difference that a teacher can make in the overall success or failure of a reading program.
- **Sufficient duration**—One of the most common errors in teaching a student with dyslexia to read is to withdraw prematurely the instruction that seems to be working. A child who is reading accurately but not fluently at grade level still requires intensive reading instruction.

Essentials of an effective **early intervention** program include the following:

- Systematic and direct instruction in the following:
 - **Phonemic awareness**—noticing, identifying, and manipulating the sounds of spoken language
 - **Phonics**—how letters and letter groups represent the sounds [of] spoken language
 - Sounding out words (decoding)
 - Spelling
 - Reading sight words
 - **Vocabulary** and concepts
 - **Reading comprehension** strategies
- Practice in applying the above skills in reading and in writing
- **Fluency** training
- Enriched language experiences: listening to, talking about, and telling stories

Shaywitz, S. (2020 [2003]). *Overcoming dyslexia: A new and complete science-based program for reading problems at any level.* (2nd ed.) New York, NY: Alfred A. Knopf.

11. Torgesen (2004, p. 376) states the following:

The first implication for practice and educational policy is that schools must work to provide **preventive interventions** to eliminate the enormous reading practice deficits that result from prolonged reading failure. The second implication is that schools must find a way to provide interventions for older children with reading disabilities that are appropriately focused and sufficiently intensive.

Torgesen, J. K. (2004). Lessons learned from research on interventions for students who have difficulty learning to read. In P. McCardle, & V. Chhabra (Eds.), *The voice of evidence in reading research* (pp. 355–382). Baltimore, MD: Paul H. Brookes Publishing.

12. Vaughn and Linan-Thompson (2003, pp. 299–320) state the following:

- Mounting evidence suggests that most students with reading problems can make significant gains in reading if provided **systematic, explicit, and intensive** reading instruction based on critical elements associated with improved reading such as **phonemic awareness, phonics, fluency in word recognition and text reading, and comprehension.**
- There were no statistically significant differences between students receiving intervention instruction in a teacher-to-student ratio of 1:1 or 1:3 though both groups outperformed students in a 1:10 teacher to student ratio.
- Student progress determined the length of intervention.

Vaughn, S., & Linan-Thompson, S. (2003). Group size and time allotted to intervention. In B. Foorman (Ed.), *Preventing and remediating reading difficulties* (pp. 275–320). Parkton, MD: York Press.

13. The International Dyslexia Association (2009, pp. 1–2) states the following:

Professional practitioners, including **teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties**. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs.

The International Dyslexia Association. (2009, March). *Position statement: Dyslexia treatment programs*.

14. The International Dyslexia Association’s *Knowledge and Practice Standards for Teachers of Reading* provides **standards for teachers** of students with dyslexia.

The International Dyslexia Association. (2010). *Knowledge and practice standards for teachers of reading*.

15. The International Multisensory Structured Language Education Council (IMSLEC) provides accreditation in quality training courses for the professional preparation of multisensory **structured language education specialists**.

International Multisensory Structured Language Education Council (IMSLEC): <http://www.imslec.org>

Ineffective Treatment for Dyslexia

Interventions that claim to treat dyslexia in the absence of print are generally ineffective. Claims of ineffective treatments for dyslexia may use terms or techniques described as “brain training,” “crossing the midline,” “balance therapy,” and others. While some treatments may ameliorate conditions other than dyslexia, their use for students with dyslexia has not been proven effective. Figure 4.2 addresses some commonly advertised interventions that may be purported to treat dyslexia, but scientific, peer-reviewed research has demonstrated ineffective results for students with dyslexia.

Figure 4.2. Treatments Ineffective for Dyslexia

Examples	What Research Has Found	Citation
Colored Overlays and Colored Lenses	“Consistent with previous reviews and advice from several professional bodies, we conclude that the use of <u>colored</u> [coloured] overlays to ameliorate reading difficulties cannot be endorsed and that any benefits reported in clinical settings are likely to be the result of placebo, practice, or Hawthorne effects.”	Griffiths, P.G., Taylor, R.H., Henderson, L.M., & Barrett, B.T. (2016). The effect of <u>colored</u> [coloured] overlays and lenses on reading: a systematic review of the literature. <i>Ophthalmic & Physiological Optics</i> , 36, 519–544. https://doi.org/10.1111/opo.12316

Examples	What Research Has Found	Citation
Specialized fonts designed for people with dyslexia	“Dyslexie font did not lead to improved reading compared to normal ‘Arial’ font, nor was it preferred by most students.”	Kuster, S. M., van Weerdenburg, M., Gompel, M., & Bosman, A. M. (2018). Dyslexie font does not benefit reading in children with or without dyslexia. <i>Annals of Dyslexia</i> , 68, 25-42. https://doi.org/10.1007/s11881-017-0154-6
Vision Therapy	“Scientific evidence does not support the claims that visual training, muscle exercises, ocular pursuit-and-tracking exercises, behavioral/perceptual vision therapy, ‘training’ glasses, prisms, and colored lenses and filters are effective direct or indirect treatments for learning disabilities. There is no valid evidence that children who participate in vision therapy are more responsive to educational instruction than children who do not participate.”	Handler, S.M., Fierson, W.M., et al. (2011). Joint technical report - learning disabilities, dyslexia, and vision. <i>Pediatrics</i> , 127, e818-56. https://doi.org/10.1542/peds.2010-3670
Specific Working Memory Training Programs	“The authors conclude that working memory training programs appear to produce short-term, specific training effects that do not generalize to measures of ‘real-world’ cognitive skills. These results seriously question the practical and theoretical importance of current computerized working memory programs as methods of training working memory skills.”	Melby-Lervåg, M., Redick, T. & Hulme, C. (2016). Working memory training does not improve performance on measures of intelligence or other measures of “far transfer”: Evidence from a meta-analytic review. <i>Perspectives on Psychological Science</i> , 11, 512-534. https://DOI: 10.1177/1745691616635612

Instructional Accommodations for Students with Disabilities

Students with dyslexia who receive dyslexia instruction that contains the components described in this chapter will be better equipped to meet the demands of grade-level or course instruction. In addition to dyslexia instruction, accommodations provide the student with dyslexia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not one size fits all; rather, the impact of dyslexia on each individual student determines the necessary accommodation.** Listed below are **examples** of reasonable classroom accommodations:

- Copies of notes (e.g., teacher- or peer-provided)
- Note-taking assistance
- Additional time on class assignments and tests
- Reduced/shortened assignments (e.g., chunking assignments into manageable units, fewer items given on a classroom test or homework assignment without eliminating concepts, or student planner to assist with assignments)
- Alternative test location that provides a quiet environment and reduces distractions
- Priority seating assignment
- Oral reading of directions or written material

- Word banks
- Audiobooks
- Text to speech
- Speech to text
- Electronic spellers
- Electronic dictionaries
- Formula charts
- Adaptive learning tools and features in software programs

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year and over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dyslexia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [Accommodations for students with Disabilities](https://dyslexiaida.org/accommodations-for-students-with-dyslexia/) available at <https://dyslexiaida.org/accommodations-for-students-with-dyslexia/>.

Access to Instructional Materials for Students with Disabilities

Accessible instructional materials (AIM) are textbooks and related core instructional materials that have been converted into specialized formats (e.g., Braille, audio, digital text, or large print) for students who are blind or have low vision, have a physical disability, or have a reading disability such as dyslexia. Digital books or text-to-speech functions on computers and mobile devices provide access to general education curriculum for students with dyslexia. **Bookshare** and **Learning Ally** provide electronic access to digitally recorded materials for students with print disabilities. TEA provides links to these resources as well as other accessible instructional materials for students with disabilities at <http://www.tea.state.tx.us/index2.aspx?id=2147487109>.

Texas State Student Assessment Program Accommodations for Students with Disabilities

Educators, parents, and students must understand that accommodations provided during classroom instruction and testing might differ from accommodations allowed for use on state assessments. The state assessment is a standardized tool for measuring every student’s learning in a reliable, valid, and secure manner. An accommodation used in the classroom for learning may invalidate or compromise the security and integrity of the state assessment; therefore, not all accommodations suitable for instruction are allowed during the state assessments. It is important to keep in mind that the policies for accommodation use on state assessments **should not** limit an educator’s ability to develop individualized materials and techniques to facilitate student learning. **Instruction comes first** and can be customized to meet the needs of each student.

For the purposes of the statewide assessments, students needing accommodations due to a disability include the following:

- Students with an identified disability who receive special education services and meet established eligibility criteria for certain accommodations
- Students with an identified disability who receive Section 504 services and meet established eligibility criteria for certain accommodations
- Students with a disabling condition who do not receive special education or Section 504 services but meet established eligibility criteria for certain accommodations

For students who receive special education or Section 504 services, the decision for student use of accommodations during the statewide assessments is made by the ARD or Section 504 committee. In those rare instances where a student does not receive services but meets the eligibility criteria due to a disabling condition, the decision about using accommodations on the statewide assessments is made by the appropriate team of people at the campus level, such as the RTI team or student assistance team. For more information about accommodations on statewide assessments, visit <https://tea.texas.gov/accommodations/>.

Enrollment in Gifted/Talented and Advanced Academic Programs

A student who has been identified with dyslexia can also be a gifted learner, or a twice-exceptional learner. A twice-exceptional learner is a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high-performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria. Disability criteria may include the following:

- Learning disabilities
- Speech and language disorders
- Emotional/behavioral disorders
- Physical disabilities
- Traumatic brain injury
- Autism spectrum disorder
- Sensory disabilities (hearing impaired, visually impaired, blind-deaf)
- Other health impairments that limit strength, vitality, or alertness (such as ADHD)

Twice-exceptional students make up a highly diverse group of learners. While they do not form a simple, homogenous

group, there are indicators that tend to be typical of many children who are both gifted and who also have a disability. Cognitive and affective indicators may include strengths such as extreme curiosity and questioning, high levels of problem-solving and reasoning skills, and advanced ideas/opinions which they are uninhibited about expressing. Cognitive and affective challenges twice-exceptional learners may exhibit include discrepant verbal and performance abilities, deficient or extremely uneven academic skills, and auditory and/or visual processing problems which may cause them to respond or work slowly or appear to think slowly. For more information regarding general characteristics of twice-exceptional learners, please see <https://gtequity.tea.texas.gov/www.gtequity.org/twice/docs/generalcharacteristics.pdf> on TEA's Equity in G/T Education website.

Due to the diversity of twice-exceptional students, the identification of twice-exceptional learners can be challenging. Evaluation and identification require those vested in the education of these learners to be knowledgeable of the unique characteristics and behaviors demonstrated by twice-exceptional learners. Often the disability masks the giftedness, emphasizing barriers to learning instead of the potential that the learner has as a result of the gifted attributes. Conversely, the giftedness may mask the disability, which may result in the student experiencing gaps in learning compounded by the disability, thus affecting how the learner perceives his or her abilities.

Twice-exceptional students must be provided access to all service and course options available to other students. Section 504 and Title II of the Americans with Disabilities Act (ADA), require that qualified students with disabilities be given the same opportunities to compete for and benefit from accelerated programs and classes as are given to students without disabilities [34 C.F.R. §104.4(b)(1)(ii) and 28 C.F.R. §35.130(b)(1)(ii)]. **A student with a disability such as dyslexia or a related disorder may not be denied admission to an accelerated or advanced class or program solely because of the student's need for special education or related aids or services or because the student has an IEP or Section 504 Plan.**

Additionally, a student with a disability may not be prohibited from using special education or related aids as a condition of participating in an accelerated or advanced class or program. Participation by a student with a disability in an accelerated or advanced class or program generally would be considered part of the regular education referenced in IDEA and Section 504 regulations. Thus, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, the school cannot deny that student the needed related aids and services in an accelerated or advanced class or program.

It is important to note that a district or school does not have to provide a student with an accommodation or modification "that fundamentally alters the nature of" an accelerated or advanced course or program. Rather, a district or school "must consider a student's ability to participate in the program with reasonable accommodations." (*G.B.L. v. Bellevue School District #405*).

In determining the appropriate courses and programs, the following questions should be considered by a twice-exceptional learner's ARD or Section 504 committee:

- Does the student meet the basic eligibility or admission requirements applied to ALL students?
- Does the student need special education or related aids and services to receive FAPE?
- Do the academic accommodations or related aids and services constitute a fundamental alteration of the program?

The U.S. Department of Education's Office for Civil Rights offers information for addressing students with disabilities seeking enrollment in advanced academic programs such as Advanced Placement and International Baccalaureate courses. For more information, see the Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

Additional support, information, and resources are available through the Equity in Gifted/Talented (G/T) Education website at <https://gtequity.tea.texas.gov/> [www.gtequity.org/index.php]. The *Texas State Plan for the Education of Gifted/Talented Students*, available at [www.tea.state.tx.us/index2.aspx?id=6420; <https://tea.texas.gov/academics/special-student-populations/gifted-and-talented-education>] mandates that once any student is identified as gifted, he/she must be provided gifted/talented services that are commensurate with his/her abilities (1.4C, 1.6C, 2.1C, and 3.3C). Additionally, due to the disability, twice-exceptional learners should have an IEP through special education services or a Section 504 Plan through general education. Additional support for districts serving twice-exceptional students is available at <https://gtequity.tea.texas.gov/> [www.gtequity.org/twice.php].

Sources for Enrollment in Gifted/Talented and Advanced Academic Programs

G.B.L. v. Bellevue Sch. Dist. #405. IDELR 186. No. 2:2012cv00427. (U.S. District Court, W.D. Washington, 2013).

Texas Education Agency. (2008–2015). Equity in G/T Education: Twice-Exceptional Students and G/T Services. Retrieved from <http://www.gtequity.org>.

Texas State Board of Education. (2009). *Texas State Plan for the Education of Gifted/Talented Students*. Retrieved from https://tea.texas.gov/Academics/Special_Student_Populations/Gifted_and_Talented_Education/Gifted_Talented_Education/.

U.S. Department of Education, Office for Civil Rights. Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs. (December 26, 2007). Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

V. DYSGRAPHIA

Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Texas Education Code §38.003 identifies the following examples of related disorders: developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability. Recent research in the field of dysgraphia has prompted the addition of the following guidance regarding the evaluation, identification, and provision of services for students with dysgraphia.

Definition and Characteristics of Dysgraphia

Difficulty with handwriting frequently occurs in children with dyslexia. When Texas passed dyslexia legislation, the co-existence of poor handwriting with dyslexia was one reason why dysgraphia was called a related disorder. Subsequently, dyslexia and dysgraphia have been found to have diverse co-morbidities, including phonological awareness (Döhla and Heim, 2016). However, dyslexia and dysgraphia are now recognized to be distinct disorders that can exist concurrently or separately. They have different brain mechanisms and identifiable characteristics.

Dysgraphia is related to dyslexia as both are language-based disorders. In dyslexia, the impairment is with word-level skills (decoding, word identification, spelling). Dysgraphia is a written language disorder in serial production of strokes to form a handwritten letter. This involves not only motor skills but also language skills—finding, retrieving and producing letters, which is a subword-level language skill. The impaired handwriting may interfere with spelling and/or composing, but individuals with only dysgraphia do not have difficulty with reading (Berninger, Richards, & Abbott, 2015).

A review of recent evidence indicates that dysgraphia is best defined as a neurodevelopmental disorder manifested by

illegible and/or inefficient handwriting due to difficulty with letter formation. This difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms) (Berninger, 2015). Secondary consequences may include problems with spelling and written expression. The difficulty is not solely due to lack of instruction and is not associated with other developmental or neurological conditions that involve motor impairment.

The characteristics of dysgraphia include the following:

- Variably shaped and poorly formed letters
- Excessive erasures and cross-outs
- Poor spacing between letters and words
- Letter and number reversals beyond early stages of writing
- Awkward, inconsistent pencil grip
- Heavy pressure and hand fatigue
- Slow writing and copying with legible or illegible handwriting (Andrews & Lombardino, 2014)

Additional consequences of dysgraphia may also include:

- Difficulty with unedited written spelling
- Low volume of written output as well as problems with other aspects of written expression

Dysgraphia is not:

- Evidence of a damaged motor nervous system
- Part of a developmental disability that has fine motor deficits (e.g., intellectual disability, autism, cerebral palsy)
- Secondary to a medical condition (e.g., meningitis, significant head trauma, brain trauma)
- Association with generalized developmental motor or coordination difficulties (Developmental Coordination Disorder)
- Impaired spelling or written expression with typical handwriting (legibility and rate) (Berninger, 2004)

Dysgraphia can be due to:

- Impaired feedback the brain is receiving from the fingers
- Weaknesses using visual processing to coordinate hand movement and organize the use of space
- Problems with motor planning and sequencing
- Difficulty with storage and retrieval of letter forms (Levine, 1999)

Despite the widespread beliefs that handwriting is purely a motor skill or that only multisensory methods are needed to teach handwriting, multiple language processes are also involved in handwriting. Handwriting draws on language by hand (letter production), language by ear (listening to letter names when writing dictated letters), language by mouth (saying letter names), and language by eye (viewing the letters to be copied or reviewing for accuracy the letters that are produced from memory) (Berninger & Wolf, 2016).

Sources for Definition and Characteristics of Dysgraphia

Andrews, J. and Lombardino, L. (2014). Strategies for teaching handwriting to children with writing disabilities. ASHA

SIG1 Perspectives on Language Learning Education. 21:114-126.

Berninger, V.W. (2004). Understanding the graphia in dysgraphia. In *Developmental Motor Disorders: A Neuropsychological Perspective*. D. Dewry and D. Tupper (Eds.), New York, NY, US: Guilford Press.

Berninger, V.W. (2015). *Interdisciplinary frameworks for schools: Best practices for serving the needs of all student*. Washington, D.C.: American Psychological Association.

Berninger, V.W., Richards, T.L. and Abbott, R. D. (2015) *Differential Diagnosis of Dysgraphia, Dyslexia, and OWL LD: Behavioral and Neuroimaging Evidence*. *Read Writ.* 2015 Oct;28(8):1119-1153.

Berninger, V., & Wolf, B. (2016). *Dyslexia, Dysgraphia, OWL LD, and Dyscalculia: Lessons from Science and Teaching* (Second ed.). Baltimore, Maryland: Paul H Brookes Publishing.

Döhla, D. and Heim, S. (2016). *Developmental dyslexia and dysgraphia: What can we learn from the one about the other?* *Frontiers in Psychology.* 6:2045.

Levine, M.D. (1999). *Developmental Variation and Learning Disorders*. Cambridge, MA: Educators Publishing Service, Inc.

Procedures for Identification

The process of identifying dysgraphia will follow Child Find procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA. These procedural processes require coordination among the teacher, campus administrators, diagnosticians, and other professionals as appropriate when factors such as a student's English language acquisition, previously identified disability, or other special needs are present.

The first step in the evaluation process, data gathering, should be an integral part of the district's or charter school's process for any student exhibiting learning difficulties. Documentation of the following characteristics of dysgraphia could be collected during the data gathering phase:

- Slow or labored written work
- Poor formation of letters
- Improper letter slant
- Poor pencil grip
- Inadequate pressure during handwriting (too hard or too soft)
- Excessive erasures
- Poor spacing between words
- Poor spacing inside words
- Inability to recall accurate orthographic patterns for words
- "b" and "d" reversals beyond developmentally appropriate time
- Inability to copy words accurately
- Inability of student to read what was previously written
- Overuse of short familiar words such as "big"
- Avoidance of written tasks
- Difficulty with visual-motor integrated sports or activities

While schools must follow federal and state guidelines, they must also develop procedures that address the needs of their student populations. Schools shall recommend evaluation for dysgraphia if the student demonstrates the following:

- Impaired or illegible handwriting that is unexpected for the student’s age/grade
- Impaired handwriting that interferes with spelling, written expression, or both that is unexpected for the student’s age/grade

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction, including writing, are defined in Section 2221(b) of ESSA as explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff.

Any time from kindergarten through grade 12 a student continues to struggle with one or more components of writing, schools must collect additional information about the student. Schools should use previously collected as well as current information to evaluate the student’s academic progress and determine what actions are needed to ensure the student’s improved academic performance. The collection of various data, as indicated in Figure 5.1 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with handwriting, spelling, and written expression.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dysgraphia is not due to lack of appropriate instruction in handwriting, spelling, and written expression. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. This cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 5.1.

Figure 5.1. Sources and Examples of Cumulative Data

- Vision screening
- Hearing screening
- Teacher reports of classroom concerns
- Parent reports of concerns about handwriting, spelling, or written expression
- Classroom handwriting assessments
- Classroom spelling assessments
- Samples of written work (e.g., journal, story responses, writing samples, etc.)
- Accommodations or interventions provided
- Academic progress reports (report cards)
- Gifted/talented assessments
- Samples of written schoolwork (both timed and untimed)
- State student assessment program results as described in TEC §39.022

- Observations of instruction provided to the student
- Full Individual and Initial Evaluation
- Outside evaluations
- Speech and language assessment
- School attendance
- Curriculum-based assessment measures
- Instructional strategies provided and student’s response to the instruction
- Universal screening
- Parent survey

2. Formal Evaluation

After data gathering, the next step in the process is formal evaluation. This is not a screening; rather, it is an individualized evaluation used to gather evaluation data. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence for dysgraphia. Information collected from the parents/guardians also provides valuable insight into the student’s early years of written language development. This history may help to explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dysgraphia will need to look beyond scores on standardized assessments alone and examine the student’s classroom writing performance, educational history, and early language experiences to assist with determining handwriting, spelling, and written expression abilities and difficulties.

Notification and Permission

When formal evaluation is recommended, the school completes the evaluation process as outlined in IDEA. Procedural safeguards under the IDEA must be followed. The Overview of Special Education for Parents form must also be distributed to the parent. For more information on procedural safeguards, [~~see Appendix D, IDEA/Section 504 Side-by-Side Comparison, and~~] TEA’s [Parent Guide to the Admission, Review, and Dismissal Process \(Parent’s Guide\)](#) and [Notice of Procedural Safeguards](#)

Tests and Other Evaluation Materials

Test instruments and other evaluation materials must meet the following criteria:

- Be used for the purpose for which the evaluation or measures are valid or reliable
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient
- Be selected and administered to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual, or speaking skills
- Be selected and administered in a manner that is not racially or culturally discriminatory

- Include multiple measures of a student’s writing abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, samples of written work, classroom observations)
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- Be provided and administered in the student’s native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer

Domains to Assess

Academic Skills

The school administers measures that are related to the student’s educational needs. Difficulties in the areas of letter formation, orthographic awareness, and general handwriting skills may be evident dependent on the student’s age and writing development. Additionally, many students with dysgraphia may have difficulty with spelling and written expression.

Cognitive Processes

The process of handwriting requires the student to rely on memory for letters or symbol sequences, also known as orthographic processing. Memory for letter patterns, letter sequences, and the letters in whole words may be selectively impaired or may coexist with phonological processing weaknesses. When spelling, a student must not only process both phonological and orthographic information, but also apply their knowledge of morphology and syntax (Berninger & Wolf, 2009).

Figure 5.2. Areas for Evaluation of Dysgraphia		
Academic Skills	Cognitive Processes	Possible Additional Areas
<ul style="list-style-type: none"> • Letter formation • Handwriting • Word/sentence dictation (timed and untimed) • Copying of text • Written expression • Spelling • Writing fluency (both accuracy and fluency) 	<ul style="list-style-type: none"> • Memory for letter or symbol sequences (orthographic processing) 	<ul style="list-style-type: none"> • Phonological awareness • Phonological memory • Working memory • Letter retrieval • Letter matching

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

To make an informed determination the ARD, committee must include members who are knowledgeable about the following:

- Student being assessed
- Evaluation instruments being used
- Interpretation of the data being collected

Additionally, the committee members should have knowledge regarding

- the handwriting process;
- dysgraphia and related disorders;
- dysgraphia instruction, and;
- district or charter school, state, and federal guidelines for evaluation.

There likely may be a need for an occupational therapist on the committee to assist in addressing all required areas of evaluation for dysgraphia.

Review and Interpretation of Data and Evaluation

To appropriately understand evaluation data, the ARD committee must interpret tests results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

A determination must first be made regarding whether a student's difficulties in the areas of writing and spelling reflect a pattern of evidence for the primary characteristics of dysgraphia with unexpectedly low performance for the student's age and educational level in some or all of the following areas:

- Handwriting
- Writing fluency (accuracy and rate)
- Written Expression
- Spelling

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weakness in writing and spelling, the committee will then examine the student's data to determine whether these difficulties are unexpected in relation to the student's other abilities, sociocultural factors, language differences, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, oral verbal ability, or math reasoning yet still have difficulty with writing and spelling.

Therefore, it is not one single indicator, but a preponderance of informal and formal data that provide the committee with evidence for whether these difficulties are unexpected.

Dysgraphia Identification

If the student's difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dysgraphia. The list of questions in Figure 5.3 below must be considered when making a determination regarding dysgraphia.

Figure 5.3. Questions to Determine the Identification of Dysgraphia

- Do the data show the following characteristics and consequences of dysgraphia?
 - Illegible and/or inefficient handwriting with variably shaped and poorly formed letters Difficulty with unedited written spelling
 - Low volume of written output as well as problems with other aspects of written expression
- Do these difficulties (typically) result from a deficit in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms)?
- Are these difficulties unexpected for the student's age in relation to the student's other abilities and the provision

of effective classroom instruction?

Once dysgraphia has been identified, a determination must be made regarding the most appropriate way to serve the student.

The ARD committee will determine whether the student who has dysgraphia is eligible under IDEA as a student with a specific learning disability. The student is eligible for services under IDEA if he/she has dysgraphia and, because of the dysgraphia needs special education services. The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit

[\[https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf.\]](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf)

<https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-ideaiep-terms/>

If the student with dysgraphia is found eligible for special education, the student's IEP must include appropriate writing instruction, which might include instruction from a related services provider.

If the student is identified with dysgraphia but is not considered a student with a disability under the IDEA (because the student does not need specially designed instruction), then the student may receive appropriate accommodations and services under Section 504. Students are protected under Section 504 if the physical or mental impairment (dysgraphia) substantially limits one or more major life activities, such as the specific activity of writing. Additionally, the Section 504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity (writing), must not consider the ameliorating effects of any mitigating measures that student is using.

Revision of the Section 504 Plan will occur as the student's response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).

Instruction for Students with Dysgraphia

“. . . Done right, early handwriting instruction improves students' writing. Not just its legibility, but its *quantity and quality.*" (p. 49)

—S. Graham, *Want to Improve Children's Writing? Don't Neglect Their Handwriting*, *American Educator*, 2010

Graham and his colleagues describe two reasons for teaching handwriting effectively. The first reason is what they call the Presentation Effect. Research demonstrates that, in general, a reader's evaluation of a composition's quality is influenced by how neatly it is written (Graham, Harris, & Hebert, 2011). The second reason that educational scientists give for teaching handwriting effectively is called the Writer Effect.

Research demonstrates that handwriting difficulties interfere with other writing processes such as expression of ideas and organization. In fact, a 2016 meta-analysis showed that handwriting instruction improved students' writing fluency, quantity, and quality. The findings of this research report were dramatic, showing moderate effects on writing fluency and very large effects on the number of words students wrote and the quality of their compositions (Santangelo & Graham, 2016).

Handwriting interferes with other writing processes or consumes an inordinate amount of cognitive resources, at least until handwriting becomes automatic and fluent ... Handwriting-instructed students made greater gains than peers who did not receive handwriting instruction in the quality of their writing, how much they wrote, and writing fluency. (p. 226)

—Santangelo & Graham, A Comprehensive Meta-Analysis of Handwriting Instruction, 2016

Supporting Students Struggling with Handwriting

Between 10% and 30% of students struggle with handwriting. Early difficulties in this area are significantly correlated with poorer performance on composition tasks. The following are research-based elements of effective handwriting instruction. These elements, which apply to both manuscript and cursive handwriting, may not necessarily apply to an entire class but instead may be used to support instructional methods delivered in small groups with students whose penmanship is illegible or dysfluent.

1. Show students how to hold a pencil.
2. Model efficient and legible letter formation.
3. Provide multiple opportunities for students to practice effective letter formation.
4. Use scaffolds, such as letters with numbered arrows showing the order and direction of strokes.
5. Have students practice writing letters from memory.
6. Provide handwriting fluency practice to build students' automaticity.
7. Practice handwriting in short sessions.

—Adapted from Berninger et al., 1997; Berninger et al., 2006; Denton, Cope, & Moser, 2006; Graham et al., 2012; Graham, Harris, & Fink, 2000; Graham & Weintrub, 1996.

Some students who struggle with handwriting may actually have dysgraphia. Dysgraphia may occur alone, or with dyslexia. An assessment for dysgraphia, as it relates to dyslexia, is important in order to determine whether children need additional explicit, systematic instruction in handwriting only; handwriting and spelling; or handwriting, spelling, and written expression along with word reading and decoding (IDA, 2012).

Texas Education Code §38.003(b) states, “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.”

While it is important for students with dysgraphia to receive the research-based elements of handwriting, spelling, and written language instruction as part of the core curriculum, for those students who require additional supports and services for dysgraphia, instructional decisions must be made by a committee (either Section 504 or ARD) that is knowledgeable about the instructional elements and delivery of instruction that is consistent with research-based practice.

Handwriting

The research-based elements for effective instruction of handwriting as stated above for all students are the same for students with dysgraphia. However, the intensity, frequency, and delivery of instruction may need to be adjusted to meet specific student need as determined by the Section 504 or ARD committee. Figure 5.4 below provides a hierarchy of instruction for handwriting as a reference to best practice:

Figure 5.4. Handwriting Hierarchy of Instruction

Posture	Also known as “Watch Our Writing” (W.O.W) <ul style="list-style-type: none">• Feet are flat on the floor• Back is straight• Paper slanted so that the edge of the paper is parallel to the writing arm• Paper anchored with non-writing hand• Pencil grip and position correct
Grip	Normal tripod grip with pencil resting on first joint of middle finger with the thumb and index fingers holding the pencil in place at a 45° angle.
Letter Formation	Emphasis placed in the following order: <ul style="list-style-type: none">• Shape• Proportion• Size• Rhythm/fluency• Slant
Sequence	<ul style="list-style-type: none">• Lower case letters first; Capitals as needed beginning with first letters of student name• Manuscript – group by stroke formation• Cursive – group by beginning approach stroke• Letters• Syllables• Words• Phrases• Sentences• Paragraphs

Spelling

Handwriting supports spelling, a complex process of translating a phoneme (spoken sound) to the corresponding grapheme (orthographic representation) in order to generate written text to express an idea. Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge. Because spelling is meaning driven and draws upon the phonological, orthographic, and morphological aspects of words, students will benefit from systematic, explicit instruction based on the following guiding principles:

- Phoneme-grapheme correspondence
- Letter order and sequence patterns, or orthographic conventions:
 - syllable types
 - orthographic rules
 - irregular words

- Position of a phoneme or grapheme in a word
- Meaning (morphology) and part of speech
- Language of origin (Moats, 2005)

Writing

A potential secondary consequence of dysgraphia is difficulty with students expressing themselves in written text. This difficulty may be attributed to deficits in handwriting, spelling, language processing, or the integration of each of those skills. In Chapter IV of this handbook, Moats and Dakin (2008) are quoted as stating:

The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Students with written expression difficulties because of dysgraphia would benefit from being taught explicit strategies for composing including planning, generating, reviewing/evaluating, and revising different genre including narrative, informational, compare and contrast, and persuasive compositions (IDA, 2012).

Delivery of Intervention

The way the content is delivered should be consistent with the principles of effective intervention for students with dysgraphia including the following:

- **Simultaneous, multisensory (VAKT)** — “Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic-tactile) simultaneously in order to enhance memory and learning” (Birsh, 2018, p. 19). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).
- **Systematic and cumulative** — “Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 19).
- **Explicit instruction** — “Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity** — “The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual's needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).

Sources for Critical, Evidence-Based Components and Delivery of Dysgraphia Instruction

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- Santangelo, T., & Graham, S. (June 2016). A comprehensive meta-analysis of handwriting instruction. *Educational Psychology Review, 28*(2), 225-265.

Instructional Accommodations for the Student with Dysgraphia

By receiving instruction based on the elements described in this chapter, a student with dysgraphia is better equipped to meet the demands of grade-level or course instruction. In addition to targeted instruction, accommodations provide the student with dysgraphia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not a one size fits all; rather, the impact of dysgraphia on each individual student determines the accommodation.** When considering accommodations for the student with dysgraphia, consider the following:

- The rate of producing written work

- The volume of the work to be produced
- The complexity of the writing task
- The tools used to produce the written product
- The format of the product (Texas Scottish Rite Hospital for Children, 2018, p. 5).

Listed below are **examples** of reasonable classroom accommodations for a student with dysgraphia based on the above considerations:

- Allow more time for written tasks including note taking, copying, and tests
- Reduce the length requirements of written assignments
- Provide copies of notes or assign a note taking buddy to assist with filling in missing information
- Allow the student to audio record important assignments and/or take oral tests
- Assist student with developing logical steps to complete a writing assignment instead of all at once
- Allow the use of technology (e.g., speech to text software, etc.)
- Allow the student to use cursive or manuscript, whichever is most legible and efficient
- Allow the student to use graph paper for math, or to turn lined paper sideways, to help with lining up columns of numbers
- Offer an alternative to a written project such as an oral report, dramatic presentation, or visual media project

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year or over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dysgraphia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [At a Glance: Classroom Accommodations for Dysgraphia](https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia), available at <https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia>

Technology Tools

There are many technology resources to assist a student with dysgraphia. The *Technology Integration for Students with Dyslexia* online tool (TEC §38.0031) is a resource developed to support school districts and charter schools in making instructional decisions regarding technology that benefit students with dyslexia and related disorders. For more information and to view this source, visit [Dyslexia and Related Disorders | Texas Education Agency](https://www.region10.org/programs/dyslexia/techplan/).
[\[https://www.region10.org/programs/dyslexia/techplan/\]](https://www.region10.org/programs/dyslexia/techplan/)

APPENDIX

Appendix A: Frequently Asked Questions (FAQ)

While this is included in the Dyslexia and Related Disorders Handbook, which can only be amended by the State Board of Education through their authority at Texas Education Code (TEC) 7.102(c)(28) and 38.003, this Appendix is considered to be Texas Education Agency (TEA) guidance on the implementation of the Handbook. TEA has authority to update this Appendix as new or revised guidance prompts such updating. TEA will indicate the month and the year on which updates occur within this document.

Dyslexia Evaluation, Identification, and Instruction

Visit the [TEA Dyslexia and Related Disorders website](#) for additional information.

Definitions

It is important to provide certain definitions for terms used in this FAQ. Those are:

Child with a disability - The Individuals with Disabilities Education Act (IDEA) defines a child with a disability as a child evaluated as having at least one of 13 disabilities, and by reason thereof, needs special education and related services. Therefore, in this document, the use of this term means both the presence of an eligible disability and the need for special education and related services. The need for special education and related services includes the need for evidence-based dyslexia instruction based on the identified disability of dyslexia.

Dyslexia Handbook – This is one component of how the SBOE complies with its statutory authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Sometimes referred to as simply “the Handbook” throughout this FAQ, it is officially the 2021 update adopted by reference in SBOE rule at 19 Texas Administrative Code (TAC) §74.28. All LEAs are required to follow the Handbook.

Evidence-based dyslexia program – This term refers to the provision of evidence-based dyslexia instruction by using one or more evidence-based reading programs for dyslexia or curriculums purchased or developed by an LEA that is/are aligned with all instructional methods and components for dyslexia instruction as described in the Dyslexia Handbook. Evidence-based dyslexia programs include instructional methods that are simultaneous and multisensory (visual, auditory, kinesthetic, and tactile); systematic and cumulative; explicit; diagnostic and taught to automaticity; synthetic; and analytic [pages 42-43 of the Dyslexia Handbook]. In addition, evidence-based dyslexia programs must address all of the required critical, evidence-based components of dyslexia instruction (phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency) [pages 40-42 of the Dyslexia Handbook].

Evidence-based dyslexia programs are considered specially designed instruction (SDI) (i.e., a special education service). An admission, review, and dismissal (ARD) committee will ensure, for a student with dyslexia eligible under IDEA, that the SDI contains all elements of an evidence-based dyslexia program as outlined in the Handbook. Accommodations (e.g., additional practice, smaller groups or individual instruction, longer time to progress) may be listed in the student’s individualized education program (IEP) and provided based on student need. An ARD committee should only consider deviations from the program if clearly indicated by data collection, a student’s present levels of academic achievement and functional performance (PLAAFP), and other areas of the student’s IEP. For instance, a student who has dyslexia and a sensory impairment (e.g., blind or visually impaired, deaf or hard of hearing, deafblind) may need modifications to access the program.

The term “evidence-based dyslexia program” can be interpreted as being synonymous with “standard protocol dyslexia instruction,” as that term was used in the Dyslexia Handbook, 2021 update.

Local educational agency (LEA) – This term applies to both school districts and open enrollment charter schools.

Where questions and answers in this document do not pertain to open enrollment charter schools, the item will specifically refer to school districts.

Parent – This term generally means a child’s biological or adoptive parent but may also include another person who is included in the definition of the term “parent” under IDEA at 34 C.F.R. §300.30.

Provider of dyslexia instruction (PDI) – This person must be fully trained in the LEA’s adopted instructional materials for students with dyslexia, as required by Texas Education Code (TEC) §29.0032. This means that a PDI must be fully trained in the LEA’s evidence-based dyslexia program and able to use individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components described in the Dyslexia Handbook. While there is no required certification or license required for a PDI, LEAs are encouraged to seek out individuals who have specific licenses and certifications that focus on dyslexia identification and instruction, such as licensed dyslexia therapists (LDTs), licensed dyslexia practitioners (LDPs), certified academic language therapists (CALTs), certified academic language practitioners (CALPs), and those with structured literacy certifications. A PDI does not have to be a certified special education teacher, unless the LEA employs the PDI in a position that requires the certification. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

Specially designed instruction (SDI) – As an element of the term special education, IDEA defines SDI as adapting, as appropriate to the needs of an eligible child with a disability, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum. [34 C.F.R. 300.39(b)(3)] In addition to the identification of a disability, the need for SDI is an area that an ARD committee considers when determining initial and continued eligibility for special education and related services.

Standard protocol dyslexia instruction (SPDI) – This term, as used in the Dyslexia Handbook, 2021 Update, was defined on as evidence-based, multisensory structured literacy instruction for students with dyslexia. This term should be interpreted as being synonymous with “evidence-based dyslexia instruction,” and “evidence-based dyslexia program,” and there is no distinction between this and other types of dyslexia instruction, including SDI.

Child Find and the Initial Evaluation Process

(1) How did HB 3928 impact an LEA’s Child Find process?

Distribution of a form on rights under IDEA that may be additional to those under Section 504 of the Rehabilitation Act of 1973. If a student is suspected of having dyslexia and may be a child with a disability, including when data supports a suspicion after the reading diagnostic assessments under TEC §28.006 or screening under TEC §38.003, LEAs must distribute to parents a form, developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504. The Notice of Procedural Safeguards (NPS) meets the federally required notice of IDEA rights and is part of the process of seeking informed parental consent for evaluation, but the state requirement resulting from this bill is a specific form summarizing the rights that might be additional to those offered under Section 504. The Overview of Special Education for Parents form is available in English and in [multiple languages](#).

In regard to the form, LEA responsibilities include the following when an initial special education evaluation has been requested by a parent, or the LEA has referred the student for an initial evaluation:

- When dyslexia is suspected, the LEA must distribute the form when the LEA issues to parents the prior written notice of its proposal to conduct an evaluation, a copy of the NPS, and the opportunity to consent to the evaluation [[19 TAC](#)]

[§89.1011\(b\)\(1\)](#)], or when the LEA issues to parents the prior written notice of its refusal to conduct an evaluation and a copy of the NPS [[19 TAC §89.1011\(b\)\(2\)](#)];

- Parents need to be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA will need to retain evidence of the parent’s signature or documentation that the parent refused to provide a signature.

(2) What are the unique requirements specific to the evaluation and identification process for dyslexia?

Required Multidisciplinary Team (MDT) Member. TEC §29.0031 specifies that someone with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA’s MDT when dyslexia is the suspected disability. This is a team of qualified professionals who conduct the evaluation for a student. [See **Required Member of the Multidisciplinary Team and the ARD Committee** for more specific information about requirements for this person’s qualifications and participation in the evaluation and ARD committee meeting.]

Dyslexia is a specific learning disability (SLD). TEC §29.0031 states dyslexia is an example of and meets the definition of a SLD under IDEA. This is in conformity with IDEA’s federal regulations at 34 C.F.R. §300.8(c)(10), which specifically lists dyslexia as an example of an SLD. TEA provides the following guidance associated with an evaluation for dyslexia:

- The condition of dyslexia, if identified, must be documented and used in a student’s evaluation and any resulting IEP. However, for purposes of the Public Education Information Management System (PEIMS), 34 C.F.R. §300.311 requires specific documentation of a child’s eligibility determination as a child with an SLD. Thus, for the purpose of data reporting, an LEA would indicate the eligibility category for a student identified with dyslexia as SLD. As a result of the bill, TEA anticipates that each software vendor that contracts with LEAs for IEP development and implementation will add dyslexia to the list of SLD areas. In other words, dyslexia would be added to the existing list of SLD areas (e.g., basic reading skill, math calculations, reading fluency, written expression) so that ARD committees can simply select “dyslexia” to indicate the type of SLD identified. [OSERS’s October 23, 2015 Dear Colleague letter on dyslexia](#) clarifies that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluations, eligibility determinations, or IEP documents.
- There are specific evaluation domains and questions outlined in the Handbook that must be used when determining the presence of dyslexia. **There is no single instrument, score, or formula that will automatically rule in or rule out dyslexia. It is not required that a student demonstrate a specific cognitive weakness that correlates with an academic achievement weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia.** Dyslexia identification is based on the preponderance of evidence. The ARD committee must interpret evaluation test results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. The team must first look for a pattern of evidence reflective of the primary characteristics of dyslexia, i.e., unexpectedly low performance in some or all of the following areas:
 - reading words in isolation,
 - decoding unfamiliar words accurately and automatically,
 - reading fluency for connected text (rate and/or accuracy and/or prosody), and
 - spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia).

Teams should keep in mind that a deficit in one area of phonological awareness can limit reading progress and consider discreet skills (vs. composite scores), when drawing conclusions. Teams should also keep in mind that the presence of a sensory impairment, such as visual impairment, deaf-blindness, or being deaf or hard of hearing does not rule out the possibility of the presence of an SLD, including dyslexia. If the ARD committee determines that the student exhibits weaknesses in reading and spelling, the committee will then examine the student’s data to determine whether these difficulties are unexpected in relation to the student’s other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. It is not one single indicator but a preponderance of data

(both informal and formal) that provides the committee with evidence for whether these difficulties are unexpected. In other words, the following questions must be considered when making a determination regarding dyslexia:

- Do the data show the following characteristics of dyslexia?
 - Difficulty with accurate and/or fluent word reading
 - Poor spelling skills
 - Poor decoding ability
- Do these difficulties (typically) result from a deficit in the phonological component of language? (Be mindful that average phonological scores alone do not rule out dyslexia.)
- Are these difficulties unexpected for the student’s age in relation to the student’s other abilities and provision of effective classroom instruction?

Teams must also remember that evaluations for dyslexia and all other specific learning disabilities must meet the criteria in 19 TAC 89.1040. Note that eligibility for SLD, including dyslexia, may be identified through a Response to Intervention (RTI) method or a pattern of strengths and weaknesses (PSW) model. Note that a PSW model is NOT the same thing as a significant variance/discrepancy model. Texas does not allow SLD eligibility to be made using a discrepancy model. MDTs will complete a comprehensive evaluation for dyslexia using both the requirements of the handbook and requirements of 19 TAC 89.1040. These are not separate evaluations. Identifying if the student is underachieving in one or more areas is based on **multiple sources of data**, rather than a single score or piece of information. **Evaluators must not rely on interpretative models or processes that exclude evidence of a disability based on predetermined score profiles or cut-off scores. Requiring a student to have a cognitive weakness that correlates with an academic weakness may result in a student not receiving special education and related services that they are entitled to receive.**

(3) Does the student have to be in a certain grade level before dyslexia evaluation can occur?

No. Data related to the reading achievement and progress of all students should be continuously monitored and reviewed. A student who demonstrates poor performance in reading and spelling that is unexpected for the student’s age, grade or other abilities and who exhibits the characteristics of dyslexia and a suspected need for services shall be referred for an evaluation under the IDEA. TEC §28.006 requires school districts or open-enrollment charter schools to administer a reading instrument at the kindergarten first-grade, and second-grade levels and to notify the parent/guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of the reading instrument results, to be at risk for dyslexia or other reading difficulties. School districts and charter schools must also administer a reading instrument to grade 7 students who did not demonstrate proficiency on the grade 6 state reading assessment. Also, Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia, requires that all kindergarten and first-grade public school students be screened for dyslexia and related disorders.

(4) Can students in kindergarten and first grade be evaluated for dyslexia?

Yes. The identification of dyslexia in young students in kindergarten and first grade will often occur through the observation of parents/guardians and educators that, despite active participation in comprehensive reading instruction, a child with sound reasoning and/or language ability shows limited reading progress. Early reading instruments (TEC §28.006) in kindergarten–grade 2 assess the emerging reading skills that are key components to the identification of dyslexia. These skills include phonological awareness, letter knowledge (graphophonemic knowledge), decoding, and word reading. Early reading instruments serve as an important early screening for many reading difficulties, including dyslexia. When a child does not meet the basic standards of these early reading instruments, the pattern of difficulty may indicate risk factors for dyslexia. A child whose skills have not reached the normative standards of these instruments requires intensified reading instruction and possible consideration for a full individual and initial evaluation (FIIE) under IDEA. With the decision to conduct an evaluation of a young student (k-grade 1) suspected of having dyslexia, it is important to note that current standardized test instruments available to school districts are not particularly sensitive to the skill variations for these students. The identification will require data gathering that is not limited to standardized

instruments and that includes information from these early reading instruments, intervention data, and classroom performance patterns.

(5) May a parent/guardian request that a student be evaluated for dyslexia?

Yes. The parent/guardian may request a full individual and initial evaluation (FIIE) for dyslexia or a related disorder under IDEA. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of its refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards. Should the parent disagree with school’s refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including mediation, state complaints, and due process hearings.

(6) Can the parent/guardian provide an assessment from a private evaluator or source?

Yes. A parent/guardian may choose to have his/her child assessed by a private evaluator or other source. To be valid, this assessment must comply with the requirements set forth in the guidelines in Chapter III: Procedures for the Evaluation and Identification of Students with Dyslexia of this handbook. While an outside assessment may be provided to the Admission, Review and Dismissal (ARD) or Section 504 committee and must be considered by the committee, it does not automatically create eligibility. Instead, the committee determines eligibility based on a review “of data from a variety of sources.”

(7) What can parents do if they disagree with the school’s evaluation?

A parent may request an Independent Educational Evaluation (IEE) at public expense.

(8) Must a student fail a class or subject before being recommended for evaluation for dyslexia?

No. A student need not fail a class or subject or fail the state-required assessment in order to be referred for an evaluation. According to TEC §38.003, students should be evaluated for dyslexia at appropriate times. The appropriate time depends upon multiple factors, including the student’s reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teacher’s input; and input from the parents/guardians. When those factors lead to a suspicion of a disability, including dyslexia or a related disorder, and a need for services, the student must be referred for a full individual and initial evaluation (FIIE) under IDEA.

(9) Can a student be referred for a full individual and initial evaluation (FIIE) under IDEA for dyslexia and related disorders even if he/she has passed a test required by the statewide assessment program?

Yes. Results from a state test required by the statewide assessment program are only one source of data to be gathered and considered for possible recommendation for an evaluation. Other information must also be considered, such as teacher information, report card grades, parent information, history of reading difficulties, informal observations of the student’s abilities, response to scientifically based reading instruction, etc.

(10) How many years does a student need to receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder can be considered?

There is no fixed amount of time that an emergent bilingual (EB) student must receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder is considered. This will ensure that the LEA does not inadvertently violate their federal Child Find obligations.

(11) What determines the language of instruction for dyslexia services related to an emergent bilingual student?

To determine the language of instruction of dyslexia services for an emergent bilingual student, the committee of knowledgeable persons (ARD or Section 504 committee) must include a member of the LPAC and should consider the following two issues: What language allows the student to adequately access the dyslexia services? What is the student's current language of classroom instruction?

(12) When a student does not attend the local school district, what procedures are followed for identification of dyslexia?

State law related to dyslexia, TEC §38.003, indicates that the law pertains to students enrolled in public schools. However, federal laws still apply to students with disabilities enrolled in private schools.

Under IDEA, if a student attends private school or is home-schooled and is suspected to have a disability and the need for special education services, the student must be referred for a full individual and initial evaluation (FIE) as required by the Child Find provisions of IDEA. The school district where the private school is located is responsible for conducting Child Find for parentally-placed private school children.

In addition, while no parentally-placed private or home school student who has been determined to be a student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school, IDEA requires school districts to provide these students with an opportunity for equitable participation, through the development of a services plan, in the IDEA-funded services offered by the school district to private school students. For more information on this topic, please see TEA's Guidance on Parentally Placed Private School Children with Disabilities webpage.

A private school's duty to comply with Section 504, on the other hand, depends on whether it receives federal funds. If a private school receives federal funds and provides special education services, it must operate its programs in a manner that complies with the Section 504 regulations governing evaluations, placements, and procedural safeguards (34 C.F.R. §104.39 (c)).

(13) Is there one test that can be used to determine that a student has dyslexia or a related disorder?

No. School districts and open-enrollment charter schools should use multiple data sources, including formal and informal measures (e.g., day-to-day anecdotal information) that are appropriate for determining whether a student has dyslexia and/or a related disorder. For more information see Chapter 3: Procedures for the Evaluation and Identification of Dyslexia.

(14) Why is it important to assess rate, accuracy, and prosody for reading fluency when conducting a dyslexia evaluation?

The multidisciplinary evaluation team considers rate, accuracy, and prosody along with other factors, when assessing for a pattern of evidence for dyslexia. A test of oral-reading fluency must include the various components of reading fluency. A student may read words in a passage accurately, but very slowly, or a student may read the passage quickly with many errors. Therefore, measures of rate, accuracy, and prosody allow the examiner to observe and analyze a student's errors and miscues for diagnosis as well as inform instructional planning.

(15) Must a full-scale intelligence test be administered in the identification process for dyslexia?

No. The most current definition of dyslexia from the International Dyslexia Association (IDA) indicates that the difficulties the student exhibits in reading should be unexpected in relation to the student's other cognitive abilities and the provision of effective classroom instruction. Examples of other cognitive abilities that could be age-appropriate in relation to unexpected reading difficulties might include the student's oral language skills, problem-solving and reasoning skills, ability to learn in the absence of print, or strong math skills in comparison to reading skills. IDEA requires school districts and charter schools to use a variety of assessment tools and strategies to gather relevant, functional, developmental and

academic information including information provided by the parent. Evaluation must assess all areas related to the student’s suspected disability.

Section 504 requires the evaluation to draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background and adaptive behaviors.

(16) If a student is already receiving special education services for one particular area of need (e.g., speech) and the student is suspected to have dyslexia or a related disorder, does the ARD committee need to convene to recommend that the student be evaluated for dyslexia and related disorders?

Yes. For any student receiving special education services, including a student receiving speech services, the ARD committee and other qualified professionals, as appropriate, must review existing evaluation data on the student and, on the basis of that review and input from the student’s parents/guardians, identify what additional data, if any, are needed to make an informed decision regarding the identification of dyslexia. If further evaluation is recommended, the school district or charter school must give the parent or guardian prior written notice of the proposed evaluation and a notice of procedural safeguards (when required) and seek parental consent for the evaluation according to the requirements by IDEA. A timeline for completion of any new evaluation should be determined by the ARD committee.

(17) What requirements need to be kept in mind when considering reevaluations or retesting for students with dyslexia?

Under IDEA, reevaluation of a student with a disability may not occur more than once a year, unless the parent and the school district or charter school agree otherwise; and must occur at least once every three years, unless the parent and the school district or charter school agree that reevaluation is unnecessary. The first step for any reevaluation is conducting a review of existing evaluation data (REED), which identifies what, if any, additional data is necessary for the reevaluation. Under state law, a student determined to have dyslexia during screening or testing 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 school district or charter school reevaluates the information obtained from previous testing of the student (TEC §38.003(b-1)).

(18) Is the district or open-enrollment charter school responsible for conducting evaluations or reevaluations required by colleges and universities for students with dyslexia to receive accommodations?

No. The school district’s or charter school’s duty to evaluate only applies for purposes of determining eligibility and services in the school’s programs and activities during the period in which the student is eligible. According to the U.S. Department of Education Office of Civil Rights (OCR), neither the high school nor the postsecondary school is required to conduct or pay for a new evaluation to document a student’s disability and need for accommodations. Consequently, the responsibility will fall to the student. All IDEA rights conclude and a student exits special education upon graduation and issuance of a regular high school diploma, as that term is defined by IDEA at 34 CFR §300.102(a)(3)(iv). However, if a student has an up-to-date evaluation prior to leaving high school, the evaluation may help identify services that have been effective for the student when a postsecondary institution is determining the need for academic adjustments. TEC §51.9701 states that “unless otherwise provided by law, an institution of higher education, as defined by §61.003, may not reassess a student determined to have dyslexia for the purpose of assessing the student’s need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student.”

Required Member of the Multidisciplinary Team and the ARD Committee

(19) Who can serve as the required MDT and ARD committee member when dyslexia is suspected and special education eligibility is determined?

Requirements for Member With Dyslexia and Reading Knowledge. When dyslexia is suspected, a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA’s MDT and any ARD committee that is convened to determine eligibility for special education and related services. TEC §29.0031 lists three means to satisfy this membership requirement:

- (1) Be an LDT;
- (2) Be an individual who holds the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, either the rules or Handbook adopted by the SBOE; or
- (3) If neither of the first two is available, be an individual who meets applicable training requirements adopted by the SBOE.

LEAs must prioritize the individuals who meet the credentials of the items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. **To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)- accredited course at the teaching or therapy level.**

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2), an LEA may identify another individual to serve in this role who, **within the school year of being designated as such member,** must:

- register and complete the Texas Education Agency’s (TEA’s) Texas Dyslexia Academies (TDAs);
- register and complete the TEA’s Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

(17) How should this member document their participation in a student’s evaluation and any resulting IEP?

TEC §29.0031 requires the dyslexia member of the MDT or ARD committee to sign a document describing their involvement and participation in the evaluation and any resulting IEP. TEA expects the member to sign the evaluation report conducted by the MDT. Signatures from the professionals serving on the MDT indicate consensus with the overall interpretations and conclusions contained within the evaluation. In situations where members of the MDT have different interpretations, they must work collaboratively to review the various sources of data and gather additional information as necessary to complete a single comprehensive evaluation report that is compliant with state and federal requirements and present the results for ARD committee consideration. Participation and involvement in an ARD committee meeting should be noted on an IEP signature page and clearly indicate that the person is fulfilling the role of this required member. In this case, it might be appropriate to document the member’s role as the member required by TEC §29.0031(b).

(18) Is this member required for every ARD committee meeting?

No. This member **must be part of any ARD committee meeting convened to determine a student’s eligibility for special education and related services.** This means that the member must be a part of an ARD committee meeting that determines initial eligibility and any meeting at which a change in and/or continued eligibility is discussed, as in a re-evaluation. Keep in mind, however, that a student’s PDI must be involved in the development and implementation of the student’s IEP. While the student’s PDI does not necessarily have to meet the criteria listed for this required member, the PDI will also have knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction since the PDI

is required to be fully trained in the LEA’s adopted instructional materials for students with dyslexia. [See **Providers of Dyslexia Instruction (PDIs)**, below]

Determining Eligibility for Special Education and Related Services

(19) Is an evidence-based dyslexia program and evidence-based dyslexia instruction considered SDI, i.e., a special education service?

Yes, evidence-based dyslexia instruction is a special education service. TEC §7.102(c)(28) requires that there no longer be a distinction between standard protocol dyslexia instruction and other types of dyslexia instruction. An evidence-based dyslexia program, then, is SDI that is required for students who need it.

To establish a student’s eligibility under IDEA, an ARD committee must address two qualifying factors, commonly referred to as prong 1 and prong 2. For purposes of identifying *dyslexia* specifically, first, to determine whether a student has a qualifying disability under prong 1, an ARD committee reviews evaluation reports and other appropriate information to determine whether a student has dyslexia. Second, if prong 1 is established, the ARD committee next determines prong 2, whether the student needs special education and related services. For a student with dyslexia, the prong 2 decision should include whether a student needs evidence-based dyslexia instruction or any other SDI to make progress. Therefore, if a student has been identified as a student with dyslexia and has been determined to need evidence-based dyslexia instruction or other SDI, then the student qualifies for special education and related services under IDEA as a student with an SLD for dyslexia. To reiterate, any student needing evidence-based dyslexia instruction containing all elements in the Handbook meets eligibility for prong 2.

For a student with a disability who is in need of special education, the ARD committee determines the SDI that meets the unique needs of the student. Note that an ARD committee is NOT prohibited from determining that an evidence-based dyslexia program is an appropriate special education service for any IDEA-eligible student with a disability who may not be formally identified with dyslexia. A student with a disability has access to the SDI needed in order for that student to make progress on his or her IEP. If a student needs instruction through an evidence-based dyslexia program, the ARD committee would document in the PLAAFP the student’s needs in the area of reading with baseline data, an annual goal for that area of reading, and evidence of progress is documented when goals are monitored.

(20) What about students who currently receive evidence-based dyslexia programs through an accommodation plan under Section 504?

LEAs cannot unilaterally decide to discontinue the provision of an evidence-based dyslexia program to a student who currently receives it through a Section 504 plan. Additionally, if a student is currently receiving only instructional accommodations and other regular education aids and services under a Section 504 accommodation plan (i.e., is not being provided an evidence-based dyslexia program), an LEA cannot discontinue those protections and plan with the exception of the already required periodic Section 504 reviews to document a student’s continued impairment and continued need for 504 protections. As the field begins to transition to the change that a student’s identification of dyslexia and need for an evidence-based dyslexia program will be considered SDI and qualifies the student as eligible for special education and related services, action will be required for those students whose LEAs currently offer the evidence-based dyslexia program through Section 504. **Section 504 committees must begin the process of discussing a student’s continued need for an evidence-based dyslexia program and submitting referrals for full individual and initial evaluations (FIEs). Each LEA should hold a Section 504 meeting as soon as possible but no later than by the end of the 2024-2025 school year to determine whether the student continues to require an evidence-based dyslexia program. If so, the LEA must refer the student for an FIE.** In these cases, the student should continue to receive instruction through an evidence-based dyslexia program while awaiting parental consent for the FIE, its completion, and the subsequent eligibility determination. LEAs should prepare for eligibility determinations to be made so that each eligible student could begin services under an IEP as soon as possible but no later than the beginning of the 2025-2026 school year.

Note that many of these students may have recently had an FIE as part of the identification of dyslexia (a requirement since the 2021 update to the Handbook), and the ARD committee may have determined the student was not eligible to receive special education services. In these cases, an LEA must still operate as if a new initial evaluation is taking place, which means asking parents to provide informed consent for evaluation and adhering to 34 C.F.R §300.301 and 19 TAC §89.1011. However, during the review of existing evaluation data (REED) process, the MDT, which includes input and data from the student’s parents, might determine that an updated student observation and collection of recent informal student data would be the only items necessary to include along with the recent evaluation report in order to determine eligibility and educational needs. If the parent of a student receiving this type of instruction under a Section 504 accommodation plan refuses to consent to an FIE, the LEA has the option of using due process and/or mediation to seek consent to evaluate.

If an LEA receives a transfer student identified with dyslexia who was receiving an evidence-based dyslexia program through a Section 504 accommodation plan at the student’s former LEA, the receiving LEA should take the necessary steps to accept and implement the Section 504 accommodation plan. The receiving LEA should provide the student the evidence-based dyslexia program while it initiates the process to refer the student for an FIE.

A student is no longer eligible to receive instruction in an evidence-based dyslexia program through a Section 504 accommodation plan if a parent does not consent to an FIE. As LEAs begin this transition, they are encouraged to prioritize referrals for FIEs during this timeframe to those students who are currently receiving this type of instruction through a 504 plan because the LEA initially declined to evaluate under IDEA, as well as to those students who are not progressing appropriately through their evidence-based dyslexia program. A parent may request an evaluation at any time.

(21) What if a parent does not give consent for either an FIE when dyslexia is suspected or for the provision of special education and related services when dyslexia is identified?

Beginning with the 2023-2024 school year, which is the school year in which HB 3928 first applied, a student will not be entitled to receive an evidence-based dyslexia program if a parent does not consent to the provision of special education and related services following an FIE or after an ARD committee has determined that the student is eligible for special education based on the identification of dyslexia and a need for an evidence-based dyslexia program. Under IDEA at 34 C.F.R. §300.300(b), a parent of a child with a disability is entitled to decline the provision of special education and related services.

Because evidence-based dyslexia programs are considered SDI and therefore special education services, the provision of those services must follow the IDEA requirements. A parent’s refusal to consent to an evidence-based dyslexia program through IDEA means that the parent is refusing the child’s special education and related services. Therefore, a parent should be informed of the following:

- The provision of an evidence-based dyslexia program is considered SDI, as that term is defined under IDEA. This means that an evidence-based dyslexia program is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services.
- Evidence-based dyslexia programs are not considered to be “regular” education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for an evidence-based dyslexia program crosses over into a special education need.
- Receiving special education and related services does not equate to a “place” where students are sent or that a student will necessarily see a dramatic shift in their services and schedules. The term special education and related services is drawn from IDEA and its terminology of requiring SDI because of an identified disability. IDEA provides unique parent and student protections under the law.

(22) If a student is not entitled to an evidence-based dyslexia program because a parent refused consent for an FIE or the provision of special education and related services, what is the LEA’s obligation to provide the student supports?

For those students who are having difficulty in the regular classroom, all LEAs must consider tutorials, interventions, and other academic or behavioral support services available to all students, including a multi-tiered system of supports (MTSS). A parent’s refusal to consent to an FIE does not prohibit the student from receiving other support services from which they may benefit and that are available to **all** students. A student with a Section 504 accommodation plan would also be entitled to those support services. However, implementation of the LEA’s purchased or developed evidence-based dyslexia program is considered SDI (i.e., a special education service not available to all students); therefore, the program will be provided to a student whose parent consents to the provision of special education and related services. Note that a reading intervention program that addresses all of the required components and instructional methods of dyslexia instruction as listed in the Handbook would be considered an evidence-based dyslexia program. While a student determined to be at risk for dyslexia or other reading difficulties based on a dyslexia screener would likely receive temporary targeted interventions as part of the LEA’s data gathering process to determine whether the student is suspected of having dyslexia – which will likely overlap with some of the same components and instructional methods – it would be inappropriate to utilize a program that is designed to be used for dyslexia instruction through the LEA’s MTSS. LEAs are reminded that they must comply with TEC §26.0081 whenever a child begins to receive intervention strategies. One of the requirements is that LEAs must provide parent notification. Additionally, LEAs are reminded that they cannot deny a parent’s request for a special education evaluation for their child based on a requirement that students receive interventions and supports for specific amount of time.

(23) If a student no longer needs an evidence-based dyslexia program, might that student eventually be exited from special education and placed on a Section 504 plan?

Under IDEA, it is possible for a student to no longer require special education and thus no longer qualify for an IEP. A school may only exit a student from special education after following all applicable procedures. When an ARD committee determines a student with dyslexia no longer requires evidence-based dyslexia instruction, it might determine that the student still would benefit from regular education aids and services (e.g., instructional accommodations). In that case, if an evidence-based dyslexia program was the only special education and related services the student received, the ARD committee could determine that the student no longer meets prong 2 under IDEA (the student’s need for SDI), exit the student from special education, and a Section 504 committee should determine eligibility and consider the student’s need for a Section 504 plan as necessary.

Should a student’s dyslexia diagnosis be a consideration when making decisions about accelerated instruction, promotion, and/or retention? Yes. In measuring the academic achievement or proficiency of a student who has dyslexia, the student’s potential for achievement or proficiency in the area must be considered. When making determinations about promotion, the ARD or Section 504 committee, as appropriate, shall consider the recommendation of the student’s teacher, the student’s grade in each subject or course, the student’s score on a state assessment instrument, and any other necessary academic information, as determined by the district (TEC §28.021(b)-(c))

Determining and Documenting Special Education and Related Services in the IEP

(24) Once a student is determined eligible for special education and related services based on identification of dyslexia and a need for evidence-based dyslexia instruction, how does an ARD committee determine and document the program in the IEP?

Every eligible student with dyslexia needs to be considered for the LEA’s evidence-based dyslexia program. Each LEA’s program must address every component of dyslexia instruction and each instructional delivery method required in the

Handbook. Accordingly, every ARD committee should be able to communicate and discuss how the program addresses the following:

- The required components of dyslexia instruction;
- The required instructional delivery methods;
- How teaching the program with fidelity is defined (e.g., grouping formats, duration of program, how often and for how long a student receives the program); and
- The PDI's training and skill level required for the program.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements. The student's PLAAFP and the goals developed based on the PLAAFP will also target the student's specific reading goals as determined by the ARD committee. While a PDI is teaching the program, the PDI should always consider individual student needs while progressing through the program. As they track the student's progress on his or her IEP goals and through the program's progress monitoring checks, the PDI and cooperating special education teacher might determine that a student requires additional services and supports, such as lowering the group size or utilizing a slower pace than what the program anticipates, while still maintaining the fidelity of the program. These types of determinations should be communicated to a parent/guardian, even when the additional services and supports do not affect the student's special education minutes or placement. An ARD committee should only consider deviations from the program's fidelity requirements when data collection, a student's PLAAFP, and other areas of the student's IEP clearly indicate the need for individualized modifications. An ARD committee cannot create its own type of SDI when the evidence-based dyslexia program is adequate to meet a student's needs, with or without some additional supports, unless it can specifically identify how the modified plan will offer and monitor all required components of dyslexia instruction.

Note that alterations from the program's fidelity statements and expectations should be made only for the direct benefit of the student based on his or her individual needs and must not be made deliberately to circumvent the components of fidelity that do not directly benefit the student (e.g., expanding the recommended group size or shortening the number of days/minutes per week for the instruction because of staff or scheduling capacity).

A student's need for an evidence-based dyslexia program might not end simply based on the student's progression through the program's sequence of lessons. Even when a student completes the program's sequential lessons, the PDI and cooperating special education teacher should work to identify whether the student continues to exhibit a need for an evidence-based dyslexia program based on identified skill gaps or any required components that need to be targeted in order for the student to meet his or her IEP goals.

(25) How does an ARD committee document the evidence-based dyslexia program on the schedule of services of an IEP, and how does the program impact instructional arrangement (IA) coding for purposes of state funding?

The evidence-based dyslexia program will be documented as a special education service that is received in a special education location. An ARD committee will document frequency and duration of services in accordance with the evidence-based dyslexia program requirements unless the ARD committee is adding to or extending the SDI that is required to meet the student's needs. Note that if the PDI is not a special education teacher, a certified special education teacher is required to be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student in the general education classroom and/or in collaboration with the student's general education classroom teacher and the PDI. The special education teacher in this scenario is likely to collaborate with the PDI and the rest of the ARD committee in the development of the student's PLAAFP and in the development and implementation of the student's annual goals related to dyslexia. The special education teacher is also likely to collaborate with the student's other teachers to assist with the provision of accommodations or in lesson planning. However, it is possible that a special education teacher could provide direct support in a general education setting in other content areas because of the student's identified dyslexia or other identified disabilities.

The following chart reflects common situations on how an evidence-based dyslexia program could impact the schedule of services and a student's IA:

Arrangement A

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided indirect special education teacher supports.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of a free appropriate public education (FAPE). A certified special education teacher provides indirect or support/consultative services. The IEP includes measurable annual goals, progress monitoring, and any appropriate accommodations. The student receives no other special education and related services.

Impact on IA

Where the student receives the evidence-based dyslexia program is considered a special education location. The ARD committee will determine the indirect or support/consultative services that are necessary for the student and document those accordingly. If the required frequency of the program and indirect supports result in less than 21 percent of the student's instructional day in a special education setting, the IA code will be PEIMS code 41.

Arrangement B

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided direct special education teacher supports and/or related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct supports to the student in one or more content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct supports and related services and document those accordingly. The IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the [Student Attendance Accounting Handbook \(SAAH\)](#)].

Arrangement C

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives no other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. If the required frequency the program results in less than 21 percent of the student's instructional day in a special education setting, the PEIMS code would be 41.

Arrangement D

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct or indirect supports to the student in additional content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct or indirect supports and related services and document those accordingly. IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the [Student Attendance Accounting Handbook \(SAAH\)](#)].

(26) Are there restrictions as to when (such as outside the school day) an LEA can require the provision of SDI, such as the provision of an evidence-based dyslexia program, to a student?

The LEA is responsible for the provision of FAPE to a student. In the case of a student receiving an evidence-based dyslexia program – which typically requires a certain number of minutes per day or majority of days each week – it can be difficult to accommodate this instruction into a student's daily schedule. While an ARD committee, which includes the student's parent (or adult student), can make adjustments to accommodate the student's schedule while still developing an IEP that offers a FAPE, an LEA should not mandate the provision of special education and related services outside of school hours. An LEA also should not unilaterally decide that all students who need to receive instruction through an evidence-based dyslexia program must give up specials (e.g., music, art) or a chosen elective in order to receive that instruction. Again, whereas an ARD committee can come to agreement on certain scheduling decisions, an LEA must not place certain conditions on a student or student group that they would not impose on other students simply because of the identification of a disability and the need for special education and related services. If the evidence-based dyslexia instruction that is being considered is outside of school hours or as a replacement for a non-core class or elective, it needs to be an ARD committee decision and must not be a unilateral decision of the LEA. If the LEA and parent disagree regarding the evidence-based dyslexia program or SDI instruction time that is provided during non-core classes/electives or outside of the school day, this must be documented in the IEP, and the parent must be provided prior written notice of any resulting change of placement. LEAs are encouraged to schedule special education services first when developing the master schedule for any given school year. Providing a zero hour/advisory period/homeroom time during the school day may provide needed flexibility in a master schedule.

(27) Is the district required to provide technology devices for students identified with dyslexia?

Yes, if the ARD committee determines assistive technology (AT) devices or services are necessary to provide a student with FAPE. School districts and charter schools must ensure that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's special education, related services, or supplementary aids and services. IDEA permits IDEA funds to be used to improve the use of technology in the classroom by students with disabilities to enhance learning and to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities. There are no Section 504 regulations concerning technology, students may need access to existing technology; therefore, the Free Appropriate Public Education (FAPE) requirement determines what technology (if any) is required. Nondiscrimination rules apply to instructional technology

Public Education Information Management System (PEIMS) Coding and Program Intent Codes (PICs)

(28) If a student was receiving an evidence-based dyslexia program through special education and was coded as a 40 (mainstream instructional arrangement) last year, does an ARD committee meeting need to be held immediately to reflect a change in IA coding?

The IA submitted through PEIMS for a student impacts the state special education allotment generated for that student. The coding itself is not a specific part of a student’s IEP since it is related to state funding rather than a student’s programming. However, the IA coding is impacted by a student’s schedule of services because time spent outside the general education classroom is considered in the calculation of the appropriate IA code. The LEA must first determine if the change in this circumstance is a change in location or a change in placement. To the extent that the LEA determines that it is a change in location and not a change in placement, an IEP amendment by agreement may be an option.

(29) What data submissions through Texas Student Data System (TSDS) PEIMS related to dyslexia are required?

There are three distinct required data submissions: Dyslexia Indicator Code, Dyslexia Risk Code, and Dyslexia Services Code. For more information, please visit the [Dyslexia and Related Disorders webpage](#).

(30) How does HB 3928 impact the collection of PEIMS data associated with the identification of students with dyslexia under TEC §48.009?

The bill should not significantly impact the data collection associated with TEC §48.009. An LEA will still be expected to note a “0” if the student is not identified with dyslexia and a “1” if a student is identified with dyslexia. If “1” is used, the LEA will still be expected to note whether the student participates in a special education program under TEC Chapter 29 or receives services under Section 504. Over time, TEA anticipates that these numbers will show a shift of students with dyslexia being served under special education.

(31) How will HB 3928 impact the coding associated with an LEA’s uses of the dyslexia allotment under TEC 48.103?

The TEA Financial Accountability Systems Resource Guide (FASRG) describes the uses of program intent codes (PICs) 37 and 43.

Providers of Dyslexia Instruction (PDIs)

(32) What are the requirements for PDIs?

Every PDI must be fully trained in the LEA’s adopted instructional materials for students with dyslexia. TEC §29.0032 imposes these PDI training requirements. Each LEA is responsible for ensuring compliance with this requirement.

A PDI does not have to be a certified special education teacher unless the individual is employed in a special education position that requires that certification. LEAs will determine whether the position requires the certification. The most highly trained and qualified individuals need to be the ones providing dyslexia instruction, including in an evidence-based dyslexia program. LEAs should strive to have the most highly trained and qualified individuals (e.g., CALTs, CALPs, LDTs) providing dyslexia instruction. It may divert from those efforts if LEAs use the approach of quickly training certified special educators to become PDIs as an alternative to these highly trained individuals. Similarly, requiring an LDT, CALP, or CALT to become a certified special educator may significantly reduce the applicant pool of well qualified PDI candidates. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

While literacy achievement academies are valuable resources for any teacher involved in the science of teaching reading, completion of this academy does not meet the requirements for a PDI to be considered fully trained.

(33) Can a PDI provide support to students in prekindergarten through grade 12?

Yes. As long as the person holds the proper credentials or (e.g., CALT, LDT) or has completed appropriate dyslexia training (e.g., MTA), he or she may provide dyslexia intervention to any students in prekindergarten-grade 12

(34) What role does the PDI play in the development of a student’s IEP and progress monitoring of goals, especially if the PDI is not a certified special education teacher?

The PDI will play a critical role in the development of a student’s IEP. The PDI should be most familiar with the student’s progress and present levels of performance through the provision of the evidence-based dyslexia program. If the PDI is not also the special education teacher who works with the student, the PDI and special education teacher need to collaborate on all areas of the student’s IEP and progress monitoring. **Note that a PDI who is not a certified special education teacher cannot fill the role of a special education teacher as a required ARD committee member, so both will likely be a part of the ARD committee.** As a reminder, under 34 C.F.R. §300.321(a)(6), an LEA or parent can invite to an ARD committee meeting any person who has knowledge of special expertise regarding the child.

While TEA recognizes that staffing shortages exist across the state and respects LEA efforts to be strategic in hiring individuals to fulfill dual and specialized roles where possible, TEA cautions LEAs against an approach of using professionals like LDTs or CALTs outside of their expertise in instructing students with dyslexia or related disorders. While an LDT or CALT who is also a certified special educator might allow that professional to case manage and provide indirect supports to a student who is only receiving SDI because of the provision of an evidence-based dyslexia program, best practice would indicate to not divide that individual’s expertise and require other special education duties simply because the LDT or CALT is also a certified special educator. For example, if an LEA requires that its PDIs be both LDTs and certified special education teachers, that LDT would ideally not be assigned a role requiring the individual to teach content knowledge in math to another student receiving special education and related services simply because their teaching certification allows for it.

(35) Can PDIs who are not certified special education teachers be paid through federal or state special education funds?

Yes. PDIs will be providing instruction through the evidence-based dyslexia program that is considered a special education service documented in the IEP. **Because the services are required to provide FAPE, special education funds may be used for those positions.**

Progress Reporting

(36) When are dyslexia progress reports required?

TEC §29.0031 imposes progress reporting specific to students receiving dyslexia instruction. During the anticipated timeframe at which students transition to receiving dyslexia instruction only under and IEP, any student that is provided an evidence-based reading program under a Section 504 accommodation plan must have a progress report prepared and communicated to a parent specifically on the student’s progress as a result of that program at least once per grading period. To the extent that an IEP goal progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report at least once each grading period would need to be sent to comply with this piece of the bill.

Required Board Policy

(37) What is the role of a school board?

TEC §38.003(b) **requires that the board of trustees of each school district and the governing board of each open enrollment charter school adopt and implement a policy requiring the district or school to comply with all rules and**

standards adopted by the SBOE to implement the dyslexia program, including the Handbook and guidance published by the commissioner. While a district or school was already required to comply with these requirements prior to the enactment of this law, the explicit local policy requirement may assist in boards staying directly involved in the LEA's implementation of the dyslexia program requirements.

Dispute Resolution

(38) What dispute resolution mechanisms are available to parents/guardians who may not agree with the decisions made by an LEA under IDEA and/or Section 504?

TEA offers multiple processes for resolving disputes related to special education: IEP facilitation, mediation, special education complaints, and due process hearings. To learn about these options, visit {insert dispute resolution processes webpage}.

The U.S. Department of Education Office for Civil Rights (OCR) oversees Section 504. {insert OCR website}.

(39) What can parents do if the LEA is not following state requirements related to dyslexia?

Concerns about local school matters, such as the programs selected for use by the LEA, staffing decisions, or services offered to an individual student, should be raised with the LEA. Each LEA must have a local complaint process that may be used to address the concern.

In some cases, an individual may wish to file a complaint with TEA. To file a general complaint with TEA about school district or charter school actions, an individual must allege that an LEA has violated a law or rule in the administration of a program required or administered by TEA or with respect to funds awarded or allocated by the agency. An individual wishing to file a complaint with TEA must submit the complaint in writing to the agency. [Insert websites for general and sped complaints]

A parent can also utilize other dispute resolution options found [insert dispute resolution website]

Dyslexia Screening

(40) Should Students in Kindergarten and first grade who receive special education or Section 504 services be screened for dyslexia using the Kindergarten and grade 1 dyslexia screeners under TEC §38.003?

Students receiving special education or Section 504 services should be screened using the Kindergarten and grade 1 dyslexia screener unless:

- The ARD or Section 504 committee determines the screener is not appropriate; or
- the student is already identified with dyslexia.

(41) If a student is screened for dyslexia after the required screening timeframe, which Texas Student Data System (TSDS) DYSLEXIA-RISK-CODE data element is used for reporting purposes?

Any time a first-grade student is screened after January 31st of the school year, the LEA will use code 03, not screened for dyslexia or related disorders. When code 03 is selected for a student, the data submitter will be required to indicate the reason a student was not screened for dyslexia during the screening window by submitting one of 12 exemption codes. Please see TEA correspondence, Dyslexia Screening Exception Reason in the Texas Student Data System (TSDS) for

additional information. For additional information on reading instruments that can be used for dyslexia screening please go to the following link, Early Learning Assessments | Texas Education Agency. – needs website links

Other

(42) May a computer program be used as the primary method of delivery for a dyslexia instructional program?

No. Computer instruction to teach reading is not supported by scientifically-based reading research. The National Reading Panel (2000), in its review of the research related to computer technology and reading instruction, indicated that it is extremely difficult to make specific instructional conclusions based on the small sample of research available and that there are many questions about computerized reading instruction that still need to be addressed. Additionally, in a position statement released in 2009, the International Dyslexia Association (IDA) stated, “Technology-based instruction should not be used as a substitute for a relationship with a knowledgeable, trained teacher or educational therapist. Technological innovations, however, may be extremely helpful in providing practice and reinforcement, access to information, and alternative routes of communication.”

Overview of Special Education for Parents




WHAT IS SPECIAL EDUCATION?

When a child receives special education, it means that a public school provides custom services and instruction specific to the needs of that student. Special education is available because of a federal law called the Individuals with Disabilities Education Act (IDEA), which provides students with disabilities and their parents special legal rights to receive these individualized learning opportunities.

Special education is a service, not a place.

How can special education services help your child?



- ▶ If your child is eligible for special education services, your child will have access to services and supports that are specially designed to meet your child's unique needs.
- ▶ Special education services provide individualized programming at NO cost to you and may include special education teachers and service providers such as occupational therapists, physical therapists, speech-language pathologists, and providers of dyslexia instruction.

SPECIAL EDUCATION PROCESS:

Parents have a right to request a special education evaluation at any time. Schools are required to refer a student for an evaluation when a disability is suspected that might require special education services. It's important to understand the steps of the **special education process**.



More Information about your rights as a parent can be found below:

 spedtex.org 1-855-773-3839	 Special Education Help for Parents	 Parents Guide to the ARD Process bit.ly/ParentsARD
		 Notice of Procedural Safeguards bit.ly/ParentsNPS

While there are other federal laws that also offer certain protections for students with disabilities - such as Section 504 of the Rehabilitation Act of 1973 - IDEA has specific rights only available under that law. This document summarizes those rights.

1 REFERRAL FOR SPECIAL EDUCATION EVALUATION IS MADE.



A referral is:

- ▶ Required by law when a public school feels that your child may have a disability that requires special education services to be successful.
- ▶ Called a *request* for a special education evaluation when a parent makes it. A request should be made in writing to the proper staff member. The school will respond with information on whether it will proceed with an evaluation.

The school must respond in writing within 15 school days.



2 YOU WILL BE ASKED WHETHER YOU **CONSENT** FOR THE SCHOOL TO EVALUATE YOUR CHILD.



Consent to evaluate is:

- ▶ Permission you choose to give for specially trained personnel to evaluate and assess your child in specific areas.
- ▶ Used by the school to start the timeline by which the school must complete your child's evaluation.

With some exceptions, an evaluation must be completed within 45 school days.



3 EVALUATION IS DONE BY A GROUP OF TRAINED PROFESSIONALS.



An evaluation is:

- ▶ Called a *Full Individual and Initial Evaluation (FIIE)*, which includes a written report of education recommendations and information about your child's strengths, interests, and challenges. Professionals with training in the suspected disability must participate, e.g., someone like a licensed dyslexia therapist if dyslexia is suspected.
- ▶ Done at no cost to you. If you do not agree with the school's evaluation, you may ask for an *Independent Educational Evaluation (IEE)*. This would be done by someone who is not employed by the school.



4 **ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE** MEETS TO DETERMINE IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.

The ARD committee is:

- ▶ A team, including you, teachers, school administrators, those with special expertise about your child, and professionals with special training about the suspected disability.
- ▶ In this meeting, discussing your child's evaluation report, identifying your child's strengths and areas of need, and then determining whether your child has a disability and the need for special education services.



Once the evaluation report is done, an ARD committee typically has 30 calendar days to determine eligibility and develop the IEP.



5

IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES, THEN THE ARD COMMITTEE WILL ALSO DEVELOP AN **INDIVIDUALIZED EDUCATION PROGRAM (IEP)**.



An IEP is:

- ▶ A collection of information that identifies your child's disability, shows your child's current strengths and areas of need, identifies goals to be worked on, and shows the special education and related services that are required for your child to be successful.
- ▶ A document that a school must follow once the process for developing it is complete, and you consent to your child receiving services. Services would begin as soon as possible.

You have the right to participate in the development of the IEP and agree or disagree to your child getting special education services.



MOVING FORWARD: RECEIVING SPECIAL EDUCATION SERVICES

Once an IEP has been developed, it is the school's responsibility to implement the IEP. Schools must offer the services, accommodations, and supports described in the IEP, and school staff will monitor your child's progress toward the goals in the IEP.

- ▶ You will receive progress reports on your child's IEP goals at least once each grading period.
- ▶ The ARD committee will meet and review your child's IEP at least annually.
- ▶ As a member of the ARD committee, you will discuss the need for an updated evaluation at least every three years.
- ▶ You can ask for an ARD committee meeting at any time.
- ▶ You can revoke your consent to special education services. In other words, you can tell the school in writing that you want your child's special education services to stop being provided.
- ▶ Special rules are in place for school discipline. If your child's disability is found to be the reason why the misbehavior occurred, then the ARD committee may, in certain situations, change the disciplinary consequence.



IF DISAGREEMENT OCCURS:

During each ARD committee meeting, you will be an active participant, discussing your child's specific needs with school staff as you work to come to a consensus on the best path forward. But from time to time, you may disagree with school decisions. Under the federal law IDEA, you have formal rights to disagree with special education decisions made by the school, both in the *steps to begin special education* and while *receiving special education services*. Dispute resolution options include filing state complaints, requesting mediation, and requesting a due process hearing. State facilitators are also available to help ARD committees reach consensus on IEPs.

WHAT IS IN AN IEP?:

The IEP must address certain elements for your child, including:

PLAAFP

- » *Present Levels of Academic Achievement and Functional Performance (PLAAFP)*: The ARD committee writes down your child's skills, abilities, and challenges based on the evaluation report and other data.

Goals

- » Measurable annual **goals**: Goals are developed to focus on your child's specific needs and to describe when your child is expected to make progress.
 - If your child has dyslexia, for example, a goal might focus on improvement in a specific area of reading development or fluency within a certain amount of time.

Instruction & Services

- » A description of the **specially designed instruction, related services, and supplementary aids and services** that will be provided. The instruction and services will vary based on the specific needs of your child. For example, if your child has been identified with dyslexia:
 - The specially designed instruction would likely include a regularly scheduled time for instruction by a highly trained provider using a program that has been shown to help students with dyslexia and in accordance with the [Dyslexia Handbook](#);
 - Related services might include support to improve your child's fine motor skills from an occupational therapist if he or she also struggles with handwriting; and
 - Supplementary aids and services might include documenting your child's need for speech to text options for writing assignments.

Assessments

- » Information on how your child will participate in state and districtwide **assessments**, including whether accommodations like extra time are necessary.

Transition

- » **Transition** services: When your child turns 14, the IEP must begin to document plans for your child after high school and how your child's special education services will be adjusted to work on those plans.

Placement

- » The IEP notes the educational **placement** of your child. Placement decisions are guided by a requirement to provide education in the least restrictive environment (LRE). The goal of LRE is to have your child included in classrooms and settings with children without disabilities as much as appropriate based on your child's unique needs.



Overview of Special Education for Parents



This form is a summary of rights, required to be given to parents after a referral has been made. Your signature serves only as acknowledgment that you received the form. For more information about your rights, review the [Notice of Procedural Safeguards](#) and the [Parent's Guide to the ARD Process](#).

Student Name:

Student ID Number:

Parent Name

Parent Signature

Date

Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)
(Second Reading and Final Adoption)

April 12, 2024

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), [§28.0023](#), as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

TEC, [§28.0023](#), as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023, requires the State Board of Education (SBOE) to require by rule instruction in CPR and the use of an AED for students in Grades 7-12.

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 August 1, 2024. 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 2024-2025 school year. The earlier effective date would ensure that school districts are aware of and able to implement this new requirement at the beginning of the 2024-2025 school year.

PREVIOUS BOARD ACTION: The SBOE adopted [§74.38](#) effective August 25, 2014. A discussion item regarding the proposed amendment to [§74.38](#) was presented to the Committee on Instruction at the November 2023 SBOE meeting. At the January-February 2024 meeting, the SBOE approved the proposed amendment to [§74.38](#) for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed HB 897, amending TEC, [§28.0023](#), to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. TEC, [§38.017](#), requires school districts and open-enrollment charter schools to make available at each campus at least one AED.

Section 74.38 requires school districts and open-enrollment charter schools to provide instruction in CPR to each student in Grades 7-12 at least once before graduation from high school. The instruction is permitted to be provided as part of any course.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, which further amended TEC, [§28.0023](#), to add instruction in the use of an AED to the requirements for instruction in CPR. The legislation specified that the SBOE must require districts and charter schools to provide instruction in the

use of an AED to students in Grades 7-12. Additionally, the legislation added the requirement that CPR instruction must include training in CPR techniques and the use of AEDs.

This item provides an opportunity for the board to align §74.38 with the requirements of HB 4375. The proposed amendment would require the instruction in the use of an AED beginning with students who enter Grade 7 in the 2024-2025 school year.

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

The Texas Education Agency (TEA) has determined that for the first five years the proposal is in effect, there are no additional costs to state or local government required to comply with the proposal.

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by requiring that school districts and charter schools provide instruction in the use of an AED to students in Grades 7-12.

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

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

The proposal would establish a rule for school districts to implement instruction in the use of an AED in addition to instruction in CPR for students in Grades 7-12, which could possibly save lives. 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 or reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2024 SBOE meeting, notice of the proposed amendment to §74.38 was filed with the Texas Register, initiating the public comment period. The public comment period began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR); and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR), is necessary and shall have an effective date of August 1, 2024. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.38. Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and Use of an Automated External Defibrillator (AED) .

- (a) A school district or an open-enrollment charter school shall provide instruction to students in Grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) . The instruction:
- (1) may be provided as a part of any course; and
 - (2) shall ~~must~~ be provided to each student at least once before graduation from high school.
- (b) CPR instruction shall include training for students in CPR techniques and the use of an AED.
- (c) ~~(b)~~ The training shall have ~~[CPR instruction must include training that has]~~ been developed:
- (1) by the American Heart Association or the American Red Cross; or
 - (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.
- (d) ~~(e)~~ A school district or an open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide CPR instruction and training under this section. Except as specified in subsection (e) ~~(d)~~ of this section, an instructor of this training is not required to be certified in CPR.
- (e) ~~(d)~~ Instruction provided under this section is not required to result in certification by a student in CPR or the use of an AED . If instruction is intended to result in certification in CPR or the use of an AED , the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.
- (f) ~~(e)~~ A school district or an open-enrollment charter school may waive the requirement under this section for a student [s] who , due to a disability, is unable to complete the requirement. The determination regarding a student's ability to complete the CPR or AED requirements ~~[requirement]~~ will be made by:
- (1) the student's ARD committee if the student receives special education services under ~~[the]~~ Texas Education Code (TEC), Chapter 29, Subchapter A; or
 - (2) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under ~~[the]~~ TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (g) ~~(f)~~ The requirement to receive instruction in CPR ~~[This section]~~ applies to any student who entered Grade 7 in the 2010-2011 school year and thereafter.
- (h) The requirement to receive instruction in the use of an AED applies to any student who entered Grade 7 in the 2024-2025 school year and thereafter.

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A,
Required Curriculum, §74.5, Academic Achievement Record (Transcript)
(Second Reading and Final Adoption)**

April 12, 2024

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

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED), in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR), be indicated on a student's academic achievement record. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §7.102(c)(13).

TEC, §7.102(c)(13), requires the State Board of Education (SBOE) to adopt transcript forms and standards for differentiating high school performance for purposes of reporting academic achievement under TEC, §28.025.

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 August 1, 2024. 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 2024-2025 school year. The earlier effective date would ensure that school districts are aware of and able to implement this new requirement at the beginning of the 2024-2025 school year.

PREVIOUS BOARD ACTION: The SBOE adopted §74.5 effective June 18, 2014, to align with legislation passed by the 83rd Texas Legislature, Regular Session, 2013. In April 2016, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 84th Texas Legislature, 2015. In April 2018, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 83rd Texas Legislature, Regular Session, 2013, and 85th Texas Legislature, 2017. In April 2021, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 86th Texas Legislature, Regular Session, 2019. In April 2023, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 87th Texas Legislature, Regular Session, 2021.

At the January-February 2024 meeting, the SBOE approved the proposed amendment to §74.5 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed House Bill (HB) 897, amending TEC, §28.0023, to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. The SBOE adopted an amendment to §74.5 in 2018 to update the rule for the academic achievement record to document the completion of the required CPR instruction if the instruction is provided in Grades 9-12.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, further amending TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The proposed amendment would update the rule for the academic achievement record to include documentation of the completion of the additional instruction in the use of an AED if the instruction is provided in Grades 9-12.

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 beyond what is required by statute.

There may be costs to school districts and charter schools associated with required updates to local student information systems in order to implement the requirements of statute. These may include amendments to district-developed databases. Since the design and format of and data collection for the academic achievement record (high school transcript) 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 expand an existing regulation by requiring school districts and charter schools to report a student's completion of instruction in the use of an AED on the academic achievement record.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an

increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

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

The proposal would improve documentation of requirements on the academic achievement record and the ability to more effectively transmit that information between school districts and institutions of higher education. 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 or reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2024 SBOE meeting, notice of the proposed amendment to §74.5 was filed with the Texas Register, initiating the public comment period. The public comment period began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE prior to and during the April 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter 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, 2024. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

Staff Members Responsible:

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

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript)

ATTACHMENT
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.
- (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) and the use of an automated external defibrillator (AED) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and the use of an automated external defibrillator (AED)) in Grade 9, 10, 11, or 12 shall have completion of the CPR and use of an AED 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) 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) A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program in accordance with Chapter 21, Subchapter D, of this title (relating to the Texas First Early High School Completion Program) shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record.
- (o) 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.

**Proposed Repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science,
Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and
Subchapter C, High School, §§112.31-112.39
(First Reading and Filing Authorization)**

April 12, 2024

**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 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year.

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

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

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed repeal is August 1, 2024. 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 2025-2026 school year. The earlier effective date would remove the TEKS for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year.

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; August 27, 2018; April 28, 2021; November 30, 2021; and February 26, 2023. The SBOE adopted revisions to the science TEKS for elementary and middle school effective August 4, 2009; August 27, 2018; and April 26, 2022.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. In late 2019, the SBOE began the process to review and revise the TEKS for Kindergarten-Grade 12 science. At the recommendation of Work Group A, the SBOE directed the work groups to follow a backward-by-design approach to the revisions to the Kindergarten-Grade 12

science TEKS. Consequently, work groups started first with recommendations for revisions to the high school science TEKS. In November 2020, the SBOE approved for second reading and final adoption revised TEKS for four high school science courses: Biology, Chemistry, Physics, and Integrated Physics and Chemistry. At the June 2021 SBOE meeting, the board approved for second reading and final adoption new TEKS for Specialized Topics in Science and revised standards for Aquatic Science, Astronomy, Earth Science Systems (formerly titled Earth and Space Science), and Environmental Systems. At the November 2021 SBOE meeting, the board approved for second reading and final adoption new science TEKS for Kindergarten-Grade 8 with an implementation date of the 2024-2025 school year. At the November 2022 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §112.41 to ensure implementation language for all science courses was consistent.

The proposed repeals would remove the TEKS for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year.

Due to the volume of text proposed for repeal, the rule text is not included as an attachment in this agenda. However, the rules can be found on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-112>.

The proposed repeal was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the repeal can be implemented beginning with the 2024-2025 school year to avoid confusion.

FISCAL IMPACT: TEA has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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 outdated science TEKS that will be superseded by a newly adopted set of TEKS.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an

increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would repeal the TEKS for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year to avoid confusion. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter A, Elementary, §§112.10-112.16; Subchapter B, Middle School, §§112.17-112.20; and Subchapter C, High School, §§112.31-112.39.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Proposed Repeal of 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16
(First Reading and Filing Authorization)**

April 12, 2024

**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 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

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

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

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed repeal is August 1, 2024. 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 2025-2026 school year. The earlier effective date would remove the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

PREVIOUS BOARD ACTION: The SBOE originally adopted the TEKS for technology applications effective September 1, 1998. The SBOE adopted revisions to the technology applications TEKS effective September 26, 2011. In January 2020, the SBOE adopted revisions to technology applications to consolidate high school technology applications courses into the career and technical education (CTE) TEKS in 19 TAC Chapter 130 effective August 1, 2020. New elementary and middle school TEKS for technology applications were approved for second reading and final adoption at the June 2022 SBOE meeting and became effective August 7, 2022.

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

Kindergarten-Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the CTE TEKS. New elementary and middle school TEKS for technology applications were approved for second reading and final adoption at the June 2022 SBOE meeting and became effective August 7, 2022.

The proposed repeal would remove the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

Due to the volume of text proposed for repeal, the rule text is not included as an attachment in this agenda. However, the rules can be found on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-126>.

The proposed repeal was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the repeal can be implemented beginning with the 2024-2025 school year and avoid confusion.

FISCAL IMPACT: TEA has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

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 the TEKS for elementary and middle school technology applications that would be superseded by 19 TAC §§126.1-126.3, 126.8-

126.10, and 126.17-126.19 beginning with the 2024-2025 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, Subchapter A, Elementary, §§126.5-126.7; and Subchapter B, Middle School, §§126.13-126.16.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Proposed Repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384
(First Reading and Filing Authorization)**

April 12, 2024

**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 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384. The proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year.

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

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

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

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

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

EFFECTIVE DATE: The proposed effective date of the proposed repeal is August 1, 2024. 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 2025-2026 school year. The earlier effective date would remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year.

PREVIOUS BOARD ACTION: The SBOE adopted the TEKS for career and technical education (CTE) effective September 1, 1998. The SBOE approved revisions to the CTE TEKS in Chapter 127 and new

Chapter 130, Subchapters A-P, effective August 23, 2010. In 2015, the CTE TEKS were amended effective August 28, 2017. In 2018, the SBOE adopted revisions to 19 TAC Chapter 130, Subchapters B, H, M, and O, effective March 27, 2018. In 2020, the SBOE approved revisions to the CTE TEKS in 19 TAC Chapter 130, Subchapters A, C, K, O, and Q, effective August 1, 2020.

At the November 2021 meeting, the board approved new CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, J, M, and O, effective April 26, 2022. At the January 2022 SBOE meeting, the board approved the repeal of CTE TEKS in 19 TAC Chapter 130, Subchapters E, G, H, I, L, and O, and new CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, J, M, and O, effective April 7, 2022. The board approved new CTE TEKS in 19 TAC Chapter 127, Subchapters G and O, at the April 2022 meeting, effective June 14, 2022. At the June 2022 meeting, the board approved the repeal of CTE TEKS in 19 TAC Chapter 127, Subchapters G, I, and O, and Chapter 130, Subchapter J, effective August 1, 2022, and approved new CTE TEKS in 19 TAC Chapter 127, Subchapter O, effective August 7, 2022. At the June 2023 meeting, the board approved the repeal of CTE TEKS in 19 TAC Chapter 127, Subchapters I, M, and O, effective August 1, 2023. The board approved new CTE TEKS in 19 TAC Chapter 127, Subchapters B and F, at the November 2023 meeting, effective February 13, 2024.

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

The TEKS for courses associated with 14 CTE career clusters are codified by subchapter in 19 TAC Chapters 127 and 130. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training; health science; and science, technology, engineering, and mathematics career clusters. Two additional courses eligible to satisfy a graduation requirement in science were also part of the review. The board approved for second reading and final adoption new TEKS for these courses in November 2021 and January, April, and June 2022.

At the November 2023 SBOE meeting, the board approved new CTE TEKS in 19 TAC Chapter 127 for courses in career preparation and entrepreneurship, which became effective February 13, 2024, and will be implemented beginning in the 2024-2025 school year.

The proposed repeals would remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year.

Due to the volume of the text proposed for repeal, the rule text is not included as an attachment in this agenda. However, the rules can be found on the Texas Education Agency (TEA) website at <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-127> and <https://tea.texas.gov/about-tea/laws-and-rules/texas-administrative-code/19-tac-chapter-130>.

The proposed repeals were not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the repeals can be implemented beginning with the 2024-2025 school year and to avoid confusion.

FISCAL IMPACT: TEA has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, 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 sections to avoid confusion with the new TEKS that are being implemented at the beginning of the 2024-2025 school year.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposed repeals would remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.275, 127.318, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year to avoid confusion with the new TEKS that are being implemented. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

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

Approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §§127.11, 127.12, and 127.14-127.16; Subchapter G, Education and Training, §127.309 and §127.311; Subchapter I, Health Science, §§127.402, 127.404-127.408, and 127.412; Subchapter J, Hospitality and Tourism, §127.468 and §127.473; Subchapter O, Science, Technology, Engineering, and Mathematics, §§127.742, 127.743, 127.751, 127.752, 127.762, and 127.763; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter J, Human Services, §130.278; and Subchapter N, Marketing, §130.384.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Consideration of Proposed New Innovative Course

April 12, 2024

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: CONSENT

SUMMARY: This item presents for consideration an application for a proposed new innovative course, Gaming Concepts: Fundamentals.

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

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

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

PREVIOUS BOARD ACTION: The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted an amendment to 19 TAC §74.27 to be effective December 25, 2019. In November 2022, the SBOE again adopted an amendment to 19 TAC §74.27 to be effective February 26, 2023. In November 2023, the SBOE adopted an amendment effective February 18, 2024.

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

renewal of six courses for a period of five years. At the June 2023 meeting, the SBOE approved one new innovative course for a period of two years.

BACKGROUND INFORMATION AND JUSTIFICATION: After the board adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Since the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts and other entities have submitted new requests for approval of innovative courses that do not have TEKS and meet a demonstrated student need. The process originally outlined in §74.27 provided authority for the commissioner of education to approve discipline-based courses but reserved for SBOE review and approval those courses that did not fall within any of the subject areas of the foundation or enrichment curriculum. In November 2023, the SBOE amended §74.27 to shift from the commissioner of education to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum. The amendment also specified the number of years for initial approval and renewal of innovative courses and provided an exemption from the pilot requirement for career and technical education courses that support an approved program of study.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. Two applications for new innovative courses were received for implementation in the 2024-2025 school year. One application was withdrawn by the applicant.

The course application and other resources submitted for SBOE review and consideration will be provided to SBOE members in advance of the April 2024 meeting. If approved, the recommended effective date for the course would be August 1, 2024. With the approval of the local board of trustees, the courses would be available for school districts' use beginning with the 2024-2025 school year.

PUBLIC BENEFIT AND COST TO PERSONS: Students would have access to a new innovative course that meets local district needs.

Staff Members Responsible:

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

Attachment:

Text of 19 TAC §74.27, [Innovative Courses and Programs](#)

Separate Exhibit:

Innovative Course Application: Gaming Concepts: Fundamentals
(to be provided in advance of the April 2024 SBOE meeting)

ATTACHMENT

Text of 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.27. Innovative Courses and Programs.

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

economics, civic engagement, culture, and science and technology, shall be presented to the SBOE for consideration.

- (2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following commissioner approval of the innovative course.

Discussion of Innovative Course Sunset List

April 11, 2024

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

SUMMARY: This item provides the opportunity for the committee to discuss the potential sunset of innovative courses that meet certain criteria established in 19 Texas Administrative Code (TAC) §74.27, Innovative Courses and Programs.

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

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

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

BACKGROUND INFORMATION AND JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Since the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts and other entities have submitted requests for approval of innovative courses that do not have TEKS and meet a demonstrated student need. The process originally outlined in §74.27 provided authority for the commissioner of education to approve discipline-based courses but reserved for SBOE review and approval those courses that did not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. In November 2022, the board amended §74.27 to require that an applicant for an innovative course pilot the proposed course in a Texas school prior to seeking approval from the SBOE. At the April 2023 SBOE meeting, TEA staff provided an overview of the innovative course approval process, including key data related to historical implementation of innovative courses. At its November 2023 meeting, the SBOE amended §74.27 to shift from the commissioner of education to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum. Additionally, the amendment specified the number of years for initial approval and renewal of innovative courses and provided an exemption from the pilot requirement for career and technical education courses that support an approved program of study.

Additionally, the board added §74.27(a)(9) to require TEA to conduct a periodic review of all approved innovative courses and identify courses for possible sunset in accordance with specific criteria. This item provides the committee an opportunity to discuss innovative courses that meet the criteria outlined in §74.27 for potential sunset.

Staff Members Responsible:

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

Separate Exhibit:

Spring 2024 Innovative Course Sunset Report
(to be provided in advance of the April 2024 SBOE meeting)

Approval of Updates and Substitutions to Adopted Instructional Materials

April 12, 2024

COMMITTEE ON INSTRUCTION: ACTION STATE BOARD OF EDUCATION: CONSENT

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

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

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

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

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

PREVIOUS BOARD ACTION: In February 2015, the SBOE approved a substitution request for three science products, kindergarten–grade 2, from Discovery Education. In April 2016, the SBOE approved an update request for two math products, grades 6–8, from Texas State University. In April 2019, the Committee on Instruction (COI) postponed a vote on an update request for three English language arts and reading products, grades 6–8, from ThinkCERCA. The board approved the update request from ThinkCERCA at the June 2019 meeting. At the September 2019 meeting, the SBOE postponed a vote on an update request from EDUSPARK, Inc. for four Spanish language arts and reading products, kindergarten, and grades 1, 4, and 5. The request from EDUSPARK, Inc. was approved by the SBOE at the November 2019 meeting. In January 2020, a substitution request from Origo Education for English and Spanish math, kindergarten–grade 5, was submitted to the COI but no action was taken. In April 2020, the SBOE approved the substitution request from Origo Education for English and Spanish math, kindergarten–grade 5. In September 2020, the SBOE approved an update request from Learning A–Z for six English language arts and reading products, kindergarten–grade 2. In November 2020, the SBOE approved an update request from Learning A–Z for three English language arts and reading products, grades 2–4. In January 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grade 5 and a substitution request from QuaverEd for their prekindergarten product. In April 2021, the SBOE approved an update request from EDUSPARK, Inc. for English and Spanish prekindergarten products and a substitution request from Cheng & Tsui Co. Inc. for their Chinese Level I languages other than English product. In June 2021, the SBOE approved an update request from Learning A–Z for English language arts and reading, grades 2–4. In September 2021, the SBOE approved update requests from The Children’s Learning Institute at UT Health Science Center for prekindergarten English and Spanish. In November 2021, the SBOE approved a substitution request from Cheng & Tsui and an update request from Learning A–Z, grades 1–5. In January 2022, the SBOE approved update requests from Learning A–Z, English language arts and reading, grades 2 and 3. In April 2022, the SBOE approved a substitution request from Learning Without Tears for kindergarten handwriting, and an update request from Learning A–Z for English language arts and reading, grades K–4. In June 2022, the SBOE

approved an update request from Learning A–Z for English language arts and reading, grades 2–5. In September 2022, the SBOE approved update requests from Learning A–Z for English language arts and reading, grades 2–5 and from Goodheart-Wilcox Publisher for health, grades 6–8 and high school. In November 2022, the SBOE approved update requests from Learning A–Z for English language arts and reading, grades K–5. In February 2023, the SBOE postponed action on the approval of update requests from Learning A–Z for English language arts and reading, grades K–5 until the April 2023 SBOE meeting. In April 2023, no action was taken due to Learning A–Z withdrawing their English language arts and reading, grades K–5 update requests. In June 2023, the SBOE approved update requests from Children's Learning Institute at The University of Texas Health Science Center at Houston for prekindergarten and Savvas Learning for English language arts and reading, grades K–2 and Spanish language arts and reading, grades K–2. In November 2023, the SBOE approved update requests from EDUSPARK to update content in its EDUSPARK English and Spanish PreK System, and from Children's Learning Institute at The University of Texas Health Science Center at Houston to update content in CIRCLE Pre-K Curriculum: Spanish Edition, adopted under Proclamation 2021. In February 2024, the SBOE approved update requests to update Science, grade 6 from Savvas Learning Company, Houghton Mifflin Harcourt Depository, McGraw-Hill School, and Summit K12 Holdings, Inc.

BACKGROUND INFORMATION AND JUSTIFICATION: Rules in 19 TAC §66.75 permit a publisher to submit a request for approval to update content in state-adopted instructional materials. The rule also requires that all requests for updates involving content in state-adopted instructional materials be posted for public comment and 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 requests from publishers to update content in their adopted instructional materials.

Staff Member Responsible:

Amie Phillips, Director, Instructional Materials Review and Approval, District Operations, Technology & Sustainability Supports

Attachment:

[Ramsey Education \(Dave Ramsey/Lampo\), Personal Financial Literacy](#)

Separate Exhibit:

Additional Updates and/or Substitutions Submitted for Approval
(to be provided at the April 2024 SBOE meeting)

**Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations,
Subchapter A, Gifted/Talented Education
(First Reading and Filing Authorization)**

April 12, 2024

COMMITTEE ON INSTRUCTION: ACTION
STATE BOARD OF EDUCATION: ACTION

SUMMARY: This item presents for first reading and filing authorization proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would update rules to align with the requirements of House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§29.121; 29.122; 29.123; 39.236; and 48.109, as added by HB 1525, 87th Texas Legislature, Regular Session, 2021.

TEC, §29.121, establishes the definition of a gifted and talented student.

TEC, §29.122, establishes that each school district shall adopt a process for identifying and serving gifted and talented students.

TEC, §29.123, establishes that the State Board of Education (SBOE) shall develop and update a state plan for the education of gifted and talented students to guide school districts.

TEC, §39.236, establishes criteria for the commissioner to adopt standards to evaluate school district programs for gifted and talented students.

TEC, §48.109, as added by HB 1525, 87th Texas Legislature, Regular Session, 2021, establishes criteria for utilizing the gifted and talented student allotment funds.

EFFECTIVE DATE: The proposed effective date of the proposed revisions is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2025-2026 school year. The earlier effective date will allow districts of innovation and open-enrollment charter schools 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 §§89.1-89.5 effective September 1, 1996. The SBOE amended §89.2 effective February 13, 2000. Section 89.4 was repealed by the SBOE in 2011. A discussion item was presented to the Committee on Instruction on November 16, 2023, to discuss potential amendments to align with HB 1525, 87th Texas Legislature, Regular Session, 2021.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 89, Subchapter A, provides rules for gifted and talented education. HB 1525, 87th Texas Legislature, Regular Session, 2021, provided for a gifted and talented student allotment and established criteria for using the funds. The proposed revisions to Chapter 89, Subchapter A, would implement HB 1525 and codify current program practices. Specifically, the following changes would be made.

Section 89.1 would be amended to add new paragraph (6) to establish that school district policies related to gifted and talented education may not limit the number of students who may be identified as gifted and talented. In addition, the section title would be modified to clarify that the section addresses the identification of gifted and talented students.

Section 89.2 would be amended to clarify terms regarding professional learning for staff and establish criteria for completion. The section title would also be updated to reflect the contents of the rule.

New §89.4 would align with HB 1525, 87th Texas Legislature, Regular Session, 2021, by establishing fiscal responsibilities for school districts regarding the use of gifted and talented services for identified students.

Section 89.5 would be amended to establish additional criteria for program accountability in new paragraphs (2) and (3). New paragraph (2) would require school districts to annually certify to the commissioner that the district's services for gifted and talented students have been established in accordance with the Texas State Plan for the Education of the Gifted/Talented (State Plan) and that the use of funds complies with new §89.4. New paragraph (3) would include the addition of a performance measure by the board of trustees in alignment with the State Plan.

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 add a new regulation and expand existing regulations to align with the requirements of HB 1525, 87th Texas Legislature, 2021, and clarify current expectations, practices, and requirements.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not limit 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 gifted and talented identification, professional learning, fiscal responsibility, and program accountability. 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: The TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education.

Staff Members Responsible:

Kristin McGuire, Deputy Associate Commissioner, Special Populations Policy, Technical Assistance, and Systemwide Integration

Laura Briones, Director, Special Populations

Monica Brewer, Coordinator, Gifted and Talented

Attachment:

Text of Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education

ATTACHMENT
Text Proposed Revisions to 19 TAC

Chapter 89. Adaptations for Special Populations

Subchapter A. Gifted/Talented Education

§89.1. Student Identification ~~[Assessment]~~ .

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; ~~[and]~~
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement ; ~~and~~ ~~[=]~~
- (6) not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

§89.2. Professional Learning ~~[Development]~~ .

School districts shall ensure that:

- (1) prior to assignment in the program or within three months of assignment , teachers who provide instruction and services that are a part of the program for gifted/talented ~~[gifted]~~ students have a minimum of 30 hours of professional learning ~~[staff development]~~ that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented ~~[gifted]~~ students;
- ~~[(2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester.]~~
- (2) ~~[(3)]~~ teachers who provide instruction and services that are a part of the program for gifted/talented ~~[gifted]~~ students receive a minimum of six hours annually of professional learning ~~[development]~~ in gifted/talented ~~[gifted]~~ education; and
- (3) ~~[(4)]~~ administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning every four years ~~[development]~~ that includes nature and needs of gifted/talented students and program options.

§89.4. Fiscal Responsibility.

School districts shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students, as required by Texas Education Code, §29.022(b). The policy must:

- (1) ensure that 100% of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and

- (2) establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

§89.5. Program Accountability.

A school district [~~School districts~~] shall ensure that :

- (1) student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan); [∓]
- (2) it annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds comply with §89.4 of this title (relating to Fiscal Responsibility); and
- (3) the board of trustees annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

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

Adoption of the Annual Report on the Status of the Bond Guarantee Program

April 12, 2024

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

SUMMARY: This item provides an opportunity for the committee and board to adopt an annual report on the status of the Bond Guarantee Program.

STATUTORY AUTHORITY: Texas Constitution, [Article VII, §2](#) and [§5](#); Texas Education Code (TEC), [§45.053\(c\)](#).

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

TEC, §45.053(c) requires the SBOE to adopt an annual report on the status of the guaranteed bond program.

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

BACKGROUND INFORMATION AND JUSTIFICATION: Pursuant to TEC §45.053(c), the commissioner shall prepare, and the board shall adopt an annual report on the status of the guaranteed bond program.

Staff Member Responsible:

Mark Shewmaker, Texas Permanent School Fund Corporation

COMMITTEE ON SCHOOL INITIATIVES

Open-Enrollment Charter School Generation 29 Application Updates

April 11, 2024

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle.

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

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

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

FUTURE ACTION EXPECTED: Following the conclusion of the application cycle, the board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 29 Subchapter D Open-Enrollment Charter Schools.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 29 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>). The Generation 29 applications and required attachments are also linked from that page.

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and System Support
Marian Schutte, Executive Director, Authorizing

Adoption of Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

April 12, 2024

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

SUMMARY: Texas Government Code (TGC), §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters. Subchapter A establishes a provision for an SBOE member to be designated as the liaison for charter selection for charters proposed under Texas Education Code (TEC) Chapter 12, Subchapter D; charter selection procedures for charters granted under TEC, Chapter 12, Subchapter D; and provisions for a no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter.

STATUTORY AUTHORITY: The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 100, Subchapter A, is [TEC, §12.101](#). The statutory authority for 19 TAC Chapter 100, Subchapter B, is [TEC, §§7.102\(c\)\(8\), 12.028, 12.101\(b\), and 12.101\(b-0\)](#).

TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §7.102(c)(8), requires the SBOE to adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by the TEC, Chapter 12.

TEC, §12.028, requires the SBOE to adopt by rule a procedure to be used for placing on probation or revoking a home-rule school district charter.

TEC, §12.101(b), requires the SBOE chair to designate a board member to liaise with the commissioner of education for the purpose of coordinating granting of open-enrollment charter schools under this section.

TEC, §12.101(b-0), requires a majority of the board members present and voting to vote against the commissioner's charter proposals within 90 days of notice, otherwise the charter proposals take effect.

PREVIOUS BOARD ACTION: The rule review of 19 TAC Chapter 100, Subchapters A and B, was presented to the SBOE for discussion at the January-February 2024 board meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: The rule in 19 TAC Chapter 100, Subchapter A, addresses the open-enrollment charter selection process outlining the SBOE's coordination, deliberating process, and the no-contact provision required of applicants.

The rule in 19 TAC Chapter 100, Subchapter B, governs adverse action on a home-rule charter district. No home-rule charter districts currently exist, but such a district could be created.

ANTICIPATED REVISIONS TO RULES: No changes to rules in 19 TAC Chapter 100, Subchapters A and B, are anticipated at this time.

PUBLIC COMMENTS: The Texas Education Agency filed the notice of proposed review of 19 TAC Chapter 100, Subchapters A and B, with the Texas Register following the January-February 2024 SBOE meeting. The public comment period on the proposed rule review began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBOE during the April 2024 meeting. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Adopt the review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

Staff Members Responsible:

Kelvey Oeser, Deputy Commissioner, Educator and Systems Support
Marian Schutte, Deputy Associate Commissioner, Authorizing and Policy

Attachment:

Text of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

**ATTACHMENT
Text of 19 TAC**

Chapter 100. Charters

Subchapter A. Open-Enrollment Charter Schools

§100.1. Selection Process.

- (a) In accordance with Texas Education Code (TEC), §12.101, a State Board of Education (SBOE) member shall be designated by the SBOE chair to work in coordination with the commissioner of education on the review of TEC, Chapter 12, Subchapter D, open-enrollment charter school applicants.
- (b) Following the commissioner's notification to the SBOE of the charters the commissioner proposes to grant, a majority of the SBOE members present and voting may vote to veto the commissioner's proposed charter(s) or may vote to take no action. The SBOE's consideration of the proposed charters will occur no later than 90 days following the commissioner's notification.
- (c) The SBOE may not vote or deliberate on any charter application that has not been proposed by the commissioner. For purposes of this section, deliberation is defined in Texas Government Code, §551.001.
- (d) An applicant for an open-enrollment charter, or any person or entity acting on behalf of an applicant for an open-enrollment charter, shall not communicate with a member of the SBOE concerning a charter school application beginning on the date the application is submitted and ending on the date the applicant passes through an external review with a qualifying score. The SBOE may veto a proposed application for violation of this subsection.

Statutory Authority: The provisions of this §100.1 issued under the Texas Education Code, §12.101.

Source: The provisions of this §100.1 adopted to be effective October 21, 2014, 39 TexReg 8265; amended to be effective October 31, 2023, 48 TexReg 6354.

Subchapter B. Home-Rule School District Charters

§100.201. Adverse Action on a Home-Rule School District Charter.

- (a) The State Board of Education (SBOE) may place on probation or revoke a home-rule school district charter if the SBOE determines that the district:
 - (1) committed a material violation of the charter;
 - (2) failed to satisfy generally accepted accounting standards of fiscal management; or
 - (3) failed to comply with the requirements of the Texas Education Code (TEC), Chapter 12, Subchapter B, or other applicable law or rule.
- (b) The recommendation to place on probation or revoke the charter of a home-rule school district charter shall be made by the Texas Education Agency (TEA) in accordance with 19 TAC §157.11 of this title (relating to Notice of Intent), no fewer than 60 calendar days prior to the meeting of the SBOE at which the recommendation will be considered.
- (c) The TEA shall notify the district before placing on probation or revoking the charter. The notice shall clearly specify the following, either in the notice or by reference to other documents included with the notice:
 - (1) the action sought and the grounds for taking such action;
 - (2) a statement of the legal authority and jurisdiction under which the hearing will be held;
 - (3) a reference to the particular sections of the statutes and rules involved; and

- (4) the date, time, and place for a hearing on the action sought, which shall be provided to the district and to parents and guardians of district students, if requested in accordance with subsection (e) of this section.
- (d) Notice served on the district shall be notice to parents and guardians of students in the district.
- (e) Within ten calendar days after receiving the notice, the district may request a hearing and submit a written response containing specific answers to each of the findings included in the notice. If a request for hearing and a written response are not submitted within ten calendar days, the recommendations of the TEA on the proposed action shall be submitted to the SBOE for action.
- (f) A hearing held under this section shall be open to the public and must be held at the district unless a different location is agreed to by the district. The hearing shall be held not fewer than ten calendar days from the date the district receives notice and shall be governed by Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education).
- (g) The administrative law judge may order that testimony and evidence from parents and guardians of students at the charter school be taken via prefiled written testimony under the Texas Government Code, §2001.085.

Statutory Authority: The provisions of this §100.201 issued under the Texas Education Code, §7.102(c)(8) and (9) and §12.028.

Source: The provisions of this §100.201 adopted to be effective October 10, 1999, 24 TexReg 8547.

**Recommendation for Two Reappointments to the Randolph Field
Independent School District Board of Trustees**

April 12, 2024

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

SUMMARY: This item provides an opportunity for the board to consider two reappointments to the board of trustees of Randolph Field Independent School District (ISD). The reappointments are necessary due to the expirations of the terms of office of two board members.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

BACKGROUND INFORMATION AND JUSTIFICATION: The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs on one of these boards, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352.

Brigadier General, United States Air Force, Russell D. Driggers, has notified the commissioner of education that the terms of office of two trustees of the Randolph Field ISD have expired. Brigadier General Driggers recommends the reappointments of Ms. Vanessa Bowden and Mr. Jimmy Cornelius to the Randolph Field ISD Board of Trustees.

MOTION TO BE CONSIDERED: The State Board of Education:

Based on Brigadier General Driggers's recommendation, approve the reappointments of Ms. Vanessa Bowden and Mr. Jimmy Cornelius to serve terms of office from April 12, 2024, to April 11, 2026, on the Randolph Field ISD Board of Trustees.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Office of Governance
Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

Attachment:

Correspondence from Brigadier General Russell D. Driggers that includes biographical information and supporting documentations for the nominees



**DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO**



8 Dec 2023

MEMORANDUM FOR MR. MIKE MORATH, COMMISSIONER, TEXAS EDUCATION
AGENCY

FROM: 502 ABW/CC
2080 Wilson Way Bldg. 247
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: Reappointment of Mr. Jimmy Cornelius and Ms. Vanessa Bowden to the Randolph Field
Independent School District (RFISD) Board of Trustees

1. Please consider this as my formal request for the reappointment of Mr. Jimmy Cornelius and Ms. Vanessa Bowden to the RFISD Board of Trustees. Enclosed are their resumes, as required by Texas Administrative Code Section 61.2a (1), along with their signed statements expressing their willingness to accept the reappointments and serve in full adherence to the established state standards for school board members.
2. The nominees are eligible for reappointment under the general school laws of Texas and live or work on Joint Base San Antonio-Randolph. The nominees are highly 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 to solicit packages. 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 RFISD and recognize that my role as the commanding officer of the 502d Air Base Wing, in the process for appointing the Board of Trustees, is limited to the duty defined by statute.
4. Thank you for your support of our school district. If you have any questions please contact, Ms. Angela Green at (210) 652-3081 or angela.green.8@us.af.mil.

DRIGGERS.RUSS³ Digitally signed by
ELL.D.1024001233 DRIGGERS.RUSSELL.D.102400
Date: 2023.12.08 16:50:52 -06'00'

RUSSELL D. DRIGGERS
Brigadier General, USAF
Commander, Joint Base San Antonio and
502d Air Base Wing

Attachments:

1. Mr. Jimmy Cornelius's Resume
2. Ms. Vanessa Bowden's Resume



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: VANESSA RM BOWDEN

Residential Address:

16203 CANYON SHADOW
SAN ANTONIO TX 78232

Physical Address of Employer:

1 F STREET Suite 300
Randolph AFB, TX 78105

Board of Trustees Location Applying For: RANDOLPH FIELD 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

Oct 13, 2023
Date

VANESSA RM BOWDEN
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.***

Vanessa RM Bowden
16203 Canyon Shadow
San Antonio, Texas 78232 United States
Evening Phone: 210-387-8905
Day Phone: 210-387-8905
Email: vic3000@prodigy.net

Availability:
Job Type: Permanent
Work Schedule: Full-time

Work Experience:
Instructional Systems Analyst
Department of Air Force (This is a federal job)
1 F street
Randolph AFB, TX

4/2023 - Present
Hours per week: 40
Series: 1750 Instructional Systems
Pay Plan: GS - General Schedule (Ch. 51, 5 U.S.C.).
Grade: 13

Duties, Accomplishments and Related Skills:

Conduct needs analysis studies to identify and verify training problems or needs. Create in person and virtual course development, working closely with SMEs, course directors and instructors. Examine the current threat, doctrine, leader development, organization, geographical location of units, resource constraints, personnel turbulence, type of unit, new systems, and associated factors. Designed, developed, and administered needs survey instruments in conjunction with subject matter experts. Guide training and non-training solutions, and advantages and disadvantages of each using extensive planning and organization of information. Brief leaders on program policies and budget, and advised them of program issues. Researched issues, requirements and policy for all Services, US Coast Guard, and Health care. Review policies and make appropriate recommendations on both internal/external feedback to leaders for DoD implementation. Reviewed and coordinated medical enlisted training course training plans. Instructed military students. Continuously monitored the technical training programs for efficiency and cost effectiveness of DoD processes. Presented findings, recommendations, and proposals to supervisor by conducting briefings, reports or decision papers. Produced self-contained training products using technical training, instructional methods, and training technologies. Tested validated statistics, comparative studies of student progress and observation of instructional methods including the use of training devices, equipment and facilities to accurately and effectively evaluate educational and training programs. Evaluate all aspects of education and training programs to include administration, policies, procedures, curricula, instructional materials and techniques, and made recommendations to improve quality of instruction and training products/materials. Advised and assisted staff in computer based learning for planning, creating, evaluating, validating, and updating educational material in support of training

Supervisor: Dion Bivens (2105350267)
Okay to contact this Supervisor: Yes

Education and Accession Program Analyst
Department of Air Force (This is a federal job)
Randolph AFB, TX
Randolph AFB, TX

8/2019 - 4/2023
Salary: \$0.00 USD Bi-weekly
Hours per week: 40
Series: 0343 Management And Program Analysis

Pay Plan: GS - General Schedule (Ch. 51, 5 U.S.C.).

Grade: 13

Duties, Accomplishments and Related Skills:

Lead facilitator for directorate-wide change management, and communication strategies on various leadership development programs. Conducts data call activities associated with the advanced academic degree (AAD) program—identifies quota requirements from career field managers (CFMs), Air University (AU), Air Force Institute Technology (AFIT), US Air Force Academy (USAFA), and professional continuing education (PCE) course owners. Prioritizes predetermined resources against the field's stated requirements, distributes the notional to the field for review, and suspense changes as required. Notes changes based on validation of current and anticipated AAD and PCE inventory, Unit Manning Document requirements, and proof of hiring shortfalls. Develops strategic plans considering operational and support personnel requirements. Analyze and resolve program issues and inadequacies in data integrity. Determines the requirements for specific courses and their relative priority in light of time and resources available, projected schedule, and relationship to the objectives of a total training program. Determines when current policies, practices and procedures are inadequate and proposes changes. Programs out-year AAD and PCE budget and quota allocations. Works closely with AETC stakeholders; conducts analysis to assess utilization of AAD and PCE users. Generates and sends the Program Guidance Letter (PGL) for approval to the Force Development commander. Ensures AAD and PCE quota requirements are documented in system of record. Develops or recommends modification to system or programs around doctrine and concepts of operation. Provides advice and assistance to other organizations, to MAJCOMs, and agencies in assigned areas of responsibility. Participates in strategic planning to improve organizational direction. Analyzes problems discovered in prior studies or actual operations and negotiates with and/or advises higher levels of management on the feasibility of different approaches which provide a basis for better planning of operations and better use of resources. Identifies and/or initiate action to resolve or to preclude potential problems. Reviews future Air Force training needs and develops plans that satisfy outyear initial skills training requirements for officers. Provides guidance and advice to customers, stakeholders, and/or senior leadership on policies, procedures, and regulations. Co-chairs the Air Force officer initial skills trained personnel requirements working group.

Supervisor: Richard Ecks (2106525206)

Okay to contact this Supervisor: Yes

Instructional Systems Specialist

Department of Air Force (This is a federal job)

1 F Street Suite 2
Randolph AFB, TX

2/2014 - 8/2019

Salary: \$0.00 USD Per Year

Hours per week: 40

Series: 1750 Instructional Systems

Pay Plan: GS - General Schedule (Ch. 51, 5 U.S.C.).

Grade: 12

Duties, Accomplishments and Related Skills:

Served as the command focal point administering, analyzing and evaluating sister service ITRO and consolidated (Army, Navy, DINFOS, METC, and DEOMI) and DoD program quota requirements. Managed enlisted, officer, and supplemental out-year AF requirements in sister service and DoD training. Responsible for programming long range strategic training requirements and total support for all assigned programming and instructional programs for enlisted initial skills (EIS) and officer initial skills (OIS). AF representative for procuring training requirements at Army's Training Requirements Arbitration Panels (TRAPs) and annual Structure Manning Decision Reviews (SMDRs) and Navy's Student Input Planning (SIP) process. Coordinated and advocated AF TRAP request with Army Training and Doctrine Command (TRADOC), as well as attended SMDRs to codify the Air Force requirements for sister service training. Ensured AF-required training allocations were properly allocated to meet warfighter requirements. Planned total support for initial skills and supplemental sister service training requirements. Requirement management authority ensuring sustainment in Air Force Specialty Codes. Determined the support requirements for time and resources available, projected schedules, and

relationship to the objectives of the sister service training program in accordance with Air Force priorities. Reviewed enlisted, officer, and advanced and supplemental programmed technical training (PTT) documents to ensure user requirements and quotas fell within the programmed guidance letter (PGL) baselines. Provided oversight of procedures for the AF to capture additional training requirements and informs users. Planned, design and developed training. Coordinated with each user to ensure accurate accountability and tracking of AF seats in sister service courses. Reviewed, advised and presented statistics for future Air Force training needs and develop plans that satisfy Officer initial skills outyear training requirements. Oversaw all actions relating to training seat quota management for all individual institutional training seats and the identification and prioritization of manpower and force structure requirements to meet training mission. Developed and disseminated guidance regarding education, training, and instruction, to include performance support procedures. Determined the requirements for specific courses and their relative priority in light of time and resources available, projected schedule, and relationship to the objectives of a total training program. Determine solutions, conducting root cause analysis of issues and develop solutions. Professional knowledge of education and training administration, policies and procedures. Determines when current policies, practices and procedures are inadequate and proposes effective solutions. Coordinated with HAF, MAJCOMs, HQ Army and HQ Navy POCs, 2AF, TRADOC, and TRGs to establish and implement programming and related instructional services activities associated with sister service training requirements, officer initial skills training, enlisted, and mission readiness training programs. Served on future learning committee team for customizing blended learning . Evaluated training programs and materials.

Supervisor: Jennifer Lloyd (210-652-5106)

Okay to contact this Supervisor: Yes

Base Education and Training Manager (BETM)

US Air Force Reserves

375 W Street Suite 1
Randolph AFB, TX

5/1997 - 12/2016

Salary: \$550.00 USD Per Month

Hours per week: 16

Duties, Accomplishments and Related Skills:

As base education training manager (BETM), reviewed, approved/disapproved, and coordinated enlisted formal training course training plans. Documented training using Air Force training record (AFTR) and Training Business Area (TBA). Organized education and training programs to achieve educational goals and mission requirements. Implemented policies. Presented recommendations and follow up on unresolved or questionable training/upgrade concerns. Managed Career Field Education and Training Plans (CFETPs) for 23 different Air Force specialty codes (AFSCs). Served as an Advisor for Community College of the Air Force (CCAF). Maintained contact with CCAF to resolve issues. Knowledge of accreditation requirements. Ensured enrollees were actively pursuing CCAF degree. Maintained records of course attendance, withdrawals, completions and costs. Advised on individual education and training progress. Provided statistical reports on programs and operations. Administered comprehensive and timely surveys to obtain meaningful feedback from students, graduates, their supervisors, and instructors. Performed training needs analysis. Instructed peers and military students. Coordinated with peers and team members to improve methods with customer needs in mind. Developed training materials and testing procedures. Conducted training classes. Monitored progress, identified problem areas, determined causes, recommended corrective action, and provided counsel. Implemented policies relative to mission assignment. Provided educational service support to wing, base, and units. Provided assistance in program areas. Managed tuition assistance for wing. Managed and trained training managers in areas of upgrade training, school dates requirements, new course requirements, AFOCD/AFECD changes. Implemented training policies and procedures. Facilitated and instructed the Non Commission Officer Leadership Development Course.

Supervisor: Steven Badowski (210-9458199)

Okay to contact this Supervisor: Yes

Chief, Training Analysis Flight

Department of Air Force (This is a federal job)

151 J Street
Randolph AFB, TX

4/2011 - 2/2014**Salary:** \$73,300.00 USD Per Year**Hours per week:** 40**Series:** 1750 Instructional Systems**Pay Plan:** GS - General Schedule (Ch. 51, 5 U.S.C.).**Grade:** 12**Duties, Accomplishments and Related Skills:**

Served as Chief and primary Training System Requirements Analysis functional advisor to the squadron commander and director on training requirements and resources. Ensured AETC and using commands were appraised of training program progress, issues, and concerns, while minimizing impact to the acquisition schedule. Knowledge of training administration, policies, and procedures. Planned and executed support activities related to current missions within constraints of budget and customer requirements. Conducted, presented, and prepared for conferences directed towards leadership, staff and/or peers relating to agency vision, mission, and goals. Analyzed interrelated issues of effectiveness, efficiency, and productivity. Developed recommendations to solve problems and applied program management principles to guide program accomplishment through the various phases of the acquisition cycle. Served as member of the assigned System Program Office (SPO) Training Integrated Product Team (IPT) and monitored the progress on training systems and coordinated MAJCOM training requirements for meeting training system program objectives. Supervised curriculum designers, course writers, instructors and subject-matter specialists to develop training system suited for computer assisted instruction, special training devices and equipment such as simulators, test equipment and mockups. Developed innovative concepts for actions where the technical requirements demand data collection and analysis. Developed course guidelines, course materials and training aids. Redesigned policies and procedures to implement the latest instructional systems development concepts and integrated emerging technologies into the process. Coordinated the design and development of training programs. Tested and tracked training systems, course development and implementation. Reviewed training devices and evaluated training. Supervised seven personnel.

Supervisor: LTC Maurice Azar (210-652-5229)**Okay to contact this Supervisor:** Yes

Instructional Systems Specialist**Department of Army (This is a federal job)**

Ft Sam
San Antonio, TX

10/2008 - 4/2011**Salary:** \$0.00 USD Per Year**Hours per week:** 40**Series:** 1750 Instructional Systems**Pay Plan:** GS - General Schedule (Ch. 51, 5 U.S.C.).**Grade:** 11**Duties, Accomplishments and Related Skills:**

As training manager (TM) for Army Medical Department (AMEDD), developed curriculum using the Systems Approach to Training (SAT) process, managed training, resources, and instructors for five courses. Conducted needs analysis studies to identify and verify training problems or needs. Created in person and virtual course development, working closely with SMEs, course directors and instructors. Examined the current threat, doctrine, leader development, organization, geographical location of units, resource constraints, personnel turbulence, type of unit, new systems, and associated factors. Designed, developed, and administered needs survey instruments in conjunction with subject matter experts. Guided training and non-training solutions, and advantages and disadvantages of each using extensive planning and organization of information for Inter-service Training Review Organization (ITRO) Programs and Medical Education Training Command (METC). Briefed

leaders on program policies and budget, and advised them of program issues. Researched issues, requirements and policy for all Services, US Coast Guard, and Health care. Reviewed ITRO and METC policies and made appropriate recommendations on both internal/external feedback to leaders for DoD implementation. Reviewed and coordinated medical enlisted training course training plans. Instructed military students. Continuously monitored the technical training programs for efficiency and cost effectiveness of DoD processes. Presented findings, recommendations, and proposals to supervisor by conducting briefings, reports or decision papers. Produced self-contained training products using technical training, instructional methods, and training technologies. Tested validated statistics, comparative studies of student progress and observation of instructional methods including the use of training devices, equipment and facilities to accurately and effectively evaluate educational and training programs. Evaluate all aspects of education and training programs to include administration, policies, procedures, curricula, instructional materials and techniques, and made recommendations to improve quality of instruction and training products/materials. Advised and assisted staff in computer based learning for planning, creating, evaluating, validating, and updating educational material in support of training programs/system initiatives.

Supervisor: Sergeant Major Stevens (210-808-1250)

Okay to contact this Supervisor: Yes

Instructional Systems Developer

Department of Air Force (This is a federal job)

1 F Street

Randolph AFB, TX

9/2005 - 10/2008

Salary: \$0.00 USD Per Year

Hours per week: 40

Series: 1750 Instructional Systems

Pay Plan: GS - General Schedule (Ch. 51, 5 U.S.C.).

Grade: 11

Duties, Accomplishments and Related Skills:

Developed, reviewed, and revised instructional materials including content, style, and format. Researched, planned, developed, and reviewed education and training programs for total support including personnel, equipment, facilities, and budget. Performed editing, proofreading, and rewriting for clear and concise written messages. Reviewed, analyzed, and summarized critiques and developed after action reports with recommendations for corrective actions. Developed and evaluated instructional effectiveness and educational materials for consistency with course objectives, teaching soundness, and conformity to policy and requirements. Reviewed, edited, and corrected forms and test documentation for conformance with recognized test and measurement principles. Developed objective tests and other instruments to measure student achievement and the adequacy of education and training programs. Used a systems approach to plan, develop, and coordinate components of instruction. Instructed Air Force courses. Served as instructor and curriculum developer. Provided subject matter expertise during planning, development, preparation, and validation of electronic and paper-based courseware. Designed, developed, conducted, and evaluated training courses used to support the training of members of the faculty including civilian and military members. Conducted workshops and other training sessions or special courses for a variety of personnel. Recommended and reviewed appropriate professional and technical books, manuals, journals, regulations, videotapes and other multimedia materials. Performed appropriate reviews and effective evaluations of recommended test items. Prepared and conducted instruction in educational topics to include, but not limited to, teaching techniques, methods of instruction, lesson plan preparation, instructional objectives, test construction, student counseling, classroom management and control, instructional technology, course design, and systems approach to training development, audiovisual support. Knowledge of a wide array of media and methods to deliver training. Programmed daily using OTA and ADSS systems. Served as a training instructor for technical training squadron.

Supervisor: Bonnie Molina ((210)652-4475)

Okay to contact this Supervisor: Yes

Educator

San Antonio ISD

Foster Road
San Antonio, TX

1/2000 - 9/2005**Salary:** \$40,000.00 USD Per Year**Hours per week:** 40**Duties, Accomplishments and Related Skills:**

Provided guidance which promotes educational development and achievement of obtainable goals. Maintained accurate records in compliance with local and state policies. Prepared appropriate lesson plans using curriculum guides. Administered and managed the classroom activities so that acceptable behavior and effective involvement was encouraged. Initiated and implement training for child development. Used a variety of programs, approaches and materials to meet individual goals. Demonstrated explicit instruction in skills, strategies, tasks, procedures, and thinking. Evaluated testing materials and methods. Complied with state, district and school regulations, and policies. Used informal and formal assessment to continually monitor each child's progress. Revised plans to reflect changes in goals. Worked with others on staff to plan and evaluate programs. Developed instructional plans. Interpreted and explained new and existing policies and programs. Communicated effectively with students, parents, and administrators. Followed Individual Educational Plans for students with Special Needs. Provided proper care and security of equipment and property. Used spreadsheets, Windows 98 and Internet.

Supervisor: Stacey Lewis (210-333-1771)**Okay to contact this Supervisor:** Yes

Education:**Community College of the Air Force** Maxwell AFB, AL United States

Associate's degree 4 / 2005

Credits Earned: 64 Semester Hours**Major:** Education and Training**U TX San Antonio** San Antonio, TX United States

Master's degree 11 / 2005

GPA: 3.50 of a maximum 4.00**Credits Earned:** 37 Semester Hours**Major:** Education**U TX San Antonio** San Antonio, TX United States

Bachelor's degree 12 / 1999

GPA: 3.17 of a maximum 4.0**Credits Earned:** 156 Semester Hours**Major:** Education**Relevant Coursework, Licenses and Certifications:**

TX Certified Teacher

Job Related Training:

Basic Instructor Course 2005

Objectives and Test 2005

Training Development 2006

Training Management 2006

Technical Writing Principles 2006

Technical Writing Desktop 2006

Instructional Systems Development 2006

Occupational Survey Data 2008

Access 2008

E-Learning Instructional Design Certificate 2009

Blackboard Training 2009

Train the Trainer Boot Camp 2010

The Secrets of Facilitating Strategy 2011
 The Mindset of Leadership 2011
 From Tactical to Strategic Thinking 2012
 Green Belt Training 2014
 Emerging Leaders 2020
 Developing Team Leadership 2021
 Leading with Impact 2021
 Power BI 2022

Language Skills:

Language	Spoken	Written	Read
English	Advanced	Advanced	Advanced

Affiliations:

American Society of Training Developers - Volunteer/ Member

References:

Name	Employer	Title	Phone	Email
Stacey Lewis (*)	San Antonio ISD	Principal	210-333-0611	
Dr Eustace Lewis (*)	Department of Army	Instructional Systems Specialist	2102221821	eustace.lewis.civ@mail.mil
Vivian Jones	San Antonio ISD	Educator	210-8617319	
Valeria Hills	Redstone Arsenal	Medical Superintendent	2568763411	

(*) Indicates professional reference



Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Jimmy Dean Cornelius

Residential Address: 549 Saddle Vista
Cibolo, Texas 78108

Physical Address of Employer: AFPC/JA
550 C Street West, building 449
JBSA - Randolph Texas 78150 - 4703

Board of Trustees Location Applying For: Randolph Field 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.

Jimmy D. Cornelius
Signature of Applicant

Jimmy D. Cornelius
Printed Name of Applicant

19 October 2023
Date

Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.



BIOGRAPHY

UNITED STATES AIR FORCE

MR. JIMMY D. CORNELIUS

Mr. Jimmy Cornelius serves as the Paralegal Specialist, Office of the Staff Judge Advocate, Headquarters Air Force Personnel Center (AFPC), Joint Base San Antonio-Randolph, Texas.

Mr. Cornelius joined the Air Force in 1979 as a Security Police Law Enforcement specialist. He was the distinguished honor graduated at the Law Enforcement Academy. Mr. Cornelius served as a gate guard, installation patrolman, Flight Chief, NCOIC of Resources Protection, Crime Prevention, Anti-Terrorism, Supplies and Equipment, and NCOIC of Pass and ID. He was the first Airman in Military Airlift Command certified as a desk sergeant. Mr. Cornelius was in charge of the personal security details for Vice President George H. W. Bush, President Jimmy Carter, and Secretary of State Henry Kissinger. He was also a member of the security detail for President Ronald Reagan.



Mr. Cornelius cross-trained into the legal career field in 1993. He held the positions of NCOIC of Claims, Military Justice, Preventive Law-Legal Assistance, Civil Law, and Law Center Superintendent. He deployed to Saudi Arabia in support of Operation SOUTHERN WATCH. He worked with the Senior Paralegal Manager to TJAG to create a program for hiring non-prior enlistees (basic trainees) into the paralegal career field. Mr. Cornelius retired from active duty in July 2006 as a Senior Master Sergeant. He joined the AETC legal team in May 2009.

EDUCATION

- 1979 Security Police Law Enforcement Technical Training, (Distinguished Graduate)
- 1984 Secret Service Dignitary Protection
- 1986 NCO Leadership School, (Commandant's Award)
- 1992 CCAF, Associate of Applied Science-Police Science
- 1992 Bachelor of Science in Criminal Justice, Wayland Baptist University
- 1994 Paralegal Apprentice Course
- 1994 NCO Academy
- 1998 CCAF, Associate of Applied Science-Paralegal Studies
- 1998 Paralegal Craftsman Course
- 1998 SNCO Academy (Correspondence)
- 2003 SNCO Academy, Gunter Annex
- 2009 Aircraft Accident Investigations Course
- 2010 Legal and Administrative Investigations Course
- 2018 Military Justice Administrative Course

ASSIGNMENTS

1. October 1979 – November 1982, Security Police gate guard, patrolman, desk sergeant, Reports and Analysis Clerk, 314th Security Police Squadron, Little Rock AFB, AR.
2. November 1982 – December 1986, Security Police patrolman, assistant flight chief, flight chief,

- and NCOIC Resources Protection/Crime Prevention, Headquarters USAF Academy, CO.
3. January 1987 – January 1989, NCOIC Resources Protection/Crime Prevention, Anti-terrorism, NCOIC, Security Police Supply and Equipment, Ankara Air Station, Turkey.
 4. January 1989 – April 1993, Security Police assistant flight chief, flight chief, NCOIC Resources Protection/Crime Prevention, NCOIC Pass and Registration Randolph AFB, TX.
 5. April 1993 – January 1996, NCOIC Military Justice and Claims, Randolph AFB, TX.
 6. January 1996 – January 2000, NCOIC General Law, Military Justice, Preventive Law/Legal Assistance, Civil Law, and Law Office Manager, Dyess AFB, TX, (July 1999 – October 1999, Deployed Law Office Manager 320th Air Expedition Wing).
 7. January 2000 – June 2002, Law Office Manager, Mountain Home AFB, ID.
 8. June 2002 – July 2006, Law Center Superintendent, Lackland AFB, TX.
 9. May 2009 – March 2016, Military Justice, Operations and International Law Legal Assistant HQ AETC, JBSA-Randolph, TX.
 10. March 2016 – April 2016, Unit Program Coordinator, 342d Training Squadron, JBSA-Lackland, TX.
 11. April 2016 – July 2019, Military Justice Legal Assistant, HQ AETC, JBSA-Randolph, TX.
 12. July 2019 – October 2023, Operations and International Law Legal Assistant, HQ AETC/JA, JBSA-Randolph, TX.
 13. October 2023 – Present, Paralegal Specialist, HQ AFPC/JA, JBSA-Randolph, TX.

MAJOR AWARDS AND DECORATIONS

Meritorious Service Medal with four oak leaf clusters
 Air Force Commendation Medal with two oak leaf clusters
 Air Force Achievement Medal with one oak leaf cluster
 Air Force Outstanding Unit Award with four oak leaf clusters
 1979 Distinguished Honor Graduate, Security Police Technical Training School
 1981 Senior Airman Below the Zone, Little Rock, AFB, AR
 1986 Commandants Award NCO Leadership School, Lowry AFB, CO
 1988 TUSLOG, Turkey Outstanding Law Enforcement Specialist of the Year
 1992 Randolph NCO of the Year
 2000 366th Wing Staff SNCO of the Year, Mountain Home AFB, ID
 2000 Yates-Popwell Outstanding Senior NCO Paralegal, 12th Air Force
 2003 37th Training Wing Staff SNCO of the 1st Quarter, Lackland AFB, TX
 2004 37th Training Wing Staff SNCO of the 3d and 4th Quarter, Lackland AFB, TX
 2004 Yates-Popwell Outstanding Senior NCO Paralegal, 2nd Air Force
 2013 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 1st Quarter
 2015 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 3d Quarter
 2016 HQ AETC Staff Civilian Non-Supervisory Category 1 of the 3d Quarter
 2016 Air Force Exemplary Civilian Service Award
 2017 Command Civilian Award for Valor

(Current as of October 2023)

**Proposed Amendment to 19 TAC Chapter 61, School Districts,
Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military
Reservation School Districts and Boys Ranch Independent School District
(First Reading and Filing Authorization)**

April 12, 2024

**COMMITTEE ON SCHOOL INITIATIVES: 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 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District. The proposed amendment would reflect changes made by House Bill (HB) 4210, 88th Texas Legislature, Regular Session, 2023, to the State Board of Education's (SBOE's) process for appointing trustees for military reservation districts and may include other changes to the SBOE's oversight of special-purpose district boards of trustees.

STATUTORY AUTHORITY: Texas Education Code (TEC), §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

TEC, §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023, requires the SBOE to appoint a board of three or five trustees for each military reservation district.

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

EFFECTIVE DATE: The proposed effective date of the proposed 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 2024-2025 school year. The earlier effective date would provide clarity on who is eligible to serve on a board of trustees of a military reservation school district before the beginning of the new school year.

PREVIOUS BOARD ACTION: Section 61.2 was originally adopted effective September 1, 1996. It was amended effective December 20, 2010, and amended again effective March 7, 2012. It was amended most recently effective March 24, 2020. A discussion item regarding possible changes was presented to the committee at its November 2023 meeting. At its February 2024 meeting, a proposed amendment to §61.2 was presented to the committee for first reading and filing authorization, and the committee postponed consideration of the amendment until the April 2024 meeting.

BACKGROUND INFORMATION AND JUSTIFICATION: TEC, §11.352, requires the SBOE to appoint a board of three or five trustees for each military reservation district established under TEC, §11.351. Enlisted personnel and officers may be appointed to the school board, but a majority of the trustees must be civilians. To be eligible to serve, one must either live or be employed on the military reservation. The trustees are selected from a list of people provided by the commanding officer of the military reservation.

HB 4210, 88th Texas Legislature, Regular Session, 2023, amended TEC, §11.352(b) and (c), to establish that a person who retires from active duty or civilian service while serving as a member of the board of trustees of a military reservation district may continue to serve for the remainder of his or her term. The

bill also changed the SBOE's responsibility to adopt rules for the governance of special-purpose districts from permissive to required.

To implement HB 4210, the proposed amendment would add new §61.2(d) to specify that a trustee of a military reservation school district who retires from active duty or civilian service while serving as a member of the board of trustees may continue to serve for the remainder of his or her term.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by adding a provision to allow a trustee to continue serving his or her term upon retirement from active duty or civilian service.

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

PUBLIC BENEFIT AND COST TO PERSONS: The proposal would update the eligibility of people to serve on military reservation schools districts to conform to HB 4210 and provide clarity to the public on who is eligible to serve on a board of trustees of a military reservation school district. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 17, 2024, and ends at 5:00 p.m. on June 17, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative

Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on May 17, 2024.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

Staff Members Responsible:

Steve Lecholop, Deputy Commissioner, Governance

Christopher Lucas, Director, Policy, Planning, and Operations, Governance

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 61. School Districts

Subchapter A. Board of Trustees Relationship

§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

- (a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:
- (1) submit a list to the commissioner of education with at least one nominee for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of at least one nominee for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of at least one nominee for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;
 - (3) submit a copy of a current biographical vita (resume) for each nominee, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each nominee that expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement that expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
 - (6) submit a signed statement regarding the governance and management operations of the district that expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
- (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;
 - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees that expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement that expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;

- (6) submit a signed statement regarding the governance and management operations of the district that expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.
- (d) Notwithstanding subsection (c) of this section, a trustee of a military reservation school district appointed under this section who retires from active duty or civilian service while serving as a member of the board of trustees may continue to serve for the remainder of his or her term.

Approval of Revisions to Required School Safety Training for School District Trustees

April 12, 2024

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

SUMMARY: This item provides an opportunity for the board to approve revisions to the curriculum of the school safety training for school district trustees established by House Bill (HB) 690, 87th Texas Legislature, Regular Session, 2021.

STATUTORY AUTHORITY: Texas Education Code ([TEC](#)), [11.159\(b-1\)](#).

TEC, §11.159(b-1), requires the State Board of Education (SBOE) to require a trustee to complete training on school safety. The SBOE, in coordination with the Texas School Safety Center (TxSSC), must develop the curriculum and materials for the training.

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

BACKGROUND INFORMATION AND JUSTIFICATION: HB 690, passed by the 87th Texas Legislature, Regular Session, 2021, requires the SBOE to require a trustee to complete training on school safety. The SBOE coordinated with the TxSSC to develop the curriculum and materials for the training.

In November 2021, the SBOE approved the school safety training and made it available on TEA Learn in February 2022. The SBOE adopted rules governing the new school safety training in 19 TAC §61.3 which became effective on May 31, 2022.

At the November 2023 meeting, the TxSSC presented to the Committee on School Initiatives proposed revisions to the curriculum. This item provides an opportunity for the board to approve revisions to the school safety training curriculum proposed by the TxSSC. At the January-February 2024 meeting, the committee postponed consideration of approval of the proposed revisions to the school safety training curriculum until the April 2024 meeting.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve the revisions to the school safety training curriculum proposed by the Texas School Safety Center.

Staff Members Responsible:

John Scott, Chief of School Safety and Security

Christopher Lucas, Director, Policy, Planning, and Operations, Governance

Discussion of Ongoing State Board for Educator Certification Activities

April 11, 2024

COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION

SUMMARY: This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments.

STATUTORY AUTHORITY: Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

TEC, §21.031, charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct of public school educators and ensuring that all candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of the state.

TEC, §21.035, requires Texas Education Agency (TEA) staff to provide administrative functions and services to the SBEC.

TEC, §21.041(a), authorizes the SBEC to adopt rules necessary to implement its own procedures.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(c) and (d), authorizes the Board to adopt fees for the issuance and maintenance of an educator certificate and for the approval or renewal of an educator preparation program.

TEC, §21.042, requires the SBEC to submit a written copy of each rule it proposes to adopt to the State Board of Education for review.

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

BACKGROUND INFORMATION AND JUSTIFICATION: On May 30, 1995, the 74th Texas Legislature enacted Senate Bill 1, a revision of the TEC. The TEC, §21.031 and §21.041, establish and authorize the SBEC to adopt rules to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators. In addition, the 79th Texas Legislature enacted House Bill 1116, continuing the SBEC following sunset review. This legislation amended TEC, §21.035 to require the TEA to provide all administrative services and functions required by the SBEC. Most of these functions have been assigned to TEA's Department of Educator Preparation, Certification, and Enforcement.

Under TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposal by a vote of at least two-thirds of the members of the

SBOE present and voting. If the SBOE fails to reject the rules contained in the proposal before the 90th day after the date on which it receives the rules, the rules take effect as rules of the SBEC as provided by Chapter 2001, Government Code. The SBOE may not modify a rule proposed by the SBEC. Since 1996, the SBEC has submitted a number of rules it proposed to the SBOE for review.

Staff Member Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

**Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners
(Second Reading and Final Adoption)**

April 12, 2024

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

SUMMARY: This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law. No changes are recommended since approved for first reading.

STATUTORY AUTHORITY: Texas Education Code (TEC), §21.252(a).

TEC, §21.252(a), requires the State Board of Education (SBOE) to establish certification criteria for independent hearing examiners.

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 2024-2025 school year. The earlier effective date will allow independent hearing examiners to be selected using the modified requirements as soon as possible.

PREVIOUS BOARD ACTION: The SBOE adopted §157.41 in 1995 and last amended it effective October 21, 2019. At the January-February 2024 meeting, the SBOE approved the proposed amendment to §157.41 for first reading and filing authorization.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 157, Subchapter D, addresses criteria for the certification of hearing examiners eligible to conduct hearings.

During the rule review required under Texas Government Code, §2001.039, the SBOE requested that Texas Education Agency (TEA) staff present a proposed amendment to §157.41 that would modify the experience requirements for hearing examiners.

Subsection (d)(2) would be amended to require that an independent hearing examiner must not have had his or her license reprimanded, suspended, or revoked within the last three years.

Subsection (d)(3) and (4) would be amended to reduce the requirements that an independent hearing examiner must have been licensed to practice law and engaged in the practice of law on a full-time basis from five years to three years.

Subsection (e) would be amended to expand the experience requirements to include family law, criminal law, and personal injury law.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by modifying the experience requirements for independent hearing examiners.

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

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

The proposal would reduce the number of years independent hearing examiners must have been licensed to practice law and must have been engaged in the practice of law on a full-time basis from five years to three years. It would also expand the experience requirements to include family law, criminal law, and

personal injury law. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no data and reporting impact.

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

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

PUBLIC COMMENTS: Following the January-February 2024 SBOE meeting, notice of the proposed amendment to §157.41 was filed with the Texas Register, initiating the public comment period. The public comment period began March 1, 2024, and ended at 5:00 p.m. on April 1, 2024. No comments had been received at the time this item was prepared. A summary of public comments received will be provided to the SBOE during the April 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

MOTION TO BE CONSIDERED: The State Board of Education:

Approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners, is necessary and shall have an effective date of 20 days after filing as adopted 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 Member Responsible:

Christopher Maska, Deputy General Counsel of Hearings and Appeals / Ethics Advisor

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 157. Hearings and Appeals

Subchapter D. Independent Hearing Examiners

§157.41. Certification Criteria for Independent Hearing Examiners.

- (a) License required. An individual who is certified as an independent hearing examiner must be licensed to practice law in the State of Texas.
- (b) Representations prohibited. An independent hearing examiner, and the law firm with which the independent hearing examiner is associated, must not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.
- (c) Moral character and criminal history. An independent hearing examiner must:
 - (1) possess good moral character; and
 - (2) as demonstrated by a criminal history report process required by the commissioner of education, not have been convicted, given probation (whether through deferred adjudication or otherwise), or fined for:
 - (A) a felony;
 - (B) a crime of moral turpitude; or
 - (C) a crime that directly relates to the duties of an independent hearing examiner in a public school setting.
- (d) Status as a licensed attorney. An independent hearing examiner must:
 - (1) currently be a member in good standing of the State Bar of Texas;
 - (2) within the last ~~three~~ **[five]** years, not have had the independent hearing examiner's bar license:
 - (A) reprimanded, either privately or publicly;
 - (B) suspended, either probated or otherwise; or
 - (C) revoked;
 - (3) have been licensed to practice law in the State of Texas or any other state for at least ~~three~~ **[five]** years prior to application; and
 - (4) have engaged in the actual practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least ~~three~~ **[five]** years.
- (e) Experience. During the three years immediately preceding certification, an independent hearing examiner must have devoted a minimum of 50% of the examiner's time practicing law in some combination of the following areas, with a total of at least one-tenth or 10% of the independent hearing examiner's practice involving substantial responsibility for taking part in a contested evidentiary proceeding convened pursuant to law in which the independent hearing examiner personally propounded and/or defended against questions put to a witness under oath while serving as an advocate, a hearing officer, or a presiding judicial officer:
 - (1) civil litigation;
 - (2) administrative law;

- (3) school law; ~~or~~
 - (4) labor law; ~~or~~
 - (5) family law;
 - (6) criminal law; or
 - (7) personal injury law.
- (f) Continuing education. During each year of certification, an independent hearing examiner must receive credit for ten hours of continuing legal education, with three hours in the area of school law and seven hours in the area of civil trial advocacy and legal writing skills, which must include any combination of course work in evidence, civil procedure, and legal writing skills, during the period January 1 to December 31 of each year of certification.
- (g) Sworn application. In order to be certified as an independent hearing examiner, an applicant must submit a sworn application to the commissioner of education. The application shall contain the following acknowledgments, waivers, and releases.
- (1) The applicant agrees to authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of the application, including information regarding grievances maintained by the State Bar of Texas.
 - (2) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose grievance matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
 - (3) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose criminal matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
- (h) Assurances as to position requirements. In the sworn application, the applicant must:
- (1) demonstrate that the applicant currently maintains an office or offices within the State of Texas;
 - (2) designate the office locations from which the applicant will accept appointments;
 - (3) demonstrate that the applicant provides telephone messaging and facsimile services during regular business hours;
 - (4) agree to attend meetings of independent hearing examiners in Austin, Texas, at the examiner's expense; and
 - (5) agree to comply with all reporting and procedural requirements established by the commissioner.
- (i) Voluntary evaluations. The commissioner may solicit voluntary evaluations from parties to a case regarding their observations of the independent hearings process.
- (j) Insufficient examiners in a region. In the event that insufficient numbers of independent hearing examiners are certified for any geographic region of the state, the commissioner may assign an independent hearing examiner whose office is within reasonable proximity to the school district.
- (k) Annual recertification.
- (1) Certification expires on December 31 of each calendar year. All independent hearing examiners seeking recertification shall reapply on a date specified by the commissioner. Certification as a hearing examiner is effective on a yearly basis only and does not confer any expectation of recertification in subsequent years.
 - (2) The commissioner, in his discretion, after providing notice and an opportunity to respond, may decline to recertify an independent hearing examiner, if the commissioner determines that the independent hearing examiner has failed to perform the duties of an independent hearing examiner

in a competent manner. The commissioner may consider, but is not limited to, the following factors:

- (A) timeliness;
 - (B) accuracy and appropriateness of procedural and evidentiary rulings;
 - (C) decorum or control; or
 - (D) application of appropriate legal standards.
- (3) The commissioner's decision in regard to recertification is final and not appealable.
- (l) Action against certification. The commissioner, after providing notice and an opportunity to respond, may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner or the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, has:
- (1) served as an agent or representative of a school district;
 - (2) served as an agent or representative of a teacher in any dispute with a school district;
 - (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or
 - (4) failed to timely issue a recommendation.

Review of Adoption of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

April 12, 2024

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates. The proposed amendment to 19 TAC §233.2, Early Childhood; Core Subjects, would add five new core subjects-related certificates, and the proposed amendment to 19 TAC §233.8, Special Education, would add a new Bilingual Special Education Supplemental certificate.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 233, §233.2 and §233.8, is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)–(4) and (6); 21.044(e) and (f); 21.0442; 21.048(a) and (a–2); 21.0487; 21.0489; 21.04891; 21.0491; and 22.0831(f).

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(3), requires the SBEC to propose rules that specify the period for which each class of educator certificate is valid.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(6), requires the SBEC to propose rules that provide for special or restricted certification of educators, including certification of instructors of American Sign Language.

TEC, §21.044(e), provides the requirements that SBEC rules must specify for a person to obtain a certificate to teach a health science technology education course.

TEC, §21.044(f), provides that SBEC rules for obtaining a certificate to teach a health science technology education course shall not specify that a person must have a bachelor's degree or establish any other credential or teaching experience requirements that exceed the requirements under TEC, §21.044(e).

TEC, §21.0442, requires the SBEC to create an abbreviated educator preparation program (EPP) for trade and industrial workforce training.

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC. TEC, §21.048(a), also specifies that the commissioner of education shall determine the satisfactory level of performance required for each certification examination and require a satisfactory level of examination performance in each core subject covered by the generalist certification examination.

TEC, §21.048(a-2), requires the SBEC to adopt rules to require individuals teaching any grade level from Prekindergarten–Grade 6 to demonstrate proficiency in the science of teaching reading.

TEC, §21.0487, requires the SBEC to establish a standard Junior Reserve Officer Training Corps teaching certificate.

TEC, §21.0489, requires the SBEC to create a Prekindergarten–Grade 3 certificate.

TEC, §21.04891, requires the SBEC to create a Bilingual Special Education certificate.

TEC, §21.0491, requires the SBEC to create a probationary and standard trade and industrial workforce training certificate.

TEC, §22.0831(f)(1) and (2), state the SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements.

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

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, establish separate certificate categories within the certificate class for the classroom teacher. These categories identify the content area or special population the holder may teach, the grade levels the holder may teach, and the earliest date the certificate may be issued.

Following is a description of the proposed amendments included in the attachment.

§233.2. Early Childhood; Core Subjects.

The proposed amendment in §233.2 would add the following five new certificates as proposed new subsections (d)-(h):

- Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6
- Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6

- Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6
- Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6
- Core with the Science of Teaching Reading: Early Childhood-Grade 6

The SBEC would create these new certificates in response to stakeholder feedback and a longstanding goal to consolidate the total number of examinations individuals must take to become certified in various high-needs areas.

§233.8. Special Education.

The proposed amendment in §233.8 would add the Bilingual Special Education Supplemental certificate as proposed new subsection (a) to ensure there are teachers with special training in providing instruction to students of limited English proficiency with disabilities. To qualify for issuance of the Bilingual Special Education Supplemental certificate, individuals must complete an EPP, pass a certification examination, and successfully complete any other requirements prescribed by the SBEC.

The SBEC would delete current §233.8(a), Core Subjects with Science of Teaching Reading/Special Education: Early Childhood-Grade 6, because this certificate would be replaced by proposed new §233.2(e), Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6.

SBOE Review of Proposed SBEC Rules

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

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

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

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

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

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

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be the continued issuance of classroom teaching certificates to eligible individuals. TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

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

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

ENVIRONMENTAL IMPACT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.

Staff Members Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement
Marilyn Cook, Senior Director, Educator Preparation and Certification
Jessica McLoughlin, Senior Director, Educator Quality

Attachment:

Text of Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates

ATTACHMENT
Text of Proposed Amendments to 19 TAC

Chapter 233. Categories of Classroom Teaching Certificates

§233.2. Early Childhood; Core Subjects.

- (a) Early Childhood: Prekindergarten-Grade 3. The Early Childhood: Prekindergarten-Grade 3 certificate may be issued no earlier than January 1, 2020.
- (b) Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6. The Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than January 1, 2021.
- (c) Core Subjects with Science of Teaching Reading: Grades 4-8. The Core Subjects with Science of Teaching Reading certificate: Grades 4-8 may be issued no earlier than January 1, 2021.
- ~~(d) Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~
- ~~(e) Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~
- ~~(f) Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2028.~~
- ~~(g) Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6. The Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2028.~~
- ~~(h) Core with the Science of Teaching Reading: Early Childhood-Grade 6. The Core with the Science of Teaching Reading: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2027.~~

§233.8. Special Education.

- ~~(a) Bilingual Special Education Supplemental: Early Childhood-Grade 12: The Bilingual Special Education Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2027.~~
- ~~[(a) Core Subjects with Science of Teaching Reading/Special Education: Early Childhood-Grade 6. The Core Subjects with Science of Teaching Reading/ Special Education: Early Childhood-Grade 6 certificate may be issued no earlier than September 1, 2026.]~~
- (b) Deafblind Supplemental: Early Childhood-Grade 12. The Deafblind: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2025.
- (c) Special Education: Early Childhood-Grade 12. The Special Education: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2003.
- (d) Special Education Specialist: Early Childhood-Grade 12. The Special Education Specialist: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2025.
- (e) Special Education Supplemental. The Special Education Supplemental certificate may be issued no earlier than September 1, 2003.
- (f) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12. The Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.
- (g) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12. The Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate may be issued no earlier than September 1, 2005.

Review of Adoption of Proposed Amendment to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate

April 12, 2024

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed amendment to 19 Texas Administrative Code (TAC) Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate. The proposed amendment would implement the statutory requirement of Senate Bill (SB) 798, 88th Texas Legislature, Regular Session, 2023, and would update the certificate issuance rules to remove the requirement that an individual must have two years of classroom teaching experience to receive a school counselor certificate.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 239, Subchapter A, §239.20, is Texas Education Code (TEC), §§[21.031\(a\)](#); [21.040\(2\)](#); [21.041\(a\)](#), (b)(1)–(5), and (9); [21.044\(a\)\(2\)](#); [21.0462](#), as added by SB 798, 88th Texas Legislature, Regular Session, 2023; [21.048\(a\)](#); [21.054](#), as amended by House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023; and [22.0831\(f\)](#).

TEC, §21.031(a), charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators.

TEC, §21.040(2), states that the SBEC shall, for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board.

TEC, §21.041(a), authorizes the SBEC to adopt rules as necessary to implement its procedures.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2)–(4), require the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for issuance and renewal of an educator certificate.

TEC, §21.041(b)(5), requires the SBEC to provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052.

TEC, §21.041(b)(9), requires the SBEC to provide for continuing education requirements.

TEC, §21.044(a)(2), requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.0462, as added by SB 798, 88th Texas Legislature, Regular Session, 2023, prohibits requiring candidates have experience as a classroom teacher.

TEC, §21.048(a), requires the SBEC to propose rules prescribing comprehensive examinations for each class of certificate issued by the SBEC and requires the commissioner of education to determine the satisfactory level of performance required for each certification examination and each core subject covered by the generalist certification examination.

TEC, §21.054, as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023, requires classroom teachers, principals, and school counselors to earn continuing professional education units in specific areas and directs the SBEC to propose rules relating to continuing professional education courses and programs for educators.

TEC, §22.0831(f), states the board may propose rules to implement this section, including rules establishing: (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.

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

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, establish requirements for minimum admission, preparation, standards, certificate issuance, renewal, and transition and implementation dates for the school counselor certificate. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

SB 798, 88th Texas Legislature, Regular Session, 2023, Requirements

SB 798, 88th Texas Legislature, Regular Session, 2023, took effect on September 1, 2023, and requires the SBEC to propose rules not later than January 1, 2024, to remove the requirement that a candidate for school counselor certification must have experience as a classroom teacher. The proposed amendment would comply with the deadline given in legislation to initiate SBEC rulemaking.

Following is a description of the proposed amendment to 19 TAC Chapter 239, Subchapter A, §239.20, that would update the school counselor certificate issuance rule and implement the provisions of SB 798.

§239.20. Requirements for the Issuance of the Standard School Counselor Certificate.

The proposed amendment to 19 TAC §239.20(4) would strike the text in its entirety and comply with provisions in SB 798 to remove the requirement of two creditable years of teaching experience as a classroom teacher as a condition for issuance of the school counselor certificate. Additional minor technical edits would be made to reflect the deletion of this requirement.

SBOE Review of Proposed SBEC Rules

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

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

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

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

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

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

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. 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 an existing regulation as SB 798 requires the SBEC to remove two years of classroom teaching experience as a requirement for issuance of the standard school counselor certificate.

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

PUBLIC BENEFIT AND COST TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be clarity around the rules regarding certificate issuance for school counselors. TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

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

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

ENVIRONMENTAL IMPACT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed amendment to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate.

Staff Members Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

Marilyn Cook, Senior Director, Educator Preparation and Certification

Lorrie Ayers, Director, Educator Preparation Program Management

Attachment:

Text of Proposed Amendment to 19 TAC Chapter 239, Student Services Certificates, Subchapter A, School Counselor Certificate, §239.20, Requirements for the Issuance of the Standard School Counselor Certificate

ATTACHMENT
Text of Proposed Amendment to 19 TAC

Chapter 239. Student Services Certificates

Subchapter A. School Counselor Certificate

§239.20. Requirements for the Issuance of the Standard School Counselor Certificate.

To be eligible to receive the standard School Counselor Certificate, a candidate must:

- (1) successfully complete a school counselor preparation program that meets the requirements of §239.10 of this title (relating to Preparation Program Requirements) and §239.15 of this title (relating to Standards Required for the School Counselor Certificate);
- (2) successfully complete the examination based on the standards identified in §239.15 of this title; and
- (3) hold, at a minimum, a 48-hour master's degree in counseling from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board . [~~and~~]
- ~~[(4) have two creditable years of teaching experience as a classroom teacher, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service) and the Texas Education Code, §5.001(2).]~~

Review of Adoption of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures

April 12, 2024

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed revisions to 19 Texas Administrative Code (TAC) Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures. The proposed revisions would redefine *pilot exam*; specify the timeline by which a passing score on a certification exam can be used for certification purposes; decrease the number of days to request a test limit waiver after an unsuccessful examination attempt; update the figure specifying the required pedagogy and content pedagogy certification exams for issuance of the probationary or standard certificate; remove certificate categories and examinations that are no longer operational; establish an Enhanced Standard certificate and fees for the proposed teacher residency preparation route specified in proposed new 19 TAC Chapter 228, Requirements for Educator Preparation Programs; and update the list of ineligible certification by examination certificates to include the proposed new Deafblind: Early Childhood-Grade 12 certificate. The proposed revisions would also include technical edits to comply with Texas Register formatting and style requirements.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 230, Subchapters A, C, D, and G, is Texas Education Code (TEC), §§21.041(b)(1), (2), and (4); 21.044(a)-(f); 21.048; 21.0485; 21.050; 22.082; and Texas Occupations Code (TOC), §54.003.

TEC, §§21.041(b)(1), (2), and (4), require the SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; specify the classes of educator certificates to be issued, including emergency certificates; and specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044(a)-(f), require SBEC to make rules specifying what each educator is expected to know and be able to do, establishing training requirements that a candidate must accomplish to attain a certificate, and setting out the minimum academic qualifications required for certification. It also specifies certain required training and minimum academic qualifications for certification.

TEC, §21.048, states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching prekindergarten through grade six must demonstrate proficiency in the science of teaching reading on a certification examination.

TEC, §21.0485, states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved educator preparation

program (EPP) or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC.

TEC, §21.050(a), states a person who applies for a teaching certificate must possess a bachelor's degree.

TEC, §21.050(b), states the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship.

TEC, §21.050(c), states a person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

TEC, §22.082, requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B.

TOC, §54.003, states a licensing authority shall provide accommodations and eligibility criteria for examinees diagnosed as having dyslexia.

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

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter A, General Provisions, specify the general guidelines regarding professional educator preparation and certification. The SBEC rules in 19 TAC Chapter 230, Subchapter C, Assessment of Educators, specify the testing requirements for initial certification and for additional certificates based on examination. The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter G, Certificate Issuance Procedures, specify appropriate procedures for the issuance of educator certificates. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas.

The following is a description of the proposed revisions to 19 TAC Chapter 230, Subchapters A, C, D, and G, that are reflected in Attachments I and II. The proposed revisions:

- are reflective of the broader certification redesign efforts the SBEC has led since 2017 to develop rigorous and relevant certification exams in alignment with their statutory charge in TEC, §21.031, Purpose, to “ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state,”
- are responsive to associated rulemaking in the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, to implement a teacher residency preparation route and associated certificate, and
- implement House Bill (HB) 2256, 87th Texas Legislature, Regular Session, 2021.

Subchapter A. General Provisions

Proposed Amendment to 19 TAC §230.1

The proposed amendment would add §230.1(13) to define *enhanced standard certificate* to implement the certificate for the residency preparation route included in the 19 TAC Chapter 228 proposal. The proposed amendment to §230.1(18) would amend the definition for *pilot exam*. This proposed amendment would allow the SBEC to annually review, pilot, and collect data for certification exams to examine the impact of the exam's implementation on Texas candidates. The proposed amendment to §230.1(12) would align the definition for *educator preparation program* with 19 TAC Chapter 228 and Chapter 229, Accountability System for Educator Preparation Programs. Additional technical edits would renumber the definitions to accommodate the addition of §230.1(13) and apply style requirements to cross references to statute, where applicable.

Subchapter C. Assessment of Educators

Proposed Amendment to 19 TAC §230.21(a)(3)(A)

The proposed amendment to §230.21(a)(3)(A) would provide technical edits to align with the titles of §232.17 and §232.19.

Proposed Amendment to 19 TAC §230.21(a)(5)(D)

The proposed amendment to 19 TAC §230.21(a)(5)(D)(i) would decrease the number of days a candidate can request a waiver after their fourth retake from 45 to 30 calendar days. The proposed amendment would strike 19 TAC §230.21(a)(5)(D)(ii) to remove the required delay before a candidate can reapply for a test limit waiver if the candidate's initial application was denied. This change would allow candidates to become certified sooner if they are able to pass the examination on their next attempt.

Proposed Amendment to 19 TAC §230.21(e)

The proposed amendment to §230.21(e) would update the testing requirements for educator certification indicated in Figure: 19 TAC §230.21(e). The proposed changes are shown in Attachment II.

The proposed amendment to §230.21(e) would specify that for issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination under Figure: 19 TAC §230.21(e) for any one of the certificates sought. This change would allow for educators to be issued probationary or standard certificates in more than one certification category by passing only one pedagogy certification exam. The current rule requires that for issuance of each individual certificate, educators must take and pass the aligned pedagogy exam, which means that educators pursuing certification in two certification categories through completion of the edTPA are required to take two edTPA certification exams. This proposed change would align with feedback from EPPs participating in the edTPA pilot that expressed concern about the expense and duplicative effort caused by the current rule.

Update to Figure Titles and Content Pedagogy Exam Requirements

The proposed amendment to Figure: 19 TAC §230.21(e) would update the column title from "Pedagogical Requirement(s)" to "Required Pedagogy Test(s)" to align the language of the title to the other test column in the figure, "Required Content Pedagogy Test(s)."

In a separate item in this agenda, proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, would create six new classroom teacher certificate categories:

- Core/Special Education with the Science of Teaching Reading/Special Education: Early Childhood-Grade 6;
- Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6;
- Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6;
- Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6;
- Core with the Science of Teaching Reading: Early Childhood-Grade 6; and
- Bilingual Special Education Supplemental: Early Childhood-Grade 12.

The proposed amendment to Figure: 19 TAC §230.21(e) would add certification exams, which are in development for the proposed certification fields. The proposed amendment would create examinations for the Core with the Science of Teaching Reading: Early Childhood-Grade 6; Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6; and Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6 certificates and set out a timeline for test development that would match the timeline for certificate issuance in the proposed amendments to 19 TAC Chapter 233 to begin no earlier than September 1, 2027.

The proposed amendment would create examinations for the Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6 and the Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6 certificates and set out a timeline for test development that would match the timeline for the certificate issuance in the proposed amendments to 19 TAC Chapter 233 to begin no earlier than September 1, 2028.

The proposed set of Core: Early Childhood-Grade 6 certification exams aim to streamline exam content in the elementary grade band, removing the Fine Arts/Health/Physical Education subtest from the base Core Subjects assessment and proposing a set of redesigned assessments that integrate additional content areas, including English as a second language (ESL), special education, and bilingual education, with the goal of reducing the overall number of exams educators are required to take for certification. These redesigned exams are also informed by the redesign of 19 TAC Chapter 235, Classroom Teacher Certification Standards, pedagogy and English language arts and reading (ELAR) and math content pedagogy standards currently under development at the direction of the SBEC.

Finally, the proposed amendment would establish the required examinations for the Bilingual Special Education Supplemental: Spanish certificate, as required in HB 2256, 87th Texas Legislature, Regular Session, 2021. Based on stakeholder input, the proposed certificate would focus specifically on Spanish language bilingual education and would require candidates to demonstrate proficiency in the proposed 187 Bilingual Special Education Texas Examinations of Educator Standards (TExES), which will be operational beginning September 2027, and the proposed 165 Bilingual Educator Spanish Supplemental TExES, which will be operational beginning September 2026.

Similarly, the proposed amendment to the figure would specify the exam requirements for the certificates recently adopted by the SBEC, including the Special Education Specialist: Early Childhood-Grade 12 and Deafblind: Early Childhood-Grade 12 exams, which will be operational for candidates on September 1, 2025, to align with the initial issuance dates for the new certificates. When operational, the tests and

certificates will replace the Special Education: Early Childhood-Grade 12 and Special Education Supplemental certificates. Therefore, the proposed amendment would set August 31, 2025, as the last operational date for the Special Education: Early Childhood-Grade 12 exam.

The SBEC adopted updates to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, to include the creation of a certification category, Tamil: Early Childhood-Grade 12, and the proposed amendment to Figure: 19 TAC §230.21(e) would add a certification exam for Tamil: Early Childhood-Grade 12. The exam will become operational for candidates on September 1, 2025, to align with the date for issuance of the certificate in 19 TAC Chapter 233.

The proposed amendment to Figure: 19 TAC §230.21(e) would also add the last operational date of August 31, 2024, for the following exams: English Language Arts and Reading 7-12 and Physical Education EC-12. These examinations are being replaced with updated exams, and the proposed amendment would add a first operational date of September 1, 2024, for English Language Arts and Reading 7-12 and Physical Education EC-12.

The proposed amendment to Figure: 19 TAC §230.21(e) would add an implementation timeline of no earlier than September 1, 2027, for the following exams: Reading Specialist EC-12 and School Librarian EC-12. These exams are necessary due to proposed updates to the educator standards for the certificates in 19 TAC Chapter 239, Student Services Certificates, which are presented in a separate item in this agenda. The proposed timeline would align with the test development timeline.

The proposed amendment to Figure: 19 TAC §230.21(e) would also transition to a new content pedagogy exam for Health: Early Childhood–Grade 12 on September 1, 2024. This amendment would update the exam based on current Texas Essential Knowledge and Skills and add the last operational date of August 31, 2024, for the current Health: Early Childhood–Grade 12 exam.

Updates to Pedagogy Exam Requirements

The proposed amendment to Figure: 19 TAC §230.21(e) would strike "pilot exam" for all edTPA exams to indicate that the exams would no longer be considered pilot exams under proposed §230.1(18) and would be fully operational. The proposed changes maintain the current flexibility that provides a choice of either the Pedagogy and Professional Responsibilities (PPR) TEXES or the edTPA as a required pedagogy exam while ensuring that EPPs are held accountable for candidate performance on both exam options via the Accountability System for Educator Preparation (ASEP) by removing the “pilot” label from the edTPA.

EPP and Candidate Choice in edTPA Exams

The proposed amendment to Figure: 19 TAC §230.21(e) would add the 2151 edTPA: Career and Technical Education exam as a pedagogy exam option for the following certificates beginning on September 1, 2024: Technology Education: Grades 6–12; Family and Consumer Sciences, Composite: Grades 6–12; Human Development and Family Studies: Grades 8–12; Hospitality, Nutrition, and Food Sciences: Grades 8–12; Agriculture, Food, and Natural Resources: Grades 6–12; Business and Finance: Grades 6–12; and Marketing: Grades 6–12. This proposed amendment would provide flexibility for EPPs and candidates to select the edTPA exam that best aligns with their given instructional context if the EPP chose to require candidates to take the edTPA rather than the PPR for Trade and Industrial Education exam.

For the Core Subjects with the Science of Teaching Reading (STR): Early Childhood–Grade 6 certificate, the proposed amendment to Figure: 19 TAC §230.21(e) would add the following eight edTPA exams as pedagogy exam options in addition to the existing 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 exam, beginning on September 1, 2024: 2001 edTPA: Elementary Literacy; 2002 edTPA: Elementary Mathematics; 2149 edTPA Elementary Education: Mathematics with Literacy Task 4; 2014 edTPA: Early Childhood Education; 2016 edTPA: Middle Childhood Mathematics; 2017 edTPA: Middle Childhood Science; 2018 edTPA: Middle Childhood English Language Arts; and 2019 edTPA: Middle Childhood History/Social Studies. The addition to the edTPA exams for certification in Core Subjects with STR: Early Childhood–Grade 6 would provide flexibility for EPPs and candidates to select the edTPA exam that best aligns with their given instructional context from the permitted exams. For example, a candidate teaching in a fourth-grade science classroom would have the option to take the edTPA: Middle Childhood Science exam. This change is informed by feedback from EPPs participating in the edTPA pilot, that the requirements of the edTPA Elementary Education: Literacy with Mathematics Task 4 were difficult to meet given the candidate's classroom setting. This change would allow flexible options for strong alignment between the classroom setting and edTPA exam for certification. Additionally, the proposed edTPA exam options would allow candidates to choose a 15-rubric exam, such as for edTPA Elementary Literacy, which is less than the 18-rubric edTPA Elementary Education: Literacy with Mathematics Task 4 exam. This proposed change would reduce the overall number of tasks that elementary candidates would be required to complete in the submission of their edTPA portfolio.

Alternatives to edTPA for CTE and Junior Reserve Officers' Training Corps (JROTC) Candidates

The proposed amendment to Figure: 19 TAC §230.21(e) would add the option for candidates seeking CTE certificates to take the 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES exam. The proposed implementation date would be September 1, 2024.

The proposed amendment to Figure: 19 TAC §230.21(e) would update the content pedagogy exam requirement for the Junior Reserve Officer Training Corps (JROTC): Grades 6–12 certificate to be the 370 Pedagogy and Professional Responsibilities (PPR) for Trade and Industrial Education 6–12 TExES exam. There is no specific edTPA exam for JROTC certification, but the requirements for the certification field align with the requirements for trade and industrial education fields as these candidates can attain certification based on a certificate issued by one of the military branches. The 370 PPR for Trade and Industrial Education 6–12 exam is the most appropriately aligned pedagogy exam for JROTC.

Remove Retired Exams and Certificates

The proposed amendment to Figure: 19 TAC §230.21(e) would also remove the following retired certificates and their associated exam requirements: Core Subjects: Early Childhood–Grade 6; Core Subjects: Grades 4–8; English Language Arts and Reading: Grades 4–8; and English Language Arts and Reading/Social Studies: Grades 4–8. Each of the certificates was discontinued and replaced by the new certificate name including "with the Science of Teaching Reading" and the required examinations in October 2020.

The proposed amendment to Figure: 19 TAC §230.21(e) would strike the following retired certification exams: 270 Pedagogy and Professional Responsibilities for Trade and Industrial 6-12; 153 Educational Diagnostician EC-12; 152 School Counselor EC-12; 117 English Language Arts and Reading: Grades 4-8; and 291 Core Subjects: EC-6.

Technical Edits

The proposed amendment to Figure: 19 TAC §230.21(e) would remove the section headers labeled “Certification Type (continued)” to support streamlining and readability of the figure.

Proposed Amendment to 19 TAC §230.21(f)

The proposed amendment to §230.21(f) would clarify a passing score on a certification exam can be used for certification for up to one year after the last operational date of the exam. This amendment would provide clarity to the field on the last date that an educator may be recommended for certification with a passing score on an exam that is no longer operational.

Subchapter D. Types and Classes of Certificates Issued

Proposed Amendment to 19 TAC §230.31

The proposed amendment to §230.31 would add §230.31(a)(9), which includes the proposed enhanced standard certificate to the types of certificates issued by the SBEC. Additionally, proposed new §230.31(e) would create an implementation date of September 1, 2024, for the issuance of the proposed enhanced standard certificate; would establish that the certificate type is only issued for the teacher class of certificates, is valid for five years, and is subject to renewal; and would require individuals to meet requirements as specified in proposed new §230.39, Enhanced Standard Certificates.

Proposed New 19 TAC §230.39

Proposed new §230.39 would describe the requirements for issuance of an enhanced standard certificate upon successful completion of a teacher residency, as prescribed in the 19 TAC Chapter 228 proposal and would include the requirements for renewal of the certificate.

Subchapter G. Certificate Issuance Procedures

Proposed Amendment to 19 TAC §230.101(a)

The proposed amendment to §230.101(a) would add the fee for the enhanced standard certificate in §230.101(a)(3) and the fee for on-time renewal in renumbered §230.101(a)(16).

Technical edits would also be made in cross references to statute, where applicable, to implement style requirements.

Proposed Amendment to 19 TAC §230.105

The proposed amendment to §230.105 would add the Deafblind Supplemental: Early Childhood-Grade 12 certificate to the list of certificates that are not eligible for certification by examination in §230.105(4) and would renumber subsequent provisions to §230.105(5) and (6). This amendment would emphasize the specialized skills, knowledge, and training required to receive the Deafblind Supplemental: Early Childhood-Grade 12 certificate and align with statutory requirements in TEC, §21.0485. The proposed amendment to §230.105 would add the enhanced standard certificate to the types of certificates a teacher may hold to be eligible to add an additional certificate via the certification by examination route.

SBOE Review of Proposed SBEC Rules

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

FISCAL IMPACT: No changes have been made to this section since published as proposed. The Texas Education Agency (TEA) staff has determined that there is additional fiscal impact on state government and entities required to comply with the proposal. There is no additional fiscal impact on local government required to comply with the proposal.

The proposal would require a decrease in fees paid to TEA, as the proposal would consolidate multiple current certification exams into one exam. The SBEC collects \$11 per exam administered. With the proposed exam consolidation for the Bilingual Spanish exams, there would be fewer exams administered and, therefore, fewer fees paid to the agency. Given current administration numbers for the two exams required for Bilingual Spanish certification, TEA staff would estimate a revenue decrease of \$16,500 per Fiscal Year (FY) beginning in FY 2027 per year. The proposal could also lead to a decrease in fees paid to the agency with the proposed redesign of the Core Subjects: EC-6 exams to incorporate special education, bilingual Spanish, and English as a second language, which would require one exam rather than two for certification in those areas. TEA staff is unable to calculate the loss in fees though, as these new offerings would be optional alongside the stand-alone versions of the exams and, therefore, cannot predict the number that would be administered annually.

EPPs, including institutions of higher education, may incur costs implementing the proposed exam requirements, though those costs are locally determined, as there are no required costs associated with EPP implementation of the exam requirements.

There are no additional costs or savings to entities and state 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 (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required. TEA staff has determined that there are no required costs associated with EPP implementation of the exam requirements.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does impose a cost on regulated persons and is subject to TGC, §2001.0045. However, the proposal is exempt from TGC, §2001.0045, as provided under that statute, because the proposal is necessary to protect the safety and welfare of the residents of this state. In addition, the proposal is necessary to ensure that certified Texas educators are competent to educate students.

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

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA 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 require a decrease in fees paid to the agency, as the proposed rules would consolidate multiple current certification exams into one exam. The SBEC collects \$11 per exam administered. With the proposed exam consolidation, overall, there would be fewer exams administered and, therefore, fewer fees paid to the agency. The proposed rule would create a new regulation with the proposal of a new enhanced standard certification.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase 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: Changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be the increased teacher knowledge and skill in critical pedagogical and content pedagogical competencies, leading to the anticipated growth in teacher readiness to meet the needs of Texas's diverse student population.

The proposal would require the implementation of new certification exams at increased cost per exam due to the design of the exam, increasing the cost from \$116 to \$136 per exam. Based on first-time taker administration numbers, TEA staff estimate an overall increase in costs to candidates aligned with the required implementation year of the exam.

Given administration volume for English Language Arts and Reading 7-12, Health EC-12, and Physical Education: EC-12 exams, TEA staff estimates a cost increase of \$91,120 per FY beginning in FY 2025.

Given administration volume for Special Education exams, TEA staff estimates a cost increase of \$126,440 per FY beginning in FY 2026.

Given administration volume for Core Subjects EC-6, Reading Specialist, and School Librarian exams, TEA staff estimates a cost increase of \$252,180 per FY beginning in FY 2028.

The Bilingual Spanish certification exams would be consolidated from two exams at \$116 to one exam at \$136. This represents a cost savings of \$96 per exam. Given administration volume for Bilingual Spanish certification exams, TEA staff estimates a cost savings of \$144,096 per FY beginning in FY 2027.

The proposed redesign of the Core Subjects: EC-6 exams to incorporate special education, bilingual Spanish, and English as a second language would be a cost savings to individuals, as it requires them to take one exam rather than two for certification in those areas. TEA staff is unable to calculate the cost savings, as these new offerings would be optional alongside the stand-alone versions of the exams and cannot predict the number that would be administered annually.

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

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

ENVIRONMENTAL IMPACT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures.

Staff Members Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement
Jessica McLoughlin, Senior Director, Educator Quality

Attachment I:

Text of Proposed Revisions to 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, Subchapter C, Assessment of Educators, Subchapter D, Types and Classes of Certificates Issued, and Subchapter G, Certificate Issuance Procedures

Attachment II:

Text of Proposed Figure: 19 TAC §230.21(e)

ATTACHMENT I
Text of Proposed Revisions to 19 TAC

Chapter 230. Professional Educator Preparation and Certification

Subchapter A. General Provisions

§230.1. Definitions.

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Candidate--An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.
- (4) Certificate--Any educator credential issued by the State Board for Educator Certification under the authority of ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (5) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics and includes the following: superintendent, principal, classroom teacher, school counselor, school librarian, educational diagnostician, reading specialist, and master teacher.
- (6) Charter school--A Texas public school operated by a charter holder under an open-enrollment charter school granted either by the State Board of Education (SBOE) or commissioner of education, whichever is applicable, pursuant to Texas Education Code, §12.101, identified with its own county district number.
- (7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical education instructional setting. This term does not include an educational aide or a full-time administrator.
- (8) Content certification examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program.
- (9) Content pedagogy examinations--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's certification as an educator.
- (10) Continuing professional education--Professional development required for the renewal of standard and/or lifetime certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (11) Educator--An individual who is required to hold a certificate issued under ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (12) Educator preparation program--An entity approved by the State Board for Educator Certification to prepare and recommend candidates for certification in one or more educator certification classes ~~[offer training and coursework that must adequately prepare candidates for educator certification and meet the standards and requirements of the board]~~ .

- (13) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.
- (14) ~~(13)~~ Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (15) ~~(14)~~ Hearing impairment--As defined in ~~the~~ Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- (16) ~~(15)~~ Initial certification--The first Texas educator certificate for a particular class issued to an individual as specified in §230.33 of this title (relating to Classes of Certificates).
- (17) ~~(16)~~ Intern certificate--A type of certificate issued to a candidate who has passed all required content examinations and is completing requirements for certification through an approved educator preparation program.
- (18) ~~(17)~~ Pilot exam--A certification exam that is subject to annual review by the State Board for Educator Certification ~~[prior to September 1, 2022]~~ .
- (19) ~~(18)~~ Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.
- (20) ~~(19)~~ Probationary certificate--A type of certificate issued to a candidate who has passed all required examinations and is completing requirements for certification through an approved educator preparation program.
- (21) ~~(20)~~ Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).
- (22) ~~(21)~~ Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title (relating to Classes of Certificates).
- (23) ~~(22)~~ Teacher--An individual who is required to hold a certificate issued under ~~the~~ Texas Education Code, Chapter 21, Subchapter B.
- (24) ~~(23)~~ Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.
- (25) ~~(24)~~ Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.
- (26) ~~(25)~~ Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.
- (27) ~~(26)~~ Texas school district--A school district accredited and approved by the Texas Education Agency under ~~the~~ Texas Education Code, Chapter 11.

Subchapter C. Assessment of Educators

§230.21. Educator Assessment.

- (a) A candidate seeking certification as an educator must pass the examination(s) required by [the] Texas Education Code (TEC), §21.048, and the State Board for Educator Certification (SBEC) in §233.1(e) of this title (relating to General Authority) and shall not retake an examination more than four times, unless the limitation is waived for good cause. The burden of proof shall be upon the candidate to demonstrate good cause.
- (1) For the purposes of the retake limitation described by [the] TEC, §21.048, an examination retake is defined as a second or subsequent attempt to pass any examination required for the issuance of a certificate, including an individual core subject examination that is part of the overall examination required for the issuance of a Core Subjects certificate as described in §233.2 of this title (relating to Early Childhood; Core Subjects).
- (A) A canceled examination score is not considered an examination retake.
- (B) An examination taken by an educator during a pilot period is not considered part of an educator's five-time test attempt limit.
- (C) Pursuant to TEC, §21.0491(d), the limit on number of test attempts does not apply to the trade and industrial workforce training certificate examination prescribed by the SBEC.
- (D) A candidate who fails a computer- or paper-based examination cannot retake the examination before 30 days have elapsed following the candidate's last attempt to pass the examination.
- (2) Good cause is:
- (A) the candidate's highest score on an examination is within one conditional standard error of measurement (CSEM) of passing, and the candidate has completed 50 clock-hours of educational activities. CSEMs will be published annually on the Texas Education Agency (TEA) website;
- (B) the candidate's highest score on an examination is within two CSEMs of passing, and the candidate has completed 100 clock-hours of educational activities;
- (C) the candidate's highest score on an examination is within three CSEMs of passing, and the candidate has completed 150 clock-hours of educational activities;
- (D) the candidate's highest score on an examination is not within three CSEMs of passing, and the candidate has completed 200 clock-hours of educational activities;
- (E) if the candidate needs a waiver for more than one of the individual core subject examinations that are part of the overall examination required for the issuance of a Core Subjects certificate, the candidate has completed the number of clock-hours of educational activities required for each individual core subject examination as described in subparagraphs (A)-(D) of this paragraph up to a maximum of 300 clock-hours. The number of clock-hours for each examination may be divided equally based on the number of examinations in the waiver request, but the number of clock-hours for an examination shall not be less than 50; or
- (F) if a CSEM is not appropriate for an examination, the TEA staff will identify individuals who are familiar and knowledgeable with the examination content to review the candidate's performance on the five most recent examinations, identify the deficit competency or competencies, and determine the number of clock-hours of educational activities required.
- (3) Educational activities are defined as:
- (A) institutes, workshops, seminars, conferences, interactive distance learning, video conferencing, online activities, undergraduate courses, graduate courses, training programs, in-service, or staff development given by an approved continuing professional education provider or sponsor, pursuant to §232.17 of this title (relating to Pre-Approved

Continuing Professional Education Provider or Sponsor) and §232.19 of this title (relating to Approval of Private Companies, Private Entities, and Individuals as Continuing Professional Education Providers), or an approved educator preparation program (EPP), pursuant to Chapter 228, Subchapter B, [§228.19] of this title (relating to Approval of Educator Preparation Programs [Approval Process]); and

- (B) being directly related to the knowledge and skills included in the certification examination competency or competencies in which the candidate answered less than 70 percent of competency questions correctly. The formula for identifying a deficit competency is the combined total of correct answers for each competency on the five most recent examinations divided by the combined total of questions for each competency on the five most recent examinations.
- (4) Documentation of educational activities that a candidate must submit includes:
- (A) the provider, sponsor, or program's name, address, telephone number, and email address. The TEA staff may contact the provider, sponsor, or program to verify an educational activity;
 - (B) the name of the educational activity (e.g., course title, course number);
 - (C) the competency or competencies addressed by the educational activity as determined by the formula described in paragraph (3)(B) of this subsection;
 - (D) the provider, sponsor, or program's description of the educational activity (e.g., syllabus, course outline, program of study); and
 - (E) the provider, sponsor, or program's written verification of the candidate's completion of the educational activity (e.g., transcript, certificate of completion). The written verification must include:
 - (i) the provider, sponsor, or program's name;
 - (ii) the candidate's name;
 - (iii) the name of the educational activity;
 - (iv) the date(s) of the educational activity; and
 - (v) the number of clock-hours completed for the educational activity. Clock-hours completed before the most recent examination attempt or after a request for a waiver is submitted shall not be included. One semester credit hour earned at an accredited institution of higher education is equivalent to 15 clock-hours.
- (5) To request a waiver of the limitation, a candidate must meet the following conditions:
- (A) the candidate is otherwise eligible to take an examination. A candidate seeking a certificate based on completion of an EPP must have the approval of an EPP to request a waiver;
 - (B) beginning September 1, 2016, the candidate pays the non-refundable waiver request fee of \$160;
 - (C) the candidate requests the waiver of the limitation in writing on forms developed by the TEA staff; and
 - (D) the request for the waiver is postmarked not earlier than:
 - (i) 30 [45] calendar days after an unsuccessful attempt at the fourth retake of an examination as defined in [the] TEC, §21.048; or
 - [(ii) 90 calendar days after the date of the most recent denied waiver of the limitation request; or]

(ii) ~~(iii)~~ 90 ~~180~~ calendar days after the date of the most recent unsuccessful examination attempt that was the result of the most recently approved request for waiver of the limitation.

- (6) The TEA staff shall administratively approve each application that meets the criteria specified in paragraphs (2)-(5) of this subsection.
- (7) An applicant who does not meet the criteria in paragraphs (2)-(5) of this subsection may appeal to the SBEC for a final determination of good cause. A determination by the SBEC is final and may not be appealed.
- (b) A candidate seeking a standard certificate as an educator based on completion of an approved EPP may take the appropriate certification examination(s) required by subsection (a) of this section only at such time as the EPP determines the candidate's readiness to take the examinations, or upon successful completion of the EPP, whichever comes first.
- (c) The holder of a lifetime Texas certificate effective before February 1, 1986, must pass examinations prescribed by the SBEC to be eligible for continued certification, unless the individual has passed the Texas Examination of Current Administrators and Teachers (TECAT).
- (d) The commissioner of education approves the satisfactory level of performance required for certification examinations, and the SBEC approves a schedule of examination fees and a plan for administering the examinations.
- (e) The appropriate examination(s) required for certification are specified in the figure provided in this subsection. ~~[By September 1, 2026, the SBEC shall update the pedagogy examination requirements as specified in the figure provided in this subsection to include content and grade-banded Texas specific teacher performance assessments.]~~ For issuance of a probationary or standard certificate in more than one certification category, a candidate must pass the appropriate pedagogy examination specified in the figure provided in this subsection for any one of the certificates sought.
- ~~Figure: 19 TAC §230.21(e)~~ ~~Figure: 19 TAC §230.21(e)~~ ~~Figure: 19 TAC §230.21(e)~~
- (f) Scores from examinations required under this title must be made available to the examinee, the TEA staff, and, if appropriate, the EPP from which the examinee will seek a recommendation for certification. Candidates may use passing scores on an examination required under this section for certification if the candidate is recommended for certification up to one year after the last operational date for the examination as prescribed in Figure: 19 TAC §230.21(e).
- (g) The following provisions concern ethical obligations relating to examinations.
- (1) An educator or candidate who participates in the development, design, construction, review, field testing, scoring, or validation of an examination shall not reveal or cause to be revealed the contents of the examination to any other person.
- (2) An educator or candidate who administers an examination shall not:
- (A) allow or cause an unauthorized person to view any part of the examination;
- (B) copy, reproduce, or cause to be copied or reproduced any part of the examination;
- (C) reveal or cause to be revealed the contents of the examination;
- (D) correct, alter, or cause to be corrected or altered any response to a test item contained in the examination;
- (E) provide assistance with any response to a test item contained in the examination or cause assistance to be provided; or
- (F) deviate from the rules governing administration of the examination.
- (3) An educator or candidate who is an examinee shall not:
- (A) copy, reproduce, or cause to be copied or reproduced any test item contained in the examination;

- (B) provide assistance with any response to a test item contained in the examination, or cause assistance to be provided;
 - (C) solicit or accept assistance with any response to a test item contained in the examination;
 - (D) deviate from the rules governing administration of the examination; or
 - (E) otherwise engage in conduct that amounts to cheating, deception, or fraud.
- (4) An educator, candidate, or other test taker shall not:
- (A) solicit information about the contents of test items on an examination that the educator, candidate, or other test taker has not already taken from an individual who has had access to those items, or offer information about the contents of specific test items on an examination to individuals who have not yet taken the examination;
 - (B) fail to pay all test costs and fees as required by this chapter or the testing vendor; or
 - (C) otherwise engage in conduct that amounts to violations of test security or confidentiality integrity, including cheating, deception, or fraud.
- (5) A person who violates this subsection is subject to:
- (A) sanction, including, but not limited to, disallowance and exclusion from future examinations either in perpetuity or for a period of time that serves the best interests of the education profession, in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases); and/or
 - (B) denial of certification in accordance with the provisions of ~~the~~ TEC, §21.041(b)(7), and Chapter 249 of this title; and/or
 - (C) voiding of a score from an examination in which a violation specified in this subsection occurred as well as a loss of a test attempt for purposes of the retake limit in subsection (a) of this section.

Subchapter D. Types and Classes of Certificates Issued

§230.31. Types of Certificates.

- (a) "Type of certificate" means a designation of the period of validity for a certificate and includes the following certificate designations:
- (1) standard, as specified in subsection (c) of this section;
 - (2) provisional, as specified in subsection (b) of this section;
 - (3) professional, as specified in subsection (b) of this section;
 - (4) one year, as specified in §230.113 of this title (relating to Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries);
 - (5) intern, as specified in §230.36 of this title (relating to Intern Certificates);
 - (6) probationary, as specified in §230.37 of this title (relating to Probationary Certificates);
 - (7) emergency, as specified in §230.73 of this title (relating to Validity of Emergency Permits); ~~and~~
 - (8) educational aide, as specified in Subchapter E of this chapter (relating to Educational Aide Certificate) ; ~~and~~ []
 - (9) enhanced standard, as specified in §230.39 of this title (relating to Enhanced Standard Certificates).

- (b) All provisional and professional educator certificates issued prior to September 1, 1999, shall be valid for the life of the individual unless suspended, surrendered in lieu of revocation, or revoked by lawful authority.
- (c) Effective September 1, 1999, the standard certificate shall be issued for all classes of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements). The standard certificate is issued to individuals who have met all requirements for a given subject area or class of certification.
- (d) Effective September 1, 2017, the educational aide certificate shall be valid for two years. Educational aide certificates issued effective September 1, 2017, will expire at the end of the two-year validity period. Individuals issued an educational aide certificate prior to September 1, 2017, as well as new applicants for the educational aide certificate, will be required to reapply for certification every two years and meet any other requirements for the educational aide certificate as specified in §230.65 of this title (relating to Requirements for Reissuance of Educational Aide Certificates).
- (e) Effective September 1, 2024, the enhanced standard certificate shall be issued for the teacher class of certificates and shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title. The enhanced standard certificate is issued to individuals who have met all requirements as specified in §230.39 of this title.

§230.39. Enhanced Standard Certificates.

- (a) General provisions.
 - (1) Certificate classes. An enhanced standard certificate may be issued for the teacher class of certificate.
 - (2) Requirement to hold an enhanced standard certificate. A candidate who has completed a residency in accordance with §228.65 of this title (relating to Residency) must hold an enhanced standard certificate to be employed by a school district to teach the majority of the instructional day in an academic instructional setting and to evaluate student achievement and assign grades.
- (b) Requirements for issuance. An enhanced standard certificate may be issued to an individual who meets the conditions and requirements prescribed in this subsection.
 - (1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification (SBEC) related to certain career and technical education certificates based on skill and experience, an individual must hold a bachelor's degree or higher from an accredited institution of higher education to be eligible for the enhanced standard certificate. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.
 - (2) General certification requirements. The individual must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).
 - (3) Fee. The individual must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).
 - (4) Fingerprints. The individual must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and Texas Education Code (TEC), §22.0831.
 - (5) Residency. The individual must complete a residency in accordance with Chapter 228 of this title (relating to Requirements for Educator Preparation Programs), meet proficiency thresholds on teacher competencies as prescribed in §228.65(f) of this title, and be recommended by an approved educator preparation program by the application and issuance deadlines for the certificate.

- (6) Content pedagogy examination. The individual must receive a passing score on comprehensive content pedagogy examinations prescribed by the SBEC as specified in §230.21 of this title (relating to Educator Assessment).
- (c) Validation period. The enhanced standard certificate shall be valid for five years, subject to the requirements of Chapter 232, Subchapter A, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).

Subchapter G. Certificate Issuance Procedures

§230.101. Schedule of Fees for Certification Services.

- (a) An applicant for a certificate or a school district requesting a permit shall pay the applicable fee from the following list.
- (1) Educational aide certificate:
 - (A) prior to September 1, 2017--\$30; and
 - (B) after August 31, 2017--\$15.
 - (2) Standard certificate--\$75.
 - (3) Enhanced standard certificate--\$75.
 - (4) ~~(3)~~ Probationary or intern certificate:
 - (A) prior to September 1, 2017--\$50; and
 - (B) after August 31, 2017--\$75.
 - (5) ~~(4)~~ Addition of certification based on completion of appropriate examination--\$75.
 - (6) ~~(5)~~ Review of a credential issued by a jurisdiction other than Texas (nonrefundable):
 - (A) prior to September 1, 2016--\$175; and
 - (B) after August 31, 2016--\$160.
 - (7) ~~(6)~~ One-year certificate based on a credential issued by a jurisdiction other than Texas--\$50.
 - (8) ~~(7)~~ Emergency permit (nonrefundable)--\$55.
 - (9) ~~(8)~~ National criminal history check (nonrefundable)--The fee, posted on the Texas Education Agency website, shall include a \$10 criminal history review fee in addition to the current cost of fingerprint scanning, processing, and obtaining national criminal history record information from the Texas Department of Public Safety, its contractors, and the Federal Bureau of Investigation. The same fee will be paid by current certified educators who are subject to a national criminal history check pursuant to ~~the~~ Texas Education Code, §§22.082, 22.0831, and 22.0836.
 - (10) ~~(9)~~ Review of the superintendent application for the substitution of managerial experience for the principal certificate requirement (nonrefundable)--\$160.
 - (11) ~~(10)~~ On-time renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$10; and
 - (B) after August 31, 2017--no charge.
 - (12) ~~(11)~~ Additional fee for late renewal of educational aide certificate:
 - (A) prior to September 1, 2017--\$5; and
 - (B) after August 31, 2017--no charge.
 - (13) ~~(12)~~ Reactivation of an inactive educational aide certificate--\$15.

- (14) ~~(13)~~ Reinstatement following restitution of child support or student loan repayment for educational aide certificate--\$20.
 - (15) ~~(14)~~ On-time renewal of a standard certificate--\$20.
 - (16) On-time renewal of an enhanced standard certificate--\$20.
 - (17) ~~(15)~~ Additional fee for late renewal of a standard certificate--\$10.
 - (18) ~~(16)~~ Reactivation of an inactive standard certificate--\$40; except for an inactivation pursuant to §232.9 of this title (relating to Inactive Status and Late Renewal).
 - (19) ~~(17)~~ Reinstatement following restitution of child support or student loan repayment--\$50.
 - (20) ~~(18)~~ Visiting international teacher certificate--\$75.
 - (21) ~~(19)~~ Request for preliminary criminal history evaluation (nonrefundable)--\$50.
- (b) The fee for correcting a certificate or permit when the error is not made by the Texas Education Agency shall be equal to the fee for the original certificate or permit.
- (c) An individual registering to take certification tests shall pay the applicable fee(s) from the following list of categories:
- (1) Selected Response-Only Assessments--\$116.
 - (2) Single Subject Area Tests (801-809)--\$58.
 - (3) Enhanced Selected-Response/Constructed-Response Assessments for Tests (801-809)--\$70.
 - (4) Enhanced Selected-Response/Constructed-Response Assessments--\$136.
 - (5) Enhanced Selected-Response/Constructed-Response Administrator and Student Services Assessments--\$200.
 - (6) Performance-Based Assessments for teachers--\$311.
 - (7) Performance-Based Assessments for teachers, retake per task--\$111.
- (d) An individual registering to take a content certification examination prior to admission to an educator preparation program ~~[EPP]~~ shall pay the applicable fee(s) from the following list of categories:
- (1) Content Certification Examinations except American Sign Language (ASL)--\$106.
 - (2) Essential Academic Skills Sub-Tests Retake (701-703)--\$56.
 - (3) Content Certification Examinations for ASL Sub-Tests (784-785)--\$56.

§230.105. Issuance of Additional Certificates Based on Examination.

A teacher who holds a valid provisional, professional, ~~or~~ standard ~~[classroom teaching certificate]~~ , or enhanced standard classroom teaching certificate or a valid temporary classroom teaching certificate issued under the provisions of Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States), or Chapter 245 of this title (relating to Certification of Educators from Other Countries), and a bachelor's degree or higher from an accredited institution of higher education may qualify for an additional teaching field or certification to teach at another level by passing the appropriate certification examination(s) for that subject. The teacher must submit the application to add certification based on an examination during the time the certificate is allowed to be issued by the State Board for Educator Certification. The application for the additional certification must be submitted during the validity period of the appropriate Texas classroom teaching certificate. If a teacher holds multiple teaching certificates, all teaching certificates must be active before adding certification by examination. The rule shall not be used to qualify a classroom teacher for:

- (1) initial certification;

- (2) the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certificate;
- (3) the Early Childhood: Prekindergarten-Grade 3 certificate;
- ~~(4) the Deafblind Supplemental: Early Childhood-Grade 12 certificate;~~
- ~~(5) [(4)]~~ another class of certificate, as listed in Subchapter D of this chapter (relating to Types and Classes of Certificates Issued); or
- ~~(6) [(5)]~~ certification for which no certification examination has been developed.

ATTACHMENT II

~~Figure: 19 TAC §230.21(c)~~ ~~[Figure: 19 TAC §230.21(c)]~~ ~~[Figure: 19 TAC §230.21(c)]~~

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) <u>[Pedagogical Requirement(s)]</u>
Art			
§233.10	Art: Early Childhood–Grade 12	178 Art EC–12 Texas Examinations of Educator Standards (TExES)	160 Pedagogy and Professional Responsibilities (PPR) EC–12 TExES [last operational date 8/31/2026] or 2015 edTPA: Visual Arts [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Bilingual Education			
§233.6	Bilingual Education Supplemental: Spanish	164 Bilingual Education Supplemental TExES and 190 Bilingual Target Language Proficiency (BTLPT)—Spanish TExES [last operational date 8/31/2027] or 165 Bilingual Education Spanish Supplemental TExES (Starting no earlier than 9/1/2026)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: American Sign Language	164 Bilingual Education Supplemental TExES and 184 American Sign Language (ASL) EC–12 TExES and 073 Texas Assessment of Sign Communications—American Sign Language (TASC—ASL)	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Arabic	164 Bilingual Education Supplemental TExES and American Council for the Teaching of Foreign Languages (ACTFL) 614 Oral Proficiency Interview (OPI)—Arabic and 615 Writing Proficiency Test (WPT)—Arabic	Not Applicable: Not a Stand-alone Certificate

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
§233.6	Bilingual Education Supplemental: Chinese	164 Bilingual Education Supplemental TExES and ACTFL 618 OPI—Chinese (Mandarin) and 619 WPT—Chinese (Mandarin)	Not Applicable: Not a Stand-alone Certificate
[Bilingual Education (continued)]			
§233.6	Bilingual Education Supplemental: Japanese	164 Bilingual Education Supplemental TExES and ACTFL 616 OPI—Japanese and 617 WPT—Japanese	Not Applicable: Not a Stand-alone Certificate
§233.6	Bilingual Education Supplemental: Vietnamese	164 Bilingual Education Supplemental TExES and ACTFL 620 OPI—Vietnamese and 621 WPT—Vietnamese	Not Applicable: Not a Stand-alone Certificate
Career and Technical Education			
§233.13	Technology Education: Grades 6–12	171 Technology Education 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2143 edTPA: Technology and Engineering Education [(pilot exam)] or starting on 9/1/2024 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) <u>[Pedagogical Requirement(s)]</u>
§233.13	Family and Consumer Sciences, Composite: Grades 6–12	American Association of Family and Consumer Sciences (AAFCS) 200 Family and Consumer Sciences—Composite Examination	160 PPR EC–12 TExES <u>[last operational date 8/31/2026]</u> or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2117 edTPA: Family and Consumer Sciences <u>[pilot exam]</u> or starting on 9/1/2024 2151 edTPA: Career and Technical Education <u>[or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) <u>[Pedagogical Requirement(s)]</u>
<u>[Career and Technical Education (continued)]</u>			
§233.13	Human Development and Family Studies: Grades 8–12	AAFCS 202 Human Development and Family Studies Concentration Examination	160 PPR EC–12 TExES <u>[last operational date 8/31/2026]</u> or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2117 edTPA: Family and Consumer Sciences <u>[pilot exam]</u> or starting on 9/1/2024 2151 edTPA: Career and Technical Education <u>[or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u>

<p>§233.13</p>	<p>Hospitality, Nutrition, and Food Sciences: Grades 8–12</p>	<p>AAFCS 201 Hospitality, Nutrition, and Food Science Concentration Examination</p>	<p>160 PPR EC–12 TExES [(last operational date 8/31/2026)] or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2117 edTPA: Family and Consumer Sciences [(pilot exam)] or starting on 9/1/2024 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</p>
<p>§233.13</p>	<p>Agriculture, Food, and Natural Resources: Grades 6–12</p>	<p>272 Agriculture, Food, and Natural Resources 6–12 TExES</p>	<p>160 PPR EC–12 TExES [(last operational date 8/31/2026)] or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2100 edTPA: Agricultural Education [(pilot exam)] or starting on 9/1/2024, 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</p>

§233.13	Business and Finance: Grades 6–12	276 Business and Finance 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2102 edTPA: Business Education [(pilot exam)] or starting on 9/1/2024, 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
Career and Technical Education (continued)			
§233.14	Marketing: Grades 6–12	275 Marketing 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)], or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or 2102 edTPA: Business Education [(pilot exam)] or starting on 9/1/2024, 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

§233.14	Health Science: Grades 6–12	273 Health Science 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)], or starting on 9/1/2024, 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES, or starting on 9/1/2024, 2151 edTPA: Career and Technical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.14	Trade and Industrial Education: Grades 6–12	Not Applicable	[270 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES (last operational date 8/31/2021) Starting 9/1/2021] 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES
§233.14	Trade and Industrial Workforce Training: Grades 6–12	Not Applicable	370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
Computer Science and Technology Applications			
§233.5	Computer Science: Grades 8–12	241 Computer Science 8–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2143 edTPA: Technology and Engineering Education [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

§233.5	Technology Applications: Early Childhood–Grade 12	242 Technology Applications EC–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2108 edTPA: Educational Technology Specialist [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Core Subjects			
§233.2	Core Subjects: Early Childhood–Grade 6	291 Core Subjects EC–6 TExES	160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 (pilot exam)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) <u>[Pedagogical Requirement(s)]</u>
<u>[Core Subjects (continued)]</u>			
§233.2	Core Subjects with Science of Teaching Reading: Early Childhood–Grade 6	293 Science of Teaching Reading TExES and <u>[either:</u> <u>291 Core Subjects EC–6 TExES (last operational date 12/31/2021) or</u> 391 Core Subjects EC–6 TExES <u>[(starting 1/1/2021)]</u>	160 PPR EC–12 TExES <u>[(last operational date 8/31/2026)]</u> or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 <u>[(pilot exam)]</u> or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies <u>(starting no earlier than 9/1/2024) [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u>
§233.2	<u>Core with the Science of Teaching Reading: Early Childhood–Grade 6</u>	293 Science of Teaching Reading TExES and 491 Core Subjects EC–6 TExES <u>(Starting no earlier than 9/1/2027)</u>	160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies <u>[or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
<u>§233.2</u>	<u>Core Subjects: Grades 4–8</u>	<u>211 Core Subjects 4–8 TExES</u>	<u>160 PPR EC–12 TExES or 2016 edTPA: Middle Childhood Mathematics (pilot exam) or 2017 edTPA: Middle Childhood Science (pilot exam) or 2018 edTPA: Middle Childhood English Language Arts (pilot exam) or 2019 edTPA: Middle Childhood History/Social Studies (pilot exam)]</u>

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
[Core Subjects (continued)]			
§233.2	Core Subjects with Science of Teaching Reading: Grades 4–8	293 Science of Teaching Reading TExES and 211 Core Subjects 4–8 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2016 edTPA: Middle Childhood Mathematics [(pilot exam)] or 2017 edTPA: Middle Childhood Science [(pilot exam)] or 2018 edTPA: Middle Childhood English Language Arts [(pilot exam)] or 2019 edTPA: Middle Childhood History/Social Studies [(pilot exam)] <u>[or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u>

<p><u>§233.2</u></p>	<p><u>Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6</u></p>	<p><u>293 Science of Teaching Reading TExES and 492 Core Subjects EC-6 w/ Fine Arts, PE, and Health TExES (starting no earlier than 9/1/2027)</u></p>	<p><u>160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies or 2021 edTPA: K–12 Performing Arts or 2015 edTPA: Visual Arts or 2119 edTPA: Health Education or 2011 edTPA: Physical Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u></p>
<p><u>§233.2</u></p>	<p><u>Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6</u></p>	<p><u>293 Science of Teaching Reading TExES and 591 Core Subjects EC–6 w/ Special Education: TExES (starting no earlier than 9/1/2027)</u></p>	<p><u>160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies or 2012 edTPA: Special Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u></p>

<p><u>§233.2</u></p>	<p><u>Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6</u></p>	<p><u>293 Science of Teaching Reading TExES and 494 Bilingual Spanish Core Subjects Early Childhood-Grade 6 TExES (starting no earlier than 9/1/2028)</u></p>	<p><u>160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u></p>
<p><u>§233.2</u></p>	<p><u>Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6</u></p>	<p><u>293 Science of Teaching Reading TExES and 493 Core Subjects EC-6 w/ESL TExES (starting no earlier than 9/1/2028)</u></p>	<p><u>160 PPR EC–12 TExES or 2110 edTPA: Elementary Education: Literacy with Mathematics Task 4 or 2001 edTPA: Elementary Literacy or 2002 edTPA: Elementary Mathematics or 2149 edTPA: Elementary Education: Mathematics with Literacy Task 4 or 2014 edTPA: Early Childhood Education or 2016 edTPA: Middle Childhood Mathematics or 2017 edTPA: Middle Childhood Science or 2018 edTPA: Middle Childhood English Language Arts or 2019 edTPA: Middle Childhood History/Social Studies [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]</u></p>
<p>Counselor</p>			

§239.20	School Counselor: Early Childhood–Grade 12	[152 School Counselor EC–12 TExES (last operational date 8/31/2021) Starting 9/1/2021] 252 School Counselor EC–12 TExES	Not Applicable: Not an Initial Certificate
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Dance

§233.10	Dance: Grades 6–12	279 Dance 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2021 edTPA: K–12 Performing Arts [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
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Early Childhood

§233.2	Early Childhood: Prekindergarten–Grade 3	292 Early Childhood: PK–3 TExES and 293 Science of Teaching Reading TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2014 edTPA: Early Childhood Education [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
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Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
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Educational Diagnostician

§239.84	Educational Diagnostician: Early Childhood–Grade 12	[153 Educational Diagnostician EC–12 TExES (last operational date 12/31/2020) Starting 1/1/2021] 253 Educational Diagnostician EC–12 TExES	Not Applicable: Not an Initial Certificate
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English Language Arts and Reading

[§233.3]	English Language Arts and Reading: Grades 4–8	117 English Language Arts and Reading 4–8 TExES	160 PPR EC–12 TExES or 2018 edTPA: Middle Childhood English Language Arts (pilot exam)]
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§233.3	English Language Arts and Reading with Science of Teaching Reading: Grades 4–8	293 Science of Teaching Reading TExES and [117 English Language Arts and Reading 4–8 TExES (last operational date 12/31/2021) or] 217 English Language Arts and Reading 4–8 TExES [(starting 1/1/2022)]	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2018 edTPA: Middle Childhood English Language Arts [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.3	English Language Arts and Reading: Grades 7–12	231 English Language Arts and Reading 7–12 TExES (last operational date 8/31/2024) or 331 English Language Arts and Reading 7–12 TExES (starting no earlier than 9/1/2024)	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2003 edTPA: Secondary English Language Arts [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.3	English Language Arts and Reading/Social Studies: Grades 4–8	113 English Language Arts and Reading/ Social Studies 4–8 TExES	160 PPR EC–12 TExES or 2018 edTPA: Middle Childhood English Language Arts (pilot exam) or 2019 edTPA: Middle Childhood History/Social Studies (pilot exam)
Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
<u>[English Language Arts and Reading (continued)]</u>			
§233.3	English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4–8	293 Science of Teaching Reading TExES and 113 English Language Arts and Reading/ Social Studies 4–8 TExES	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2018 edTPA: Middle Childhood English Language Arts [pilot exam] or 2019 edTPA: Middle Childhood History/Social Studies [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§239.93	Reading Specialist: Early Childhood–Grade 12	151 Reading Specialist EC–12 TExES (last operational date 8/31/2027) or 251 Reading Specialist EC-12 TExES (starting no earlier than 9/1/2027)	Not Applicable: Not an Initial Certificate
English as a Second Language			

§233.7	English as a Second Language Supplemental	154 English as a Second Language Supplemental TExES (<u>last operational date 8/31/2028</u>) or 254 English as a Second Language Supplemental TExES (<u>starting no earlier than 9/1/2028</u>)	Not Applicable: Not a Stand-alone Certificate
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Gifted and Talented

§233.9	Gifted and Talented Supplemental	162 Gifted and Talented TExES	Not Applicable: Not a Stand-alone Certificate
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Health

§233.11	Health: Early Childhood–Grade 12	157 Health Education EC–12 TExES (<u>last operational date 8/31/2024</u>) or 257 Health Education EC–12 TExES (<u>starting no earlier than 9/1/2024</u>)	160 PPR EC–12 TExES (<u>last operational date 8/31/2026</u>) or 2119 edTPA: Health Education [(<u>pilot exam</u>)] [<u>or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)</u>]
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Journalism

§233.3	Journalism: Grades 7–12	256 Journalism 7–12 TExES	160 PPR EC–12 TExES (<u>last operational date 8/31/2026</u>) or 2003 edTPA: Secondary English Language Arts [(<u>pilot exam</u>)] [<u>or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)</u>]
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Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
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Junior Reserve Officer Training

§233.17	Junior Reserve Officer Training Corps: Grades 6–12	Not Applicable	160 PPR EC–12 TExES (<u>last operational date 8/31/2026</u>) or 370 Pedagogy and Professional Responsibilities for Trade and Industrial Education 6–12 TExES
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Languages Other Than English

§233.15	American Sign Language: Early Childhood–Grade 12	184 ASL EC–12 TExES and 073 TASC–ASL	160 PPR EC–12 TExES (<u>last operational date 8/31/2026</u>) or 2020 edTPA: World Language [(<u>pilot exam</u>)] [<u>or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)</u>]
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§233.15	Arabic: Early Childhood–Grade 12	ACTFL 605 OPI—Arabic and 600 WPT—Arabic	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2020 edTPA: World Language [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Chinese: Early Childhood–Grade 12	ACTFL 606 OPI—Chinese (Mandarin) and 601 WPT—Chinese (Mandarin)	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2020 edTPA: World Language [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	French: Early Childhood–Grade 12	610 Languages Other Than English (LOTE) French EC–12 TExES	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2020 edTPA: World Language [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	German: Early Childhood–Grade 12	611 LOTE German EC–12 TExES	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2020 edTPA: World Language [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Hindi: Early Childhood–Grade 12	ACTFL 622 OPI—Hindi and 623 WPT—Hindi	160 PPR EC–12 TExES [last operational date 8/31/2026] or 2020 edTPA: World Language [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
[Languages Other Than English (continued)]			

§233.15	Italian: Early Childhood–Grade 12	ACTFL 624 OPI—Italian and 625 WPT—Italian	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2020 edTPA: World Language [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Japanese: Early Childhood–Grade 12	ACTFL 607 OPI—Japanese and 602 WPT—Japanese	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2020 edTPA: World Language [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Korean: Early Childhood–Grade 12	ACTFL 630 OPI—Korean and 631 WPT—Korean	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2020 edTPA: World Language [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Latin: Early Childhood–Grade 12	612 LOTE Latin EC–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2104 edTPA: Classical Languages [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Portuguese: Early Childhood–Grade 12	ACTFL 632 OPI—Portuguese and 633 WPT—Portuguese	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2020 edTPA: World Language [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.15	Russian: Early Childhood–Grade 12	ACTFL 608 OPI—Russian and 603 WPT—Russian	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2020 edTPA: World Language [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

§233.15	Spanish: Early Childhood–Grade 12	613 LOTE Spanish EC–12 TExES	160 PPR EC–12 TExES (last operational date 8/31/2026) or 2020 edTPA: World Language (pilot exam) or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)
§233.15	Tamil: Early Childhood–Grade 12	ACTFL 634 OPI—Tamil (starting no earlier than 9/1/2025)	160 PPR EC–12 TExES (last operational date 8/31/2026) or 2020 edTPA: World Language or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
[Languages Other Than English (continued)]			
§233.15	Turkish: Early Childhood–Grade 12	ACTFL 626 OPI—Turkish and 627 WPT—Turkish	160 PPR EC–12 TExES (last operational date 8/31/2026) or 2020 edTPA: World Language (pilot exam) or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)
§233.15	Vietnamese: Early Childhood–Grade 12	ACTFL 609 OPI—Vietnamese and 604 WPT—Vietnamese	160 PPR EC–12 TExES (last operational date 8/31/2026) or 2020 edTPA: World Language (pilot exam) or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)
Librarian			
§239.60	School Librarian: Early Childhood–Grade 12	150 School Librarian Early Childhood–12 TExES (last operational date 8/31/2027) or 250 School Librarian Early Childhood-12 TExES (starting no earlier than 9/1/2027)	Not Applicable: Not an Initial Certificate
Mathematics and Science			

§233.4	Mathematics: Grades 4–8	115 Mathematics 4–8 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2016 edTPA: Middle Childhood Mathematics [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Science: Grades 4–8	116 Science 4–8 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2017 edTPA: Middle Childhood Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Mathematics/Science: Grades 4–8	114 Mathematics/ Science 4–8 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2016 edTPA: Middle Childhood Mathematics [(pilot exam)] or 2017 edTPA: Middle Childhood Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
[Mathematics and Science (continued)]			
§233.4	Mathematics: Grades 7–12	235 Mathematics 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2005 edTPA: Secondary Mathematics [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Science: Grades 7–12	236 Science 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2006 edTPA: Secondary Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

§233.4	Life Science: Grades 7–12	238 Life Science 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2006 edTPA: Secondary Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Physical Science: Grades 6–12	237 Physical Science 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2006 edTPA: Secondary Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Physics/Mathematics: Grades 7–12	243 Physics/ Mathematics 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2005 edTPA: Secondary Mathematics [(pilot exam)] or 2006 edTPA: Secondary Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.4	Mathematics/Physical Science/Engineering: Grades 6–12	274 Mathematics/ Physical Science/ Engineering 6–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2005 edTPA: Secondary Mathematics [(pilot exam)] or 2006 edTPA: Secondary Science [(pilot exam)] or 2143 edTPA: Technology and Engineering Education [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
[Mathematics and Science (continued)]			

§233.4	Chemistry: Grades 7–12	240 Chemistry 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2006 edTPA: Secondary Science [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Music			
§233.10	Music: Early Childhood–Grade 12	177 Music EC–12 TExES	160 PPR EC–12 TExES or 2021 edTPA: K–12 Performing Arts [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Physical Education			
§233.12	Physical Education: Early Childhood–Grade 12	158 Physical Education EC–12 TExES (last operational date 8/31/2024) or 258 Physical Education EC–12 TExES (starting no earlier than 9/1/2024)	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2011 edTPA: Physical Education [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Principal and Superintendent			
§241.20	Principal as Instructional Leader: Early Childhood–Grade 12	268 Principal as Instructional Leader TExES	Educational Testing Service (ETS) 368 Performance Assessment for School Leaders (PASL)
§241.35	Principal as Instructional Leader Endorsement	Not Applicable: Not an Initial Certificate (Individuals must already hold a valid certificate to serve in the role of principal to be eligible for this endorsement.)	Educational Testing Service (ETS) 368 Performance Assessment for School Leaders (PASL)
§242.20	Superintendent: Early Childhood–Grade 12	195 Superintendent TExES	Not Applicable: Not an Initial Certificate
Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
Social Studies			

§233.3	Social Studies: Grades 4–8	118 Social Studies 4–8 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2019 edTPA: Middle Childhood History/Social Studies [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.3	Social Studies: Grades 7–12	232 Social Studies 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2004 edTPA: Secondary History/Social Studies [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.3	History: Grades 7–12	233 History 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2004 edTPA: Secondary History/Social Studies [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
Speech Communications			
§233.3	Speech: Grades 7–12	129 Speech 7–12 TExES	160 PPR EC–12 TExES [(last operational date 8/31/2026)] or 2003 edTPA: Secondary English Language Arts [(pilot exam)] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Certificate TAC Reference	Certificate Name	Required Content Pedagogy Test(s)	Required Pedagogy Test(s) [Pedagogical Requirement(s)]
Special Education			
<u>§233.8</u>	<u>Bilingual Special Education Supplemental: Early Childhood-Grade 12</u>	<u>187 Bilingual Special Education TExES (starting no earlier than 9/1/2027) and 165 Bilingual Education Spanish Supplemental TExES (Starting no earlier than 9/1/2026)</u>	<u>Not Applicable: Not a Stand-alone Certificate</u>
<u>§233.8</u>	<u>Deafblind Supplemental: Early Childhood-Grade 12</u>	<u>185 Deafblind Early Childhood-Grade 12 TExES (starting no earlier than 9/1/2025)</u>	<u>Not Applicable: Not a Stand-alone Certificate</u>

§233.8	Special Education Specialist: Early Childhood-Grade 12	186 Special Education Specialist: Early Childhood-Grade 12 TExES (starting no earlier than 9/1/2025)	160 PPR EC-12 TExES [last operational date 8/31/2026] or 2012 edTPA: Special Education [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.8	Special Education: Early Childhood-Grade 12	161 Special Education EC-12 TExES (last operational date 08/31/2025)	160 PPR EC-12 TExES [last operational date 8/31/2026] or 2012 edTPA: Special Education [pilot exam]
§233.8	Special Education Supplemental	163 Special Education Supplemental TExES (last operational date 08/31/2025)	Not Applicable: Not a Stand-alone Certificate
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12	181 Deaf and Hard of Hearing EC-12 TExES and 072 TASC or 073 TASC-ASL (required for assignment but not for certification)	160 PPR EC-12 TExES [last operational date 8/31/2026] or 2012 edTPA: Special Education [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]
§233.8	Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12	182 Visually Impaired TExES and 283 Braille TExES	Not Applicable: Not a Stand-alone Certificate
Theatre			
§233.10	Theatre: Early Childhood-Grade 12	180 Theatre EC-12 TExES	160 PPR EC-12 TExES [last operational date 8/31/2026] or 2021 edTPA: K-12 Performing Arts [pilot exam] [or Texas-specific Teacher Performance Assessment (to be updated no later than 9/1/2026)]

Review of Adoption of Proposed Repeal of and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs

April 12, 2024

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

SUMMARY: This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would adopt the proposed repeal of and new 19 Texas Administrative Code (TAC) Chapter 228, Requirements for Educator Preparation Programs. The proposed repeal of and new 19 TAC Chapter 228 would reorganize the chapter to allow for improved readability; would implement legislation; would include technical updates to remove outdated provisions specific to the Residency Certificate; and would reflect stakeholder feedback to further strengthen the rules.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 228 is Texas Education Code (TEC), §§21.003(a); 21.031; 21.041(b)(1)-(4); 21.044, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; 21.0441; 21.0442(c); 21.0443; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b)-(c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); §21.04891; 21.049(a); 21.0491; 21.050(a)-(c); and 21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §55.007.

TEC, §21.003(a), states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

TEC, §21.041(b)(1), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B.

TEC, §21.041(b)(2)-(4), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include.

TEC, §21.0441, requires the SBEC to set admission requirements for candidates entering educator preparation programs (EPPs) and specifies certain requirements that must be included in the rules.

TEC, §21.0442(c), requires the SBEC to create an abbreviated EPP for a person seeking certification in

trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics.

TEC, §21.0443, requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, and requires that the SBEC review each program at least every five years.

TEC, §21.045(a), requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey.

TEC, §21.0452, requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the Board for this purpose.

TEC, §21.0453, sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information.

TEC, §21.0454, gives the SBEC rulemaking authority to set risk factors to determine the Board's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors.

TEC, §21.0455, gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates.

TEC, §21.046(b), requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours.

TEC, §21.046(c), requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success.

TEC, §21.048(a), requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the Board.

TEC, §21.0485, states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC.

TEC, §21.0487(c), requires the SBEC to propose rules related to approval of educator preparation programs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements.

TEC, §21.0489(c), sets out the requirements for Early Childhood certification.

TEC, §21.04891, sets out the requirements for the Bilingual Special Education certification.

TEC, §21.049(a), requires the SBEC to propose rules providing for educator preparation programs as an alternative for traditional preparation programs.

TEC, §21.0491, requires the SBEC to create a probationary and standard trade and industrial workforce training certificate.

TEC, §21.050(a), requires an applicant for teacher certification to have a bachelor's degree in a relevant field.

TEC, §21.050(b), allows the Board to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.

TEC, §21.050(c), exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification.

TEC, §21.051, as amended by HB 4545, 88th Texas Legislature, Regular Session, 2023, requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences.

TOC, §55.007, requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

PREVIOUS BOARD ACTION: None.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228, Requirements for Educator Preparation Programs, establish the requirements for EPPs in the preparation of candidates for Texas educator certification.

The proposed repeal of and new 19 TAC Chapter 228 was driven by the following primary goals prescribed by the SBEC and were informed by extensive stakeholder feedback on updates to rules allowing for additional candidate supports while continuing to provide flexibility for EPP implementation:

1. Reorganize the chapter to support enhanced organization and readability, including the creation of subchapters and sections and the streamlining of redundancy to make the rules clearer and more user-friendly.
 - Creating subchapters and sections enable the SBEC to update, modify, or remove requirements as SBEC priorities change and to implement legislation effectively and efficiently.
2. Create a residency preparation route leading to an enhanced standard certificate to recognize programs who have implemented this quality preparation pathway and recognize candidates who have completed this extensive preparation.

- A residency preparation route is an option for EPPs and is NOT a requirement. To both recognize and hold EPPs accountable, adding this into rule is a priority of the SBEC.
3. Codify foundational components of the SBEC’s Educator Preparation Framework (EPF), which contain additional research-based best practices prioritized by the field.

Throughout extensive engagement with stakeholders in the Chapter 228 redesign process, additional opportunities to elevate the quality of educator preparation were surfaced and integrated into the draft rule text presented to the SBEC at its September 2023 meeting. The proposed new rules in Attachment I reflect additional edits informed by stakeholder input.

The following is a description of proposed new 19 TAC Chapter 228.

Subchapter A. General Guidance

§228.1, General Provisions

Proposed new §228.1 would provide an overview of the purpose and goals of educator preparation in Texas.

§228.2, Definitions

Proposed new §228.2 would include definitions from the proposed repeal of §228.2, with the addition of definitions for *analysis*, *assignment start date*, *authentic school setting*, *clinical experience*, *completer*, *co-teaching*, *enactments*, *host teacher*, *performance task*, *representations*, and *residency*, and revised definitions for *campus supervisor*, *classroom teacher*, *clinical teaching*, *cooperating teacher*, *educator preparation program*, *field-based experiences*, *enhanced standard certificate*, *late hire*, and *standard certificate*.

The proposed new definition of *assignment start date* would set the point at which the teacher candidate’s internship experience starts for the purpose of field supervision and ongoing support of candidates as required.

The proposed new definition of *clinical experience* would provide a common term in which to categorize the supervised clinical requirement for each certificate class, including clinical teaching, internship, practicum, and residency.

The proposed new definition of *authentic school setting* would establish that a candidate cannot count professional development, extracurricular activities, workdays when students are not present, or before or after-school childcare or tutoring as field-based experiences, 30 hours of which are required as pre-requisites for an intern certificate, and that field-based experience hours are allowable in a summer school setting.

The proposed new definition of *completer* would match the definition in 19 TAC §229.2(10), Definitions, to create consistency between chapters of SBEC rules.

The proposed new definitions of *cooperating teacher*, *mentor*, and *site supervisor* would be streamlined to remove the qualifications and duties of these positions that appear in the proposed repeal of 19 TAC Chapter 228. The qualifications and duties are proposed in new §228.93, Cooperating Teacher Qualifications and Responsibilities, §228.97, Mentor Qualifications and Responsibilities, and §228.99,

Site Supervisor Qualifications and Responsibilities, respectively. These proposed new sections would increase clarity and ease of reference so that the public no longer has to go to §228.2 to find definitions for this critical information.

The proposed new definition of *entity* would be updated with a more specific list of the types of entities that act as EPPs.

The proposed new definition of *educator preparation program* would define the role of an entity approved by the SBEC.

The proposed new definition of *field-based experiences* would be updated to include the proposed new defined term *authentic school setting* and add that field-based experiences include both observation and interaction and are an element of coursework.

The proposed new definition of *field supervisor* would be modified to improve readability and clarity.

The proposed new definition of *school day* would specify that conference periods, lunch periods, professional development, and extracurricular activities do not count as part of the school day for purposes of determining the length of a clinical teaching or internship experience.

The proposed new definition of *late hire* would specify that after the 45th day before the first day of instruction, an individual must be both accepted into an EPP and hired for a teaching position at a school district.

Definitions are also proposed for the following five terms from the EPF: *analysis, co-teaching, enactments, performance task, and representations*. The proposed additions would offer clarity to EPPs and candidates around the intended meaning of the terms, how and when they are applied in preparation and practice, and relevance to improving quality practices in approved programs. The additional definitions would provide a common language in the effective preparation of candidates for certification.

The proposed new definitions of *school day* and *school year* would provide flexibility by aligning them with the school calendars of the campuses on which the candidates are completing the clinical experiences.

The proposed new definitions of *enhanced standard certificate* and *standard certificate* would mirror definitions proposed in new §230.1, Definitions, and align with the inclusion of *intern certificate* and *probationary certificate*.

To implement the Residency preparation route, the proposed new language in §228.2, Definitions, would amend the definition of *campus supervisor* to include residency candidates along with intern candidates, and add definitions of *host teacher, residency, and co-teaching* to standardize the meaning of those terms.

§228.4, Declared State of Disaster

Proposed new §228.4 would provide continuity of educator preparation program processes during a declared state of disaster.

§228.6, Implementation Date

Proposed new §228.6 would confirm a September 1, 2024 effective date for proposed new Chapter 228,

unless a different effective date is noted in rule.

Subchapter B. Approval of Educator Preparation Programs

§228.11, New Entity Approval

Proposed new §228.11 would identify the requirements that must be met by an entity seeking approval from the SBEC as an EPP. The proposed new rule would authorize the Texas Education Agency (TEA) to develop and identify the approval components to be included in the application. TEA staff can revise EPP applications as needed to align with the TEC and TAC.

Proposed new §228.11(a) would require that entities seeking to become an EPP take part in a workshop conducted by TEA staff to familiarize the entity with the SBEC rules.

Proposed new §228.11(a)(2) would create a limitation that an entity seeking initial approval cannot apply to offer more than five certificate categories within one certificate class. This limitation would allow an entity to focus on high-quality preparation and provide TEA staff time to review application materials more efficiently.

Proposed new §228.11(a)(3) would require that an entity seeking approval must demonstrate that it has the staff, knowledge, and expertise to support individuals in each certificate category and class requested. Proposed new §228.11(d) would establish the timing of the post-approval site visit to occur after the first year in which the new EPP reports that it has completers.

Proposed new §228.11(f) would require an entity seeking approval to have at least one location in Texas that provides candidate's a face-to-face setting for interacting with EPP staff as necessary.

§228.13, Continuing Educator Preparation Program Approval

Proposed new §228.13 would establish the timeframe for EPP reviews.

Proposed new §228.13(b) would establish the types of continuing approval reviews—an onsite visit involves TEA staff going to the EPP's location, while a desk review is conducted remotely.

Proposed new §228.13(c) would establish the components of the risk assessment with regard to alignment with requirements in TEC, §21.0454.

Proposed new §228.13(d) would require a continuing approval review when an EPP consolidates with another EPP. This would allow TEA staff to identify whether the surviving EPP is adequately supporting the candidates and certificate categories that it received.

Proposed new §228.13(e) would require an EPP undergoing a continuing approval review to pay the required fees prior to the start of the review. This would prevent EPPs from attempting to evade or indefinitely delay payment.

Proposed new Figure: 19 TAC §228.13(f) would set out the required evidence of compliance that EPPs must create, maintain, and present during the continuing approval review.

Proposed new §228.13(f) would incorporate the requirement that an EPP retain documents demonstrating a candidate's eligibility for admission and completion of requirements for five years from the date the candidate completes or leaves the EPP. The proposed additions to new §228.13(f) would also specify that the EPP will be scored on a rubric developed and published by TEA staff and provide that 80% of records reviewed by TEA staff must meet or exceed the requirements.

Proposed new §228.13(g) would allow EPPs participating in a Continuing Approval Review pilot to use that pilot to meet the requirements of the five-year continuing approval review.

§228.15, Additional Approval

Proposed new §228.15(b) would set out the requirements for an EPP seeking approval from the SBEC to

offer the residency route to certification. It would require the EPP to complete an application outlining its compliance with the residency requirements established within Chapter 228 and Chapter 230, which would be reviewed by the TEA and approved by the SBEC, and would require a post-approval site visit demonstrating compliance with rules once the EPP produces residency completers. Proposed new §228.15(b)(1) would adopt in rule a figure that would describe evidence sources to evaluate and approve residency applications. EPPs will be scored for approval on a rubric developed and published by TEA staff.

Proposed new §228.15(c) would require EPPs to apply for new certification classes or categories, reference the applications that EPPs must complete when seeking to offer a new certificate class or category, and add language about the parameters that must be used by TEA staff to develop the applications. The proposed new language in §228.15(c)(4) would require that an EPP have an accreditation status of Accredited to add new certificate categories and/or classes.

§228.17, Limitations on Educator Preparation Program Amendments

Proposed new §228.17 would establish the process through which an EPP can amend its program.

§228.19, Contingency of Approval.

Proposed new §228.19 would specify that approval of an entity is contingent on approval by other governing bodies, including the Texas Higher Education Coordinating Board, board of regents, and school district boards of trustees, and that continuing approval is contingent on compliance with state and federal law.

Subchapter C. Administration and Governance of Educator Preparation Programs

SBEC has updated the subchapter title to more accurately reflect that the proposed new rules focus on both the administration and governance of EPPs.

§228.21, Program Consolidation or Closure

Proposed new §228.21 would state that closure rules apply to an EPP regardless of whether the EPP is closing fully or eliminating certificate classes and regardless of whether the closure is voluntarily or due to SBEC action.

Proposed new §228.21(a)(1) would replace August 31 as the effective date for EPP closure with a more flexible requirement that would specify an effective date of at least 90 days and no more than 270 days after the date of notification of closure or consolidation. This would allow programs to choose a closure date that gives them enough time to fulfill the obligations to candidates.

Proposed new §228.21(a)(2) would require the EPP legal authority to communicate with the TEA on a scheduled basis so that staff from the closing program can seek guidance concerning questions and problems that arise during the close out phase, which ultimately benefits candidates and past finishers. The proposed new rule text in §228.21(a)(3) would expand the EPP's obligation to notify candidates of its closure to include candidates who have been enrolled within the last five years and completers within the last five years. This proposed new requirement would ensure that candidates who may still need support or paperwork from the closing EPP are able to learn what options are available.

Proposed new §228.21(a)(5) would require closing EPPs to identify other EPPs to provide test approval and standard certification recommendations for completers at the closing EPP and to provide candidates with all necessary documentation to expedite the candidates' transfer. This would allow candidates in a closing EPP an easier transition to another EPP and certification.

§228.23, Change of Ownership and Name Change

Proposed new §228.23(d) would set an exception to the general rule that EPPs cannot change their names without a change in ownership to allow colleges and universities to change their names when the entire college or university changes its name. The purpose of the original prohibition on EPP name changes was to prevent EPPs from changing names frequently to confuse or mislead the public.

Proposed new §228.23(e) would require EPPs to report to the SBEC annually any names that the EPP had used “doing business as” during the previous year so that the SBEC can make that information available to the public. By providing this information to consumers, the SBEC allows the public to better understand the true identity and performance history of an EPP.

§228.25, Governance of Educator Preparation Programs

Proposed new §228.25 would establish expectations of how EPPs should govern themselves and collaborate with other entities (i.e., education service centers or local education agencies) to effectively support the preparation and certification of candidates.

Proposed new §228.25(b) would include a specific requirement for the membership of EPP advisory committees that the committee include at least three of the types of interest groups listed in proposed new §228.25(a).

Proposed new §228.25(d) would set out requirements for EPPs approved to offer a residency program to convene key personnel quarterly to review teacher residency implementation data, including candidate performance, to make shared programmatic decisions and inform the continuous improvement of the residency program.

Subchapter D. Required Educator Coursework and Training

§228.31, Minimum Educator Preparation Program Obligations to All Candidates

Proposed new §228.31 would establish general guidelines around expectations of services and supports that EPPs shall provide to all candidates.

Proposed new §228.31(a) would specify by when late hires need to complete admission, coursework, training, and field-based experience requirements.

Proposed new §228.31(b) would require EPPs to identify a dismissal point in their exit policy at which inactive candidates are removed from the EPP and allow a university-based EPP to adopt the university policy for inactive students that must reapply for admission.

Proposed new §228.31(c) would require an EPP to use benchmarks and formal and informal assessment data to design and implement appropriate interventions when needed to ensure continued, effective preparation for certification and teacher candidate support.

Proposed new §228.31(d) would require that an EPP must ensure candidates are adequately prepared to take all certification exams and not just the content pedagogy exams. This additional clarification was inadvertently left off during the initial reorganization of the chapter.

Proposed new §228.31(e) would require an EPP to grant test approval for a completer. If a candidate has returned to the EPP five or more years after completing the program requirements, the EPP may require the candidate to complete additional coursework or training.

Proposed new §228.31(f) would limit when an EPP can prepare a candidate and grant test approval for a certificate category other than the one for which the candidate was initially admitted to the program. The

candidate must meet the requirements for admission in the new certificate category, the EPP must provide coursework and training to the candidate in the new certificate category, and the EPP must ensure that the candidate is adequately prepared for the certification examination in the new certificate category. This would prevent programs from admitting a candidate in one certificate category and switching them to another category for which the candidate is unqualified or unprepared.

Proposed new §228.31(h) would require the EPP to ensure candidates complete all requirements of coursework, training, and the clinical experience before being identified as a completer and being recommended for standard certification, unless the candidate qualifies for an exemption in §228.79, Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

§228.33, Preparation Program Coursework and/or Training for All Certification Classes

Proposed new §228.33 would establish coursework and training requirements that EPPs must provide to ensure candidate preparedness for certification and readiness for assignments.

Proposed new §228.33(a) would specify that educator effectiveness must be measured in the candidate's assignment.

Proposed new §228.33(b) would create specific requirements for the coursework and training EPPs provide candidates, including performance-based activities, evaluative tools, and required demonstration of proficiency by candidates.

Proposed new §228.33(c) would clarify that all coursework and/or training must be completed before a candidate is marked a finisher and recommended for either the standard or new enhanced standard certificate.

§228.35, Substitution of Applicable Experience and Training

Proposed new §228.35 would specify that EPPs must develop and implement procedures to allow military-related and non-military related candidates to substitute portions of educator certification requirements with applicable experience and training.

Proposed new §228.35(c) would provide rule text specific to candidates seeking test approval for the Deafblind Supplemental Early Childhood-Grade 12 certification and candidates who have previously completed coursework related to the field in a program approved to offer the Deafblind Supplemental Early Childhood-Grade 12 certification. The language would also indicate that programs may require additional coursework for test approval.

§228.37, Coursework and Training for Classroom Teacher Candidates

Proposed new §228.37 would establish the minimum required clock-hours of coursework and/or training required for initial classroom teacher certification and the Trade and Industrial Workforce Training certificate.

§228.39, Intensive Pre-Service

Proposed new §228.39(a) would establish the requirements that an EPP must provide prior to issuing an intern certificate under the intensive pre-service.

Proposed new §228.39(b) would establish the requirements for a candidate coach under intensive pre-

service.

Proposed new §228.39(c) would establish the requirements that a candidate must complete to be eligible for an intern certificate under pre-intensive service.

Proposed new §228.39(d) would provide that a candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f), Probationary Certificates.

§228.41, Pre-Service Coursework and Training for Classroom Teacher Candidates

Proposed new §228.41(a) was revised in response to stakeholder feedback, increasing the hours required for field-based experiences from 30 to 50.

Proposed new §228.41(b)(11) would require coursework on instructional planning techniques and inclusive practices for students with disabilities to implement HB 159, 87th Texas Legislature, Regular Session, 2021.

Proposed new §228.41(b)(12) would require coursework on the use of open education resource instructional materials approved by the SBOE to implement HB 1605, 88th Texas Legislature, Regular Session, 2023.

A reference to “performance tasks” would reflect the incorporation of the Effective Preparation Framework (EPF) and its use of performance tasks that support integration of authentic performance tasks throughout the curriculum, in particular during the first 150 hours, which are required before the intern certificate.

§228.43, Pre-Service Field-Based Experiences for Classroom Teacher Candidates

Proposed new §228.43 would establish parameters around field-based experiences and related reflections and increase the required number of interactive hours from 15 to 25 and technology-based hours from 15 to 25 in response to stakeholder feedback.

Proposed new §228.43(c)(2) would provide examples of activities in which candidates may engage during interactive experiences. Flexibility for completion of technology-based hours was added to allow substitute teaching hours.

§228.45, Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification

Proposed new §228.45 would require that coursework and training provided is based on concepts and themes in §228.45(a) and not just in §228.45(a)(1).

§228.47, Coursework and Training Requirements for Bilingual Special Education Certification

Proposed new §228.47 would set the requirements for EPPs of candidates in bilingual special education and implement HB 2256, 87th Texas Legislature, Regular Session, 2021.

§228.49, Coursework and Training Requirements for a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Proposed new §228.49 would provide specific language related to the minimum number of clock-hours of coursework and/or training requirements for EPPs offering and candidates who are seeking the Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate.

§228.51, Coursework and Training for a Deafblind Supplemental: Early Childhood-Grade 12

Proposed new §228.51 would provide specific language related to the minimum number of clock-hours of coursework and/or training requirements for EPPs offering and candidates who are seeking the Deafblind Supplemental: Early Childhood-Grade 12 certificate.

§228.53, Coursework and Training for Non-Teacher Candidates

Proposed new §228.53 would establish coursework and training requirements for certification areas other than classroom teacher and ensure consistency in candidates' preparation that is directly aligned with the educator standards.

§228.55, Late Hire Candidates

Proposed new §228.55 would establish flexibilities and responsibilities related to beginning employment later than originally anticipated for candidates, local employment agencies, and EPPs.

Proposed new §228.55(c) would require an EPP to deactivate a candidate's intern or probationary certificate if the candidate is a late hire and does not complete the required pre-internship coursework and training within 90 days of the start of the internship. This would incentivize EPPs to ensure that their candidates receive the required training timely and prevent untrained educators from staying in Texas classrooms.

§228.57, Educator Preparation Curriculum

Proposed new §228.57 would require that the educator standards adopted by the SBEC serve as the curricular foundation for all educator preparation and, for each certificate, the curriculum must address the relevant Texas Essential Knowledge and Skills.

Proposed new §228.57(c) would expand on the varied and rich types of instructional opportunities that EPPs shall support candidates in experiencing. This would align with information in the EPF and reinforce the expectation that candidates are practicing, and receiving feedback on that practice, throughout the program and reinforce the connected relationship between coursework, practice, and coaching.

Proposed new §228.57(c)(8)(c) would require EPPs to teach candidates about assessing students who are receiving virtual instruction and about how to implement virtual learning curriculum to implement Senate Bill 226, 87th Texas Legislature, Regular Session, 2021.

Proposed new §228.57(10) would require coursework on the use of open education resource instructional materials approved by the SBOE for the subject area and grade level of the candidate's certification category and prohibit coursework on instructional materials that incorporated "three-cueing" into foundational skills reading instruction to implement HB 1605, 88th Texas Legislature, Regular Session, 2023.

Subchapter E. Educator Candidate Clinical Experiences

§228.61, Required Clinical Experiences

Proposed new §228.61 would provide an overview of the clinical experience required for candidates prior to standard certification.

Proposed new §228.61(a) would establish clinical experience options for candidates seeking teacher

certification (clinical teaching, internship, or residency) and would include an alternative residency certification route.

Proposed new §228.61(b) would require that teacher candidates participating in an internship experience a full range of professional responsibilities, including the start of the school year, and would provide flexibility to utilize field-based experiences, as needed, to meet this requirement.

Proposed new §228.61(c) would identify the practicum requirement for candidates pursuing certification in non-teacher certificate classes and set the minimum number of clock hours required for completion of a practicum.

§228.63, Locations for Required Clinical Experiences

Proposed new §228.63 would establish the limitations on the location in which a candidate can have an internship, a clinical teaching, or a practicum experience.

Proposed new §228.63(a) was updated from authentic school setting to in-person Prekindergarten-Grade 12 setting to restore the meaning that the candidate must be in an assignment that is in-person in a physical classroom and not in a distance learning or virtual learning classroom.

The requirement in proposed new §228.63(c)(2) was updated to add site supervisor and would identify that the candidate completing a practicum cannot be related to the site supervisor.

Proposed new §228.63 would establish “residency” as a clinical experience across subsections (a)-(g).

§228.65, Residency

Proposed new §228.65 would require that the residency clinical experience include programmatic requirements to issue an enhanced standard certificate and require the program to provide candidates with one full school year of clinical teaching, to include in the first and last day of school, in a classroom with a qualified host teacher in the classroom teaching assignment(s) that matches the certification category sought by the candidate. It would also require that the residency include a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include closures or disruptions, and the program must document reduced clinical experience hours during weeks with closures or disruptions (see proposed new §228.61(a)). Candidates must complete a minimum of 700 hours in the event of life events such as bereavement, illness, or FMLA.

Proposed new §228.65(b) would require that the instructional setting include one distinct field site, with some exceptions for candidates seeking more than one certification category, Early Childhood-Grade 12 certification, and/or a significant human resources concern, with a limit of two field placements. Exceptions require documentation from both the EPP and partner district. Additionally, it would require that a candidate is co-teaching as lead instructor for at least 400 hours of the residency program.

Proposed new §228.65(c) would establish the requirements for determining a candidate’s readiness for teaching, including requiring the EPP to manage candidate progress toward mastery of educator standards through administration of performance gates at least twice per semester, totaling at least four times a year. It also would require field supervisors to be responsible for assessing and evaluating candidate progression through the program.

Proposed new §228.65(d) would specify the circumstances under which an EPP no longer needs to provide ongoing support to a candidate.

Proposed new §228.65(c) would require the EPP, the district personnel, and the candidate to inform one another of the candidate's departure for any of the reasons stated in proposed new §228.65(d).

Proposed new §228.65(f) would establish the requirements for a candidate's eligibility for an enhanced standard certificate, including the requirements for issuance in §230.39(b) and the requirements in proposed new §228.65(a)-(c). Additionally, it would define the requirement for candidates to meet a Proficient performance level for all pedagogical skill dimensions. The dimensions listed are the same as those in 19 TAC §150.1002, Assessment of Teacher Performance, with the addition of the Instruction Dimension 2.3: Communication.

Proposed new §228.65(g) would define the requirements for successful completion of a residency, including proficiency in the educator standards and a shared recommendation from the host teacher, field supervisor, and campus administrator. If there is no consensus on the recommendation, documentation of why the candidate is not being recommended for a certificate is required to be submitted to the candidate and the field supervisor, host teacher, and/or campus administrator.

§228.67, Clinical Teaching

Proposed new §228.67 would include language that reflects stakeholder feedback and clarify the duration of clinical teaching in a uniform requirement of 490 hours (the equivalent of 70 days).

In proposed new §228.67(b), the abbreviated clinical teaching allowed for maternity leave would be expanded to parental leave in the interest of shared parental responsibility.

Proposed new §228.67(c) would provide guidance for candidates seeking certification in more than one subject area to complete clinical teaching and confirm EPP and LEA training responsibilities and supports to ensure candidate success.

Proposed new §228.67(d) would require EPPs to structure the clinical teaching assignment in such a manner that candidates are provided co-teaching opportunities and additional experiences to have greater responsibility for the instruction being provided over the course of the clinical teaching assignment. This would directly align with the requirement for the residency certification pathway that explicitly includes co-teaching and a gradual release of responsibility.

Proposed new §228.67(g) would specify that only the certification of the candidate or the discharge, release, or withdrawal of the candidate from the EPP would relieve the EPP of the duty to support the candidate during clinical teaching.

§228.69, Clinical Teaching While Employed as Educational Aide

Proposed new §228.69 would align with the requirements for clinical teaching. In proposed new §228.69(c), the clinical teaching requirement previously allowed for maternity leave would be expanded to parental leave in recognition of shared parental responsibility.

§228.71, Exceptions to Clinical Teaching Requirement

Proposed new §228.71 would establish the process EPPs utilize if they are unable to support candidates through the clinical teaching process specified in proposed new §228.67, Clinical Teaching.

Proposed new §228.71(b) would require an EPP to request an exception to the clinical teaching requirement by September 15, which coincides with the existing requirement that an EPP submit a written

report on the results of a clinical teaching exception by September 15.

Proposed new §228.71(c)(3) would require TEA staff to present the EPP's report to the SBEC to determine whether the exception should be renewed and require EPPs approved for an exception before September 1, 2022, to submit a report to the TEA by September 1, 2024. This would give the SBEC an opportunity to decide whether to renew exceptions annually rather than continue indefinitely.

§228.73, Internship

Proposed new §228.73(a) would require EPPs to verify that a candidate participating in an internship hold an active intern or probationary certificate.

Proposed new §228.73(g)(5) would require EPPs to request deactivation of the certificate of a late-hire candidate that failed to meet training requirements in a timely manner to parallel the requirement in proposed new §228.55(c), Late Hire Candidates.

In proposed new §228.73(c), the abbreviated internship previously allowed for maternity leave would be expanded to parental leave in recognition of shared parental responsibility.

§228.75, Clinical Experience for Candidate Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Proposed new §228.75 would provide specific language related to the clinical teaching requirements for candidates seeking the Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12 certification.

§228.77, Clinical Experience for Candidate Seeking Deafblind (DB) Supplemental: Early Childhood-Grade 12 Certification

Proposed new §228.77 would provide specific language related to the clinical teaching requirements for candidates seeking the Deafblind Supplemental: Early Childhood-Grade 12 certification.

§228.79, Exemptions from Required Clinical Experiences for Classroom Teacher Candidates

Proposed new §228.79 would include residency in existing exemptions included in subsections (a) and (b) to exempt candidates pursuing classroom teacher certificates from required clinical experiences.

§228.81, Clinical Experience for Certification Other Than Classroom Teacher

Proposed new §228.81 would establish requirements for EPPs and candidates on completing clinical experience in certificate classes other than classroom teacher.

Proposed new §228.81(f) would specify that only the certification of the candidate, or the discharge, release, or withdrawal of the candidate from the EPP, would relieve the EPP of the duty to support the candidate during the practicum experience.

Specificity was added to proposed new §228.81(d)(1) to include feedback from the candidate's site supervisor, which is responsive to stakeholder feedback and mirrors similar requirements added for clinical teaching and internships.

Subchapter F. Support for Candidates During Required Clinical Experiences

§228.91, Mentors, Cooperating Teachers, Host Teachers, and Site Supervisors

Proposed new §228.91(a) would establish the shared responsibility of the EPP and district/campus administrator to determine selection criteria and develop a shared selection process to assign mentors, cooperating teachers, host teachers, and site supervisors to candidates as appropriate.

Proposed new §228.91(b) would specify for teacher residencies that the EPP and district/campus administrator share responsibility to assign host teachers to candidates, by determining the selection criteria and development of a scoring rubric.

Proposed new §228.91(c) would require a mentor or site supervisor be assigned within three-weeks of the start date of an internship or practicum and that a candidate not remain in a placement without an assigned mentor or site supervisor for longer than three weeks.

Proposed new §228.91(d) would provide provisions for cooperating teacher, mentor, host teacher, or site supervisor selection if there is not an individual that matches the criteria for qualification.

Proposed new §228.91(e) would require the EPP to provide research-based training to mentors, cooperating teachers, host teachers, and site supervisors. An education service center or district entity may provide that training with proper documentation of evidence shown in Figure: 19 TAC §228.13(f).

§228.93, Cooperating Teacher Qualifications and Responsibilities

Proposed new §228.93(a)(3) would update the training provided to the cooperating teacher by the EPP to include co-teaching strategies. The window of time in which training must be provided would be expanded to twelve weeks before or three weeks after the candidate assignment.

In proposed new §228.93(a)(4), “not assigned to the clinical teacher” would parallel language to the similar requirement for mentor teacher qualifications.

§228.95, Host Teacher Qualifications and Responsibilities

Proposed new §228.95(a) would define the requirements for host teachers as at least three creditable years of teaching experience (19 TAC Chapter 153, Subchapter CC, Commissioner’s Rules on Creditable Years of Teaching Experience), recognition as an accomplished teacher demonstrated by at least three years of teacher evaluations with a proficient or above proficient appraisal rating, evidence of student growth and achievement impact, and other dispositional criteria defined by the EPP and district/campus administration partnership. Host teachers are required to be trained by the EPP at least twice per school year on best practices in coaching, mentoring, and co-teaching, cannot already be assigned as a field supervisor, and are required to hold a valid certificate in the certification category of the residency assignment.

Proposed new §228.95(b) would establish the duties of a host teacher to include supporting the candidate’s development in a co-teaching model that allows for gradual release of the candidate to lead instruction, providing feedback and support on key dimensions such as classroom management and assessment, and reporting the candidate’s progress during collaboration with the field supervisor at least monthly.

§228.97, Mentor Qualifications and Responsibilities

Proposed new §228.97(a)(5) would provide flexibility to the training requirement for mentor teachers by expanding the window of time of the training to twelve weeks before or three weeks after the candidate's assignment start date.

§228.99, Site Supervisor Qualifications and Responsibilities

Proposed new §228.99 would set out the qualifications and responsibilities of a site supervisor in a separate subsection for ease of reference. Section 228.99(a)(3) would provide flexibility to the training requirement for site supervisors by expanding the window of time in which the EPP must provide the training from three weeks to within twelve weeks before or three weeks after the candidate's assignment start date. This flexibility would allow for training to occur before the start of school if needed.

§228.101, Field Supervisor Qualifications and Responsibilities

Proposed new §228.101(a) would identify the field supervisor must be an accomplished educator with experience and certification in the class of certificate being pursued by the candidate observed and the appropriate training for the role of field supervisor.

Proposed new §228.101(a)(4) would require that field supervisors of residency candidates are trained annually by the EPP in coaching, candidate evaluation, and co-teaching strategies and participate in school and district trainings as determined by the partnership. All other qualifications would remain consistent with field supervisor qualifications for all other candidates.

Proposed new §228.101(a)(8) and (9) would establish that a field supervisor must hold a current certification in which supervision is provided or, at a minimum, a master's degree in the academic area or field related to the certification area being supervised and compliance with continuing professional education requirements in Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements.

Proposed new §228.101(b)(1) would require the supervision of each candidate be conducted by a field supervisor that has been trained annually by the EPP and completes the TEA-approved field supervisor training every three years. Field supervisors that have previously completed the TEA-approved training must renew the training by September 1, 2026. Field supervisors that hold valid Texas Teacher Evaluation and Support System (T-TESS) certification do not need to complete the TEA-approved field supervisor training.

Proposed new §228.101(b)(5)(A) would require that, at a minimum, field supervisors must provide informal observations and ongoing coaching, informed by the areas identified for improvement in the formal post-observation conference, at least three times per semester for at least 15 minutes for candidates in clinical teaching, internships, and practicum assignments, and must include observation and feedback on targeted skills.

The language in proposed new §228.101(b)(5)(B) would require that the first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in person, while providing flexibility for the remainder of informal observations to be conducted in person or virtually.

Proposed new §228.101(b)(5)(C) would establish that all informal observations for practicums may be conducted virtually.

Proposed new §228.101(b)(6) would require the first two informal observations for late hire candidates to be conducted in person within the first eight weeks of the candidate's start date to ensure early responsive support for teacher candidates who are entering the classroom as a teacher of record with limited previous preparation.

Proposed new §228.101(b)(7) would require informal observations for candidates in residency assignments.

Proposed new §228.101(b)(9)-(12) would require that the field supervisor must collaborate with the candidate and cooperating teacher, mentor and campus supervisor, or site supervisor, as applicable throughout the clinical experience and would define quality and frequency of the collaboration to ensure candidates receive consistent support.

§228.103, Formal Observations for Candidates in Residency Assignments

Proposed new §228.103(a) would require the EPP to provide the first formal observation within the first six weeks of the residency assignment.

Proposed new §228.103(b) would require two in-person 45-minute formal observations per semester that include pre- and post-observation conference with the candidate.

§228.105, Formal Observations for All Candidates for Initial Classroom Teacher Certification

Proposed new §228.105 would set out the requirements for formal observations that apply to all classroom teacher certification candidates regardless of their certification route.

§228.107, Formal Observations for Candidates in Clinical Teaching Assignments

Proposed new §228.107 would set out the observation requirements that apply specifically to clinical teaching. The observation requirements would align with the duration of clinical teaching in proposed new §228.67, Clinical Teaching.

§228.109, Formal Observations for Candidates in Internship Assignments

Proposed new §228.109 would set out the observation requirements that apply specifically to internships. In response to stakeholder feedback, the number of formal observations conducted for candidates holding Probationary certificates was increased from three to five.

§228.111, Formal Observations for Candidates Employed as Educational Aides

Proposed new §228.111 would set out the observation requirements that apply specifically to candidates seeking to complete their clinical teaching while working as educational aides. In response to stakeholder feedback, the number of formal observations conducted was increased from three to four.

§228.113, Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12

Proposed new §228.113 would set out the observation requirements that apply specifically to candidates

seeking supplemental certification as a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

Proposed new §228.113(c)(3) would provide specification regarding the pre- and post-observation activities that must be conducted relative to the observation.

§228.115, Support and Formal Observations for Candidates Seeking the Deafblind Supplemental: Early Childhood-Grade 12 Certification

Proposed new §228.115 would set out the observation requirements that apply specifically to candidates seeking supplemental certification as a teacher of Deafblind Supplemental: Early Childhood-Grade 12 certification.

§228.117, Support and Formal Observations for Candidates Other Than Classroom Teacher

Proposed new §228.117 would establish the requirements for EPPs supporting candidates seeking certificates other than classroom teacher during the candidates' practicums.

Proposed new §228.117(b)(3) would provide specification regarding when the pre-observation and post-observation activities should be conducted relative to the observation.

Subchapter G. Complaints and Investigations

§228.121, Complaints and Investigations Procedures

Proposed new §228.121(d)(3)(B) would require the EPP to respond to requests for more information during a complaint's investigation within 10 business days.

Proposed new §228.121(d)(4)(D) would require TEA staff to provide written notice to the EPP under investigation when TEA staff closes an investigation.

§228.123, Educator Preparation Program Responsibilities for Candidate Complaints

Proposed new §228.123(a) would establish that an EPP must adopt and send to TEA staff a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.

SBOE Review of Proposed SBEC Rules

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

FISCAL IMPACT: No changes have been made to this section since published as proposed. The TEA staff has determined that there may be an additional fiscal impact on state or local governments and potential increased costs to entities required to comply with the proposal. The impact to state government is to EPPs and the impact to local government or other entities are to school districts and open-enrollment charter schools.

The requirements created by HB 1605, 88th Texas Legislature, Regular Session, 2023, for EPPs include changes to curriculum regarding the use of open education resource (OER) instructional materials approved by the SBOE and the prohibition of instruction on three-cueing may increase costs for EPPs in developing that curriculum for each year of the first five years the rule is in effect, but that impact is created by the statutory requirement from HB 1605 and not the agency regulation.

There may be costs for an EPP to implement the proposed increase in formal observations (from three to five) for Probationary Certificate holders; the increase in formal observations (from three to four) for candidates completing clinical teaching; and for required informal observations and ongoing coaching at least three times per semester for 15 minutes, with the first informal observation required to be in-person and the flexibility to conduct other observations virtually. While these requirements may increase costs for EPPs, due to the various programmatic models and structures of EPPs, including an EPP's staffing structure, current number of internally required observations, and travel, TEA staff is unable to estimate the potential cost increase.

The increase in field supervisor training requirements via a TEA-approved training or T-TESS certification beginning in FY27 imposes an additional cost to EPPs. TEA staff has determined a \$135-\$150 estimated cost per participant for field supervisor training and a \$450-\$550 estimated cost per participant for T-TESS training. Because both options are acceptable to satisfy Chapter 228 requirements, and because TEA staff are unable to accurately determine the number of individuals by EPP who will need to take these trainings to calculate the scope of this cost due to constraints and due to limitations on the state's insight into the number of field supervisors active on a year-to-year basis, no additional specificity can be offered.

The proposed teacher residency preparation pathway does require EPPs to apply, at no cost, for residency pathway approval. While there may be additional costs for an EPP associated with developing a high-quality program, the residency preparation pathway is optional for EPPs and is, therefore, not a required cost. The costs to EPPs would be widely variable, in that EPPs may already have an established residency preparation pathway that meets the proposed requirements while other EPPs would need to invest time and resources into the development of the residency preparation pathway.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

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

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. The proposal does impose a cost on regulated persons and, therefore, is subject to TGC, §2001.0045. However, the proposal is exempt from TGC, §2001.0045, as provided under that statute, because the proposal is necessary to protect the safety and welfare of the residents of this state and necessary to implement HB 1605, 88th Texas Legislature, Regular Session, 2023. In addition, the proposal is necessary to ensure that certified Texas educators are competent to educate Texas students.

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

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation with the new teacher residency preparation route and would expand existing regulations by adding preparation requirements specifically for two new certification categories under the teacher class of certificate for Deafblind Early Childhood-Grade 12 and Bilingual Special Education Supplemental certifications.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal 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 COSTS TO PERSONS: No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be clear and better organized rules regarding EPPs. Overall, the proposal will ensure increased responsiveness to candidate needs, and the overall elevation of the quality of educator preparation influenced by the proposal will have a lasting, positive impact on education and the preparation and retention of qualified educators in every classroom. TEA staff has determined there is no anticipated costs to persons required to comply with the proposal.

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

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

ENVIRONMENTAL IMPACT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

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

MOTION TO BE CONSIDERED: The State Board of Education:

Take no action on the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

Staff Members Responsible:

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

Marilyn Cook, Senior Director, Educator Preparation and Certification

Jessica McLoughlin, Senior Director, Educator Quality

Attachment I:

Text of Proposed New 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Attachment II:

Text of Proposed Repeal of 19 TAC Chapter 228, Requirements for Educator Preparation Programs

Attachment III:

Proposed New Figure: 19 TAC §228.13(f)

Attachment IV:

Proposed New Figure: 19 TAC §228.15(b)(1)

ATTACHMENT I
Text of Proposed New 19 TAC

Chapter 228. Requirements for Educator Preparation Programs

Subchapter A. General Guidance

§228.1. General Provisions.

- (a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPP) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.
- (b) Consistent with Texas Education Code (TEC), §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.

§228.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education (IHE), September 1 through August 31.
- (2) Accredited institution of higher education--An IHE that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.
- (3) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.25(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited IHE.
- (4) Analysis--examining teaching and/or instructional resources (e.g., student work samples, a video of teaching practices) to recognize key teaching practices enacted in a variety of ways, build understanding of the practice through repeated review, develop a shared vision for a teacher practice, and compare their own practice for improvement.
- (5) Assignment start date--For an internship, clinical teaching, or residency, the first day of instruction with students. For a nonteacher practicum experience, the first day of the window in which the candidate is authorized by the EPP to begin the practicum experience.
- (6) Authentic school setting--For the purpose of field-based experiences, during the school day and the school year and including summer school; not to include professional development, extracurricular activities, workdays when students are not present, and before- or after-school childcare or tutoring.
- (7) Benchmarks--Reference points throughout the preparation process where candidates are assessed for progress toward completing EPP requirements (e.g., admission, passing a specific course or courses, passing a certification exam, completing preservice requirements).
- (8) Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern or a candidate pursuing a residency certificate.
- (9) Candidate--An individual who has been formally or contingently admitted into an EPP; also referred to as an enrollee or participant.
- (10) Candidate coach--A person as defined in §228.39(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by

program supervisors, completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.

- (11) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (12) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.
- (13) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher.
- (14) Clinical experience--A supervised educator assignment through an EPP at a public school accredited by the TEA or other school approved by the TEA for this purpose where candidates demonstrate proficiency in the standards for the certificate sought and that may lead to completion of a standard certificate. Clinical experience includes clinical teaching, internship, practicum, and residency.
- (15) Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.
- (16) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited IHE is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, internship, residency, and practicum are actual hours spent in the required educational activities and experiences.
- (17) Contingency admission--Admission as described in §227.15 of this title (relating to Contingency Admission).
- (18) Completer--A person who has met all the requirements of an approved EPP; also referred to as finisher. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer.
- (19) Cooperating teacher--For a clinical teacher candidate, an educator who is collaboratively assigned by the EPP and campus administrator who supports the candidate during the clinical teaching experience.
- (20) Co-teaching--A practice in which two or more teachers share instructional responsibility for a single group of students to address specific content and related learning objectives through a variety of approaches that best support the students' learning needs.
- (21) Educator--An individual who is required to hold a certificate issued under TEC, Chapter 21, Subchapter B.
- (22) Educator preparation program--An entity that is approved by the SBEC to prepare and recommend candidates for certification in one or more educator certification classes.
- (23) Enactments--Opportunities to engage teacher candidates in sheltered/protected practice to develop a skill through such examples as doing student work, role playing student interactions, coached lesson rehearsals, and peer run throughs of a proposed lesson. Candidates should have the opportunity to receive feedback on current practice and integrate feedback into future practices.
- (24) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.

- (25) Entity--The individual, corporation, partnership, IHE, public school or school district that is approved to deliver an EPP.
- (26) Field-based experiences--Introductory experiences for a classroom teacher certification candidate, incorporated with preparation coursework that involve, at the minimum, reflective observation of and interaction with Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in an authentic school setting.
- (27) Field supervisor--A currently certified educator, who preferably has advanced credentials, hired by the EPP to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.
- (28) Formal admission--Admission as described in §227.17 of this title (relating to Formal Admission).
- (29) Head Start Program--The federal program established under the Head Start Act (42 United States Code (USC), §9801 et seq.) and its subsequent amendments.
- (30) Host teacher--for a teacher resident candidate, an educator who is jointly assigned by the EPP and the campus administrator who supports the candidate through co-teaching and coaching during their teacher residency field placement.
- (31) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved EPP.
- (32) Intensive pre-service--An educator assignment supervised by an EPP accredited and approved by the SBEC prior to a candidate meeting the requirements for issuance of intern and probationary certificates.
- (33) Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing requirements for initial certification through an approved EPP.
- (34) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.
- (35) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.
- (36) Long-term substitute--An individual that has served in place of a teacher of record in a classroom for at least 30 consecutive days; also referred to as a permanent substitute.
- (37) Mentor--For an internship candidate, an educator who is employed as a classroom teacher on the candidate's campus and who is assigned to support the candidate during the internship experience.
- (38) Pedagogy--The art and science of teaching that incorporates instructional methods that are developed from scientifically based research.
- (39) Performance task--An assessment in which the teacher candidate applies learning and demonstrates a discrete set of skills, resulting in a tangible product or performance that serves as evidence of learning. The assessment must be evaluated using a standard rubric or set of criteria and must not include multiple-choice questions.
- (40) Post-baccalaureate program--An EPP, delivered by an accredited IHE and approved by the SBEC to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree.
- (41) Practicum--A supervised educator assignment at a public school accredited by the TEA or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.

- (42) Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved EPP.
- (43) Representations--Artifacts and illustrations of instruction used to help teacher candidates see and analyze strong teaching practices. Representations expose teacher candidates to and build understanding of specific criteria of effective teacher practices, as well as deepen their content knowledge for teaching. May include teacher educator modeling, student work, videos and transcripts.
- (44) Residency--A supervised educator assignment for an entire school year through a partnership between an EPP and a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of an enhanced standard certificate.
- (45) School day--Actual school attendance days during the regular academic school year, including a partial day that students attend school for instructional purposes as adopted by the district or governing body of the school, excluding weekends, holidays, summer school, etc. For the purpose of completing clinical experiences, the school day must be at least four hours, including intermissions and recesses, but not including ~~[conference or]~~ lunch periods, professional development, or extracurricular activities.
- (46) School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.
- (47) Site supervisor--For a practicum candidate, an educator who is assigned collaboratively by the campus or district administrator and the EPP and who supports the candidate during the practicum experience.
- (48) Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title.
- (49) Students with disabilities--A student who is eligible to participate in a school district's special education program under Texas Education Code, §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 USC Section 794), or is covered by the Individuals with Disabilities Education Act (20 USC Section 1400 et seq.).
- (50) Substitute teacher--An individual that serves in place of a teacher of record in a classroom in an accredited public or private school.
- (51) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.
- (52) Texas Education Agency staff--Staff of the TEA assigned by the commissioner of education to perform the SBEC's administrative functions and services.
- (53) Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

§228.4. Declared State of Disaster.

If the governor declares a state of disaster consistent with Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days and decrease clinical teaching, internship, and practicum assignment minimums by up to 20 percent as necessary to accommodate persons in the affected disaster areas.

§228.6. Implementation Date.

The provisions of this chapter are effective September 1, 2024, unless otherwise specified in rule.

Subchapter B. Approval of Educator Preparation Programs

§228.11. New Entity Approval.

- (a) An entity seeking initial approval to deliver an educator preparation program (EPP) shall attend a new applicant workshop conducted by Texas Education Agency (TEA) staff and, by December 1 of the same year as the entity attends the workshop, submit an application with evidence indicating the ability to comply with the provisions of this chapter, Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification).
- (1) The application will be in a format determined by the TEA and shall include all the following program components:
- (A) ownership and governance of the EPP;
 - (B) criteria for admission to the EPP;
 - (C) EPP curriculum;
 - (D) EPP coursework and training, including ongoing support during clinical teaching, internship, practicum, and residency experiences;
 - (E) assessment and evaluation of candidates for certification and EPP improvement;
 - (F) professional conduct of EPP staff and candidates;
 - (G) EPP complaint procedures;
 - (H) certification procedures;
 - (I) required submissions of information, surveys, and other accountability data; and
 - (J) as required under Texas Education Code (TEC), §21.0443(b)(1) and (2), instruction for all candidates in proactive instructional planning techniques and inclusive practices for all students throughout coursework and clinical experiences.
- (2) The applicant may submit an application for one certificate class and up to five certificate categories within the certificate class requested for initial approval.
- (3) The applicant must provide evidence the proposed program has the staff, knowledge, and expertise to support individuals in each certificate class and category being requested.
- (b) TEA staff will review the application and conduct a pre-approval site visit.
- (c) TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved.
- (d) A post-approval site visit will be conducted after the end of the first academic year in which the entity reports completers to TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).
- (e) All EPPs must be implemented as approved by the SBEC.
- (f) An individual or entity seeking approval from the SBEC as an EPP must have at least one physical location open for business in the state of Texas.

§228.13. Continuing Educator Preparation Program Approval.

- (a) An educator preparation program (EPP) under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of Texas Education Agency (TEA) staff. Beginning with the 2026-2027 academic year, continuing approval reviews will evaluate implementation of the requirements of this chapter, including implementation during the 2025-2026 academic year.
- (b) To conduct the five-year review, TEA staff may conduct either:

- (1) an onsite visit, in which TEA staff go in person to an EPP's physical location to review the EPP's evidence of compliance; or
 - (2) a desk review, in which TEA staff review the EPP's evidence of compliance remotely.
 - (c) To efficiently administer and implement the State Board for Educator Certification (SBEC)'s purpose under this chapter and the Texas Education Code (TEC), TEA staff must use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:
 - (1) a history of the EPP's compliance with state law and SBEC rules, standards, and procedures, with consideration given to:
 - (A) the seriousness of any violation of a rule, standard, or procedure;
 - (B) whether the violation resulted in an action being taken against the program;
 - (C) whether the violation was promptly remedied by the program;
 - (D) the number of alleged violations; and
 - (E) any other matter considered to be appropriate in evaluating the EPP's compliance history;
 - (2) whether the EPP meets the accountability standards under TEC, §21.045; and
 - (3) whether the EPP is accredited by other organizations.
 - (d) When an EPP consolidates with another EPP as described in §228.21 of this title (relating to Program Consolidation or Closure), TEA staff shall conduct a review of the resulting program within one year after the effective date for the consolidation.
 - (e) The EPP under review must pay the fee for the continuing approval review, as set out in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), prior to the start date of the review.
 - (f) At the time of the review, the EPP shall submit to TEA staff a status report regarding its compliance with existing standards and requirements for EPPs and documentary evidence of its compliance. To determine whether the EPP's evidence of compliance is sufficient, the EPP shall be scored on a rubric developed and published by TEA staff. Eighty percent of the records reviewed must be compliant with applicable requirements in the Texas Administrative Code and TEC. Evidence of compliance is described in the figure provided in this subsection.
- Figure: 19 TAC §228.13(f)
- (g) An EPP's participation in a continuing approval review pilot may serve as the EPP's required five-year review as prescribed in subsection (a) of this section.
 - (h) An EPP is responsible for establishing procedures and practices to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Unless specified otherwise, the EPP must retain evidence of compliance described in the figure provided in subsection (f) of this section for a period of five years. The EPP shall retain documents that evidence a candidate's eligibility for admission to the EPP and all evidence of a candidate's completion of all EPP requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the EPP.

§228.15. Additional Approval.

- (a) An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by Texas Education Agency (TEA) staff on an application in a form developed by TEA staff that shall include, at a minimum, the following:
 - (1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;
 - (2) selection criteria for clinical teachers;

- (3) selection criteria for cooperating teachers;
 - (4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;
 - (5) description of program supervision; and
 - (6) description of how candidates are evaluated.
- (b) An educator preparation program (EPP) seeking approval to implement a residency program must submit a complete application in a form developed by TEA staff for consideration and approval by the State Board for Educator Certification (SBEC). The application must include evidence indicating the ability to comply with the provisions of this chapter and Chapter 230 of this title (relating to Professional Educator Preparation and Certification).
- (1) To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Evidence of compliance is described in the figure provided in this paragraph.
Figure: §228.15(b)(1)
 - (2) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the residency program should be approved.
 - (3) A post-approval site visit will be conducted after the end of the first academic year in which the program reports residency completers to the TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).
- (c) An EPP seeking the addition of certificate categories and classes must comply with the following as applicable.
- (1) An EPP that is rated Accredited, as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request the addition of a certificate class that has not been previously approved by the SBEC but must present a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application at a minimum must include the components identified in §228.11(a)(1) of this title (relating to New Entity Approval) and must document evidence that the EPP has the staff knowledge and expertise to support individuals participating in the certificate class being requested.
 - (2) An EPP that is rated Accredited, as provided in §229.4 of this title, may request additional certificate categories be approved by TEA staff if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff. The application shall include, at a minimum, the curriculum matrix, a description of how the educator standards for the certificate are incorporated into the coursework and training; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in the certificate category being requested. The curriculum matrix must include the educator standards, the test framework competencies, the applicable Texas Essential Knowledge and Skills, the course and/or module names, and the benchmarks and assessments used to measure mastery of the standards and competencies and candidate progress through coursework.
 - (3) An EPP rated Accredited, as provided in §229.4 of this title, and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff that shall include, at a minimum, a modified curriculum matrix that includes:
 - (A) the educator standards;
 - (B) test framework competencies;
 - (C) course and/or module names; and

(D) the benchmarks and assessments used to measure successful program progress.

(4) An EPP that has an accreditation status other than Accredited, as listed in §229.4 of this title, may not apply to offer additional certificate categories or classes of certificates.

(d) An EPP that is rated Accredited, may open additional locations, provided the program informs TEA staff of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate. An EPP that has an accreditation status listed in §229.4 of this title other than Accredited may not open additional locations.

§228.17. Limitations on Educator Preparation Program Amendments.

(a) An educator preparation program (EPP) that is rated Accredited or Accredited-Not Rated may amend its program, provided the program informs Texas Education Agency (TEA) staff of any amendments 60 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment to its program on a letter signed by the EPP's legal authority or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment.

(b) An EPP that is not rated Accredited or Accredited-Not Rated may amend its program, provided the program informs TEA staff of any amendments 120 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. The EPP shall be notified in writing of the approval or denial of its proposal within 60 days following the receipt of the notification by TEA staff.

§228.19. Contingency of Approval.

(a) Approval of an educator preparation program (EPP), including each specific certificate class and category, by the State Board for Educator Certification, is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees.

(b) Continuing EPP approval is contingent upon compliance with superseding state and federal law.

Subchapter C. Administration and Governance of Educator Preparation Programs

§228.21. Program Consolidation or Closure.

(a) An educator preparation program (EPP) that is consolidating or closing, whether as an entire program or only for specific individual certification categories or classes and whether voluntarily or by order of the State Board for Educator Certification (SBEC), must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.

(1) The EPP shall submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closure with a specified effective date for consolidation or closure at least 90 days and no more than 270 days after the date of the letter.

(2) The legal authority of the EPP shall meet with TEA staff weekly between the date of the notice letter required in paragraph (1) of this subsection and the date of closure.

(3) The EPP shall contact the following types of candidates, either in the entire program or in the impacted certification category or class depending on the scope of the closure, with notification of consolidation or closure and the steps candidates must take in relation to their status, and shall maintain evidence of the attempts to notify each candidate:

(A) currently enrolled candidates;

(B) candidates who have been enrolled within the previous five years; and

(C) completers within the previous five years.

- (4) The EPP shall not admit candidates or recommend candidates for an intern or probationary certificate within one year of its closure date.
- (5) The EPP shall identify approved EPPs to provide test approval and standard certification recommendations for completers at the closing EPP.
 - (A) The closing EPP shall provide its candidates with a list of approved EPPs that can continue to support completers through test approval and standard certification.
 - (B) To expedite the candidates' transfer to other programs, the closing EPP shall provide each candidate with appropriate documentation, such as a transcript or transfer form, reflecting all program requirements the candidate has met.
- (6) For five years after an EPP's closure, the EPP must identify and keep current a representative's name, electronic mail address, and telephone number to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.
- (7) The EPP must complete required SBEC and TEA actions, including required submissions of information, surveys, and other accountability data; removal of security accesses; reconciliation of certification recommendations; and payment of the Accountability System for Educator Preparation Programs technology fee as specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability).
- (b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this section is not eligible to apply for SBEC approval to offer an EPP.
- (c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to apply for SBEC approval to offer an EPP.
- (d) If an EPP is consolidating or closing only individual certification classes or categories and fails to comply with the consolidation procedures in this section, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).
- (e) If an EPP violates any of the requirements as prescribed in subsection (a)(1)-(7) of this section, TEA staff shall recommend revocation of the EPP's continuing approval to prepare and recommend candidates for certification in accordance with §229.6(c) of this title.

§228.23. Change of Ownership and Name Change.

- (a) An educator preparation program (EPP) that changes ownership shall notify Texas Education Agency (TEA) staff of the change of ownership in writing within 10 days of the change.
- (b) A change of ownership is any agreement to transfer the control of an EPP. The control of an EPP is considered to have changed:
 - (1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;
 - (2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or
 - (3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.
- (c) An EPP that is not a college or university may not change its name unless it has notified the TEA of a change of ownership within the preceding 90 days and has a State Board for Educator Certification (SBEC) accreditation status of Accredited or Accredited-Not Rated. The EPP shall notify TEA staff of the name change in writing.

- (d) An EPP that is a college or university may change its name if the EPP has notified the TEA that the entire college or university has changed its name.
- (e) An EPP shall annually report to the SBEC all names that the EPP has done business as during the preceding year. The TEA shall make EPPs' doing-business-as names available to the public on the TEA website as consumer information.
- (f) TEA staff shall recommend an accreditation status of Accredited-Probation in accordance with §229.4(e)(2) of this title (relating to Determination of Accreditation Status) for any EPP that fails to timely notify TEA staff regarding a change in ownership or a change of program name.

§228.25. Governance of Educator Preparation Programs.

- (a) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools.
- (b) An advisory committee with members representing at least three out of the five groups identified as collaborators in subsection (a) of this section shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP) and shall meet a minimum of once during each academic year. The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee.
- (c) The governing body and chief operating officer of an EPP shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the EPP recommends for certification.
- (d) For an EPP that the State Board for Educator Certification has approved to offer a residency program under §228.65 of this title (relating to Residency), the EPP must meet at least quarterly with district and campus administrators of the school district with which the EPP has partnered, including the campus supervisors of all the EPP's current residency candidates, to review data, including performance data, for the EPP's current residency candidates and to make programmatic decisions or changes to implement continuous improvement of the EPP's residency program.
- (e) For the purposes of EPP improvement, an EPP shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically based research practices, and the results of internal and external feedback and assessments.

Subchapter D. Required Educator Coursework and Training

§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

- (a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.
- (b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.
- (c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress

throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.

- (d) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.
- (e) The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.
- (f) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:
 - (1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;
 - (2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and
 - (3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.
- (g) An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.
- (h) An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.
- (i) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.
- (j) During the period of preparation, the EPP shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

- (a) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the assignment.
- (b) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and must include multiple performance tasks and other evaluative tools that require candidates to demonstrate proficiency in the educator standards and test framework competencies related to the certificate class or category sought.
- (c) All coursework and/or training shall be completed prior to an EPP identifying a candidate as a completer and recommending standard or enhanced standard certification.
- (d) Coursework and training that is offered online must meet criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:
 - (1) Accreditation or Certification by the Distance Education Accrediting Commission;

- (2) Program Design and Teaching Support Certification by Quality Matters;
- (3) Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or
- (4) Part 1, Chapter 7, of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).

§228.35. Substitution of Applicable Experience and Training.

Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

- (1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;
- (2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and
- (3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

§228.37. Coursework and Training for Classroom Teacher Candidates.

- (a) An educator preparation program (EPP) shall provide each candidate seeking an initial classroom teacher certification with a minimum of 300 clock-hours of coursework and/or training, including required pre-service coursework and training under §228.41 of this title (relating to Pre-Service Coursework and Training for Classroom Teacher Candidates).
- (b) An EPP shall provide a minimum of 200 clock-hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

§228.39. Intensive Pre-Service.

- (a) To offer intensive pre-service, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an intern certificate:
 - (1) a four-week minimum intensive program;
 - (2) a minimum of 12 instructional days with one hour of supervised instruction per day;
 - (3) a minimum of four face-to-face observation/feedback coaching cycles provided by qualified coaches with observations that are a minimum of 15 minutes and coaching meetings that are a minimum of 30 minutes; and
 - (4) the requirements regarding coursework and/or training for a candidate seeking initial certification in the classroom teacher certification class as specified in §228.41 of this title (relating to Pre-Service Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Pre-Service Field-based Experiences for Classroom Teacher Candidates).
- (b) An EPP offering intensive pre-service shall ensure that:
 - (1) a candidate coach participates in a minimum of four observation/feedback coaching cycles provided by program supervisors and ongoing training;

- (2) a candidate coach completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training; and
 - (3) a candidate coach shall have a current certification in the class in which supervision is provided.
- (c) A candidate participating in intensive pre-service will be eligible for an intern certificate by completing:
- (1) the requirements as prescribed in §230.36(f) of this title (relating to Intern Certificates);
 - (2) programmatic requirements under subsection(a)(1)-(4) of this section; and
 - (3) the requirements of the following proficiencies in §150.1002 of Part II of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet all of the following performance level measures:
 - (A) Developing performance level on Planning Dimension 1.1: Standards and Alignment;
 - (B) Developing performance level on Planning Dimension 1.2: Data and Assessment;
 - (C) Developing performance level on Instruction Dimension 2.1: Achieving Expectations;
 - (D) Developing performance level on Instruction Dimension 2.2: Content Knowledge and Expertise;
 - (E) Developing performance level on Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;
 - (F) Developing performance level on Learning Environment Dimension 3.2: Managing Student Behavior;
 - (G) Developing performance level on Learning Environment Dimension 3.3: Classroom Culture;
 - (H) Proficient performance level on Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;
 - (I) Developing performance level on Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and
 - (J) Developing performance level on Professional Practices and Responsibilities Dimension 4.3: Professional Development.
- (d) A candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f) of this title (relating to Probationary Certificates).

§228.41. Pre-Service Coursework and Training for Classroom Teacher Candidates.

Unless a candidate qualifies as a late hire under §228.55 of this title (relating to Late Hire Candidates), a candidate shall complete the following prior to any clinical teaching, internship, or residency:

- (1) a minimum of 50 clock-hours of field-based experiences that are integrated into coursework and are completed as described in §228.43 of this chapter (relating to Pre-Service Field-Based Experiences for Classroom Teacher Candidates); and
- (2) 150 clock-hours of coursework and/or training as prescribed in §228.57 of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency through performance tasks in:
 - (A) preparing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for all learners, and encourage higher-order thinking, persistence, and achievement;
 - (B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;

- (C) ensuring high levels of learning and achievement for all students through knowledge of students, proven practices, and differentiated instruction;
- (D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;
- (E) organizing a safe, accessible, and efficient classroom;
- (F) establishing, communicating, and maintaining clear expectations for student behavior;
- (G) leading a mutually respectful and collaborative class of actively engaged learners;
- (H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;
- (I) reflecting on his or her practice;
- (J) effectively communicating with students, families, colleagues, and community members;
- (K) proactively implementing instructional planning techniques and inclusive practices for all students, including students with disabilities; and
- (L) effectively implementing open education resource instructional materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code, §31.022, in each subject area and grade level covered by the certification category.

§228.43. Pre-Service Field-Based Experiences for Classroom Teacher Candidates.

- (a) An educator preparation program (EPP) shall require each candidate to complete field-based experiences in a variety of authentic school settings with diverse student populations, including observation of teachers modeling effective practices to improve student learning and opportunities for candidates to practice skills and receive feedback.
- (b) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.
- (c) Field-based experiences must include, at a minimum, 25 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities.
 - (1) Field-based experiences must be conducted in settings that include all of the following:
 - (A) authentic school settings in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, including all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC);
 - (B) instruction by content certified teachers;
 - (C) actual students in classrooms/instructional settings with identity-proof provisions; and
 - (D) content or grade-level specific classrooms/instructional settings.
 - (2) Field-based experiences include candidates engaging with activities such as:
 - (A) small group instruction;
 - (B) tutoring;
 - (C) presenting whole class instruction;
 - (D) one-on-one student support;
 - (E) practicing classroom management skills;

- (F) supporting lead teacher instruction; and
- (G) coteaching.
- (3) Each field-based experience must include a written reflection of the experience that:
 - (A) is guided by the EPP;
 - (B) is unique from the other reflections;
 - (C) includes a detailed reflection of each field-based experience; and
 - (D) identifies educational practices observed and/or experienced.
- (4) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.
- (d) Up to 25 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method; service as a teacher of record, service as an educational aide, and service as a substitute teacher; and must be under the direction of the EPP.
 - (1) The field-based experience setting must include:
 - (A) authentic school settings in an accredited public or private school;
 - (B) instruction by content certified teachers;
 - (C) actual students in classrooms/instructional settings with identity-proof provisions; and
 - (D) content or grade-level specific classrooms/instructional settings.
 - (2) Each field-based experience must include a written reflection of the observation that:
 - (A) is guided by the EPP;
 - (B) is unique from the other reflections;
 - (C) includes a detailed reflection of each field-based experience; and
 - (D) identifies educational practices observed and/or experienced.
 - (3) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.
 - (4) Field-based experience hours identified in this subsection must occur after the candidate's admission into the EPP. The candidate's experience in instructional or educational activities, including reflections as described in paragraph (2) of this subsection, must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.
- (e) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute (as defined in §228.2 of this title) either after the candidate's admission to an EPP or during the two years before the candidate's admission to an EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.
- (f) An EPP may apply to use a public school, a private school, or a school system located within any state or territory of the United States as a site for field-based experience in accordance with §228.63(f) of this title (relating to Locations for Required Clinical Experiences).

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

- (a) An educator preparation program (EPP) must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Early Childhood: Prekindergarten-Grade 3 certificate adopted by the State Board for Educator Certification (SBEC) as specified in Chapter 235, Subchapter B, of this title (relating to Elementary School Certificate Standards).

- (b) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.
- (c) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate as specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in §228.33 of this title (relating to Preparation Program Coursework and/or Training for All Certification Classes) and §228.37 of this title (relating to Coursework and Training for Classroom Teacher Candidates of this section) that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. An EPP shall also provide such a candidate a clinical experience as specified in §228.61(a) of this title (relating to Required Clinical Experiences) and §228.63 of this title (relating to Locations for Required Clinical Experiences), a mentor or cooperating teacher as specified in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences), and field supervision and ongoing support as specified in Subchapter F of this chapter.

§228.47. Coursework and Training Requirements for Bilingual Special Education Certification.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards described in Texas Education Code (TEC), §21.04891, for the Bilingual Special Education certificate adopted by the State Board for Educator Certification.

§228.49. Coursework and Training Requirements for a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate adopted by the State Board for Educator Certification.

§228.51. Coursework and Training Requirements for a Deafblind Supplemental: Early Childhood-Grade 12.

An educator preparation program must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Deafblind Supplemental: Early Childhood-Grade 12 certificate adopted by the State Board for Educator Certification.

§228.53. Coursework and Training for Non-Teacher Candidates.

- (a) An educator preparation program (EPP) shall provide coursework and/or training to ensure that the educator is effective in the assignment.
- (b) An EPP shall provide a candidate with a minimum of 200 clock-hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class in §239.15 of this title (relating to Standards Required for the School Counselor Certificate), §239.55 of this title (relating to Standards Required for the School Librarian Certificate), §239.84 of this title (relating to Requirements for the Issuance of the Standard Educational Diagnostician Certificate), §239.93 of this title (relating to Requirements for the Issuance of the Reading Specialist Certificate), §241.15 of this title (relating to Standards Required for the Principal as Instructional Leader Certificate), or §242.15 of this title (relating to Standards Required for the Superintendent Certificate).

§228.55. Late Hire Candidates.

- (a) A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements under §228.41 of this title (relating to Pre-Service Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Pre-Service Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements within 90 business days of the hire date.

- (b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of pre-internship training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.
- (c) A candidate that does not complete the pre-internship requirements under §228.41 of this title and §228.43 of this title within 90 business days of the hire date is not qualified for the intern or probationary certificate. The educator preparation program shall then notify TEA staff to deactivate the intern or probationary certificate in accordance with §228.73(h) of this title (relating to Internship).

§228.57. Educator Preparation Curriculum.

- (a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).
- (b) The curriculum for each educator preparation program (EPP) shall rely on scientifically based research to ensure educator effectiveness and include opportunities for candidate practice in increasingly more authentic and developmentally rigorous ways, including analysis, representations, and enactments of instructional pedagogies and opportunities to receive feedback and adjust practice during coursework, training and field-based and clinical experiences.
- (c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:
 - (1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics) as well as Chapter 249, Subchapter B, of this title (relating to Enforcement Actions and Guidelines), which include:
 - (A) professional ethical conduct, practices, and performance;
 - (B) ethical conduct toward professional colleagues; and
 - (C) ethical conduct toward students;
 - (2) instruction in detection and education of students with dyslexia by an approved provider as indicated in Texas Education Code (TEC), §21.044(b);
 - (3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;
 - (4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students in this state, including students with disabilities;
 - (5) the importance of building strong classroom management skills;
 - (6) the framework in this state for teacher and principal evaluation;
 - (7) appropriate relationships, boundaries, and communications between educators and students;
 - (8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
 - (A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;
 - (B) provide effective, evidence-based strategies to determine a person's degree of digital literacy;

- (C) cover best practices in:
 - (i) assessing students receiving virtual instruction, based on academic progress; and
 - (ii) developing a virtual learning curriculum; and
- (D) include resources to address any deficiencies identified by the digital literacy evaluation;
- (9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC §21.044(a-1)(1)-(3); and
- (10) instruction in the open education resources instructional materials included on the list of approved instructional materials maintained by the State Board for Education under TEC, §31.022, in each subject area and grade level covered by the candidate's certification category, as required under TEC, §21.044(a-1)(4). A preparation program may not include instruction on the use of instructional materials that incorporate the method of three-cueing, as defined by TEC, §28.0062(a-1), into foundational skills reading instruction, as required under TEC, §21.044(h).
- (d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
 - (1) the relevant TEKS, including the English Language Proficiency Standards;
 - (2) reading instruction, including instruction that improves students' content-area literacy;
 - (3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and
 - (4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).
- (e) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:
 - (1) child development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;
 - (2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and
 - (3) Science of Teaching Reading Standards.
- (f) For candidates seeking certification in the Principal certification class, the curriculum shall also include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).

Subchapter E. Educator Candidate Clinical Experiences

§228.61. Required Clinical Experiences.

- (a) To prepare a candidate for initial certification in the classroom teacher certification class, an educator preparation program (EPP) shall provide the candidate one of the following:
 - (1) clinical teaching that meets the standards in §228.67 of this title (relating to Clinical Teaching); or
 - (2) a clinical teaching option that is approved by the State Board for Educator Certification through an exception request under §228.71 of this title (relating to Exceptions to the Clinical Teaching Requirement); or
 - (3) an internship that meets the requirements of §228.73 of this title (relating to Internship); or

- (4) a residency that meets the requirements of §228.65 of this title (relating to Residency).
- (b) Candidates participating in an internship or a clinical teaching assignment must experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.
- (c) To prepare a candidate for initial certification in a class other than classroom teacher, an EPP shall provide a practicum for a minimum of 160 clock-hours that meets the requirements in §228.81 of this title (relating to Clinical Experience for Certification Other Than Classroom Teacher).

§228.63. Locations for Required Clinical Experiences.

- (a) An internship, clinical teaching, practicum, or residency experience must take place in-person in a Prekindergarten-Grade 12 school setting rather than a distance learning lab or virtual school setting.
- (b) An internship, clinical teaching, or residency experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:
 - (1) a certified teacher is available as a trained mentor;
 - (2) the Head Start program is affiliated with the federal Head Start program and approved by the Texas Education Agency (TEA);
 - (3) the Head Start program teaches three- and four-year-old students; and
 - (4) the state's prekindergarten curriculum guidelines are being implemented.
- (c) An internship, clinical teaching, practicum, or residency experience shall not take place in a setting where the candidate:
 - (1) has an administrative role over the mentor, cooperating teacher, site supervisor, or host teacher; or
 - (2) is related to the field supervisor, mentor, cooperating teacher, site supervisor, or host teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.
- (d) School districts and charter schools authorized under Texas Education Code, Chapter 12, all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of internship, clinical teaching, practicum, and/or residency.
- (e) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for internships, clinical teaching, practicums, and/or residency.
- (f) An educator preparation program (EPP) may file an application, with the appropriate fee specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching, practicum, or residency required by this chapter.
 - (1) The clinical teaching, practicum, or residency site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:
 - (A) military assignment of candidate or spouse;
 - (B) illness of candidate or family member for whom the candidate is the primary caretaker;
 - (C) candidate becomes the primary caretaker for a family member residing out of state; or
 - (D) candidate or spouse transfer of employment.
 - (2) The application shall identify the circumstances that necessitate the request to complete clinical teaching, practicum, or residency outside of the state of Texas and be in a form developed by TEA staff and shall include, at a minimum:

- (A) the accreditation(s) held by the school;
 - (B) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable Texas Essential Knowledge and Skills and State Board for Educator Certification certification standards;
 - (C) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and
 - (D) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.
- (g) An EPP may file an application, with the appropriate fee specified in §229.9 of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching, practicum, or residency required by this chapter.
- (1) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:
 - (A) military assignment of candidate or spouse;
 - (B) illness of candidate or family member for whom the candidate is the primary caretaker;
 - (C) candidate becomes the primary caretaker for a family member residing out of country; or
 - (D) candidate or spouse transfer of employment.
 - (2) The application shall identify the circumstances that necessitate the request to complete clinical teaching, practicum, or residency outside of the United States and be in a form developed by TEA staff and shall include, at a minimum:
 - (A) the same provisions required in subsection (f)(2) of this section for schools located within any state or territory of the United States;
 - (B) a description of the on-site program personnel and program support that will be provided;
 - (C) a description of any risks to candidate or supervising personnel associated with placement in the country specified in the application and options for mitigating risks; and
 - (D) a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

§228.65. Residency.

- (a) To offer a residency, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an enhanced standard certificate as prescribed in §230.39 of this title (relating to Enhanced Standard Certificates):
 - (1) the residency must include a minimum of one full school year of clinical experience, including the first and last instructional days with students, in a classroom supervised by a host teacher in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP;
 - (2) the residency clinical experience must meet a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include school district or campus closures or disruptions (e.g., inclement weather, holidays). In the event of a district or campus closure that results in the need for reduced residency clinical experience hours during a given week, the program must document the need for the reduced hours;
 - (3) the minimum may be reduced to no less than 700 hours if the candidate is absent from the clinical assignment due to a documented instance of parental leave, military leave, extended illness, or bereavement; and
 - (4) the beginning date of a residency clinical experience for the purpose of field supervision is the first day of instruction with students in the school or district in which the residency takes place.

- (b) An EPP offering a residency shall ensure that:
- (1) residency candidates are assigned to one distinct field site for the duration of the residency. EPPs may allow exceptions with a documented process for candidates seeking certification in more than one certification category, candidates seeking certification in Early Childhood-Grade 12 certification categories, and candidates with reasonable human resources concerns. The program and the district must both sign documentation that the benefits of two placements outweigh the consequence of not assigning one distinct field placement. Candidates who receive exceptions shall be placed in no more than two distinct field sites;
 - (2) during the course of the residency, the residency candidate shall engage in increased responsibility for student instruction, including coteaching and leading classroom instruction for at least 400 hours; and
 - (3) a residency candidate must experience a full range of professional responsibilities during the residency.
- (c) In addition to the benchmarks and structured assessments required under §228.31(c) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates), the EPP shall manage and support candidate progression through the dimensions described in subsection (f) of this section and determine readiness to proceed to the next level of increased responsibility for student instruction during the residency, including establishing performance gates with performance tasks observed and evaluated by the field supervisor that require residency candidates to demonstrate mastery of certain educator standards to progress to the next level of responsibility for student instruction. Performance gates must be conducted at least four times a year and occur at least twice per semester.
- (d) The EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the residency, unless, prior to the expiration of that term:
- (1) the candidate resigns or is terminated by the school or district;
 - (2) the candidate is discharged or is released from the EPP;
 - (3) the candidate withdraws from the EPP; or
 - (4) the residency assignment does not meet the requirements described in this subchapter.
- (e) If the candidate leaves the residency assignment for any of the reasons identified in subsection (d) of this section, the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment.
- (f) A candidate participating in a residency shall be eligible for an enhanced standard certificate by completing all of the following:
- (1) the requirements as prescribed in §230.39(b) of this title (relating to Enhanced Standard Certificates);
 - (2) programmatic requirements under subsections (a)-(c) of this section;
 - (3) the requirements of the following proficiencies in §150.1002 of Part II of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet the Proficient performance level measure in each of the following dimensions:
 - (A) Planning Dimension 1.1: Standards and Alignment;
 - (B) Planning Dimension 1.2: Data and Assessment;
 - (C) Instruction Dimension 2.1: Achieving Expectations;
 - (D) Instruction Dimension 2.2: Content Knowledge and Expertise;
 - (E) Instruction Dimension 2.3: Communication;

- (F) Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;
- (G) Learning Environment Dimension 3.2: Managing Student Behavior;
- (H) Learning Environment Dimension 3.3: Classroom Culture;
- (I) Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;
- (J) Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and
- (K) Professional Practices and Responsibilities Dimension 4.3: Professional Development.

(g) A residency is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor, host teacher, and campus supervisor recommend to the EPP that the candidate should be recommended for a residency certificate. If the field supervisor, host teacher, or campus supervisor do not recommend that the candidate should be recommended for an enhanced standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and the field supervisor, the host teacher, or the campus supervisor.

§228.67. Clinical Teaching.

- (a) A candidate for initial certification as a classroom teacher must have a clinical teaching assignment for each subject area in which the candidate is seeking certification.
- (b) The required duration of a clinical teaching assignment shall be a minimum of 490 hours that is not less than an average of 4 hours each day in the subject area and grade level of certification sought, including planning periods but not including lunch periods. The minimum may be reduced to no less than 455 hours if the candidate is absent from the clinical teaching assignment due to a documented instance of parental leave, military leave, illness, or bereavement.
- (c) For certification in more than one subject area that cannot be taught concurrently during the same period of the school day as the primary teaching assignment, at least five hours per week of the clinical teaching requirement in subsection (b) of this section must be completed in each additional subject area if and only if:
 - (1) the educator preparation program (EPP) is approved to offer preparation in the certification category required for the additional assignment;
 - (2) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences);
 - (3) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and
 - (4) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.
- (d) The EPP must structure the clinical teaching assignment so that the candidate is provided opportunities for co-teaching and increased instructional responsibility over the course of the clinical teaching assignment and as the candidate demonstrates mastery of educator standards.
- (e) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.

- (f) The EPP may require additional hours of clinical teaching if the first experience was not successful.
- (g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter for the full term of the initial and any additional clinical teaching, unless, prior to the expiration of that term:
 - (1) a standard certificate is issued to the candidate;
 - (2) the candidate is discharged or is released from the EPP; or
 - (3) the candidate withdraws from the EPP.

§228.69. Clinical Teaching While Employed as Educational Aide.

Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirement through their instructional duties. Clinical teaching must meet requirements for clinical teaching as specified in §228.67 of this title (relating to Clinical Teaching) and in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences).

§228.71. Exceptions to Clinical Teaching Requirement.

- (a) An educator preparation program (EPP) may request an exception to the clinical teaching option described in §228.67 of this title (relating to Clinical Teaching).
- (b) An EPP must request an exception by September 15 by submitting a form developed by Texas Education (TEA) staff that requires the EPP to specify:
 - (1) an alternate requirement that will adequately prepare the candidate for educator certification and ensure the educator is effective in the classroom;
 - (2) the rationale and support for the alternate clinical teaching option;
 - (3) a full description and methodology of the alternate clinical teaching option;
 - (4) a description of the controls to maintain the delivery of equivalent, quality education; and
 - (5) a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.
- (c) Exception requests will be reviewed by TEA staff, and TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved.
 - (1) The SBEC may:
 - (A) approve the request;
 - (B) approve the request with conditions;
 - (C) deny approval of the request; or
 - (D) defer action on the request pending receipt of further information.
 - (2) If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.
 - (3) If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. EPPs who were approved for an exception before September 1, 2022, must submit a report to the TEA by September 1, 2024.
 - (A) TEA staff shall present the report to the SBEC to determine whether to renew the exception for another year.
 - (B) If the EPP does not timely submit the report, the approval is revoked.
 - (4) If the SBEC denies the exception or an approval is revoked, an EPP must wait at least two years from the date of the denial or revocation before submitting a new request.

§228.73. Internship.

- (a) While participating in an internship, a candidate must hold an intern or probationary certificate that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The educator preparation program (EPP) must verify and document that the candidate's intern or probationary certificate is active prior to the start of the internship assignment.
- (b) An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.
- (c) An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.
- (d) The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.
- (e) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:
 - (1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;
 - (2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;
 - (3) the EPP is approved to offer preparation in the certification category required for the additional assignment;
 - (4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and
 - (5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.
- (f) An EPP may recommend an additional internship if:
 - (1) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's mentor, and the EPP implements the plan during the additional internship; or
 - (2) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.
- (g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship, unless, prior to the expiration of that term:
 - (1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;
 - (2) the candidate resigns, is non-renewed, or is terminated by the school or district;
 - (3) the candidate is discharged or is released from the EPP;
 - (4) the candidate withdraws from the EPP;
 - (5) the candidate is a late hire and fails to meet the pre-internship requirements within 90 business days of assignment in accordance with §228.55 of this title (relating to Late Hire Candidates); or
 - (6) the internship assignment does not meet the requirements described in this subchapter.

- (h) If the candidate leaves the internship assignment for any of the reasons identified in subsection (g) of this section:
 - (1) the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment; and
 - (2) the TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate's last day of the assignment in a format determined by the TEA.
- (i) The EPP must communicate the requirements in subsection (h) of this section to candidates and campus or district personnel prior to the assignment start date.
- (j) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.
- (k) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.75. Clinical Experience for Candidate Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking certification as a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12, an educator preparation program (EPP) shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for a candidate seeking certification as a TVI.
- (b) The clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.

§228.77. Clinical Experience for Candidate Seeking Certification as Deafblind (DB) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking certification in the Deafblind (DB) Supplemental: Early Childhood-Grade 12, an educator preparation program (EPP) shall provide a clinical experience of at least 350 clock-hours in a supervised educator assignment in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for a candidate seeking certification in the Deafblind supplemental.
- (b) The clinical experience is successful when the field supervisor recommends to the EPP that the Deafblind certification candidate should be recommended for a Deafblind supplemental certification.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

- (a) Under Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, clinical teaching, or residency.
- (b) Under TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program (EPP)

or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, residency, or field-based experience program requirement.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

- (a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.
- (b) A practicum may not take place exclusively during a summer recess.
- (c) An intern or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).
- (d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:
 - (1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or
 - (2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.
- (e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.
- (f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:
 - (1) a standard certificate is issued to the candidate;
 - (2) the candidate is discharged or is released from the EPP; or
 - (3) the candidate withdraws from the EPP.

Subchapter F. Support for Candidates During Required Clinical Experiences

§228.91. Mentors, Cooperating Teachers, Host Teachers, and Site Supervisors.

- (a) In order to support a new educator and to increase educator retention, an educator preparation program (EPP) and campus or district administrator shall collaboratively assign each candidate a mentor during the candidate's internship, collaboratively assign a cooperating teacher during the candidate's clinical teaching experience, collaboratively assign a host teacher during the candidate's residency, and collaboratively assign a site supervisor during the candidate's practicum.
- (b) For teacher residencies, the EPP and campus or district administrator shall share responsibility for selection of host teachers, including determining specific selection criteria, development of a scoring rubric, and development of a selection process that involves representatives from the EPP and campus or district administration.
- (c) For internships and practicums, the mentor or site supervisor must be assigned to the candidate within three weeks of the candidate's assignment start date. The EPP must not allow a candidate to be in an internship or practicum without an assigned mentor or site supervisor for longer than three weeks.

- (d) If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, host teacher, or site supervisor is not available, the EPP and campus or district administrator shall collaborate to ensure an individual who most closely meets the criteria is assigned to the candidate, and the EPP must document the reason for selecting an individual that does not meet the criteria.
- (e) The EPP is responsible for providing mentor, cooperating teacher, host teacher, and/or site supervisor training that relies on scientifically based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented in accordance with the evidence requirements of Figure: 19 TAC §228.13(f).

§228.93. Cooperating Teacher Qualifications and Responsibilities.

- (a) Required qualifications of a cooperating teacher:
 - (1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);
 - (2) an accomplished educator as shown by student learning;
 - (3) trained by the educator preparation program, including training in co-teaching strategies and in how to coach and mentor teacher candidates, during the twelve weeks before or three weeks after being assigned to the clinical teacher;
 - (4) not assigned to the candidate as a mentor, field supervisor, or site supervisor; and
 - (5) valid certification in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification.
- (b) Duties of a cooperating teacher:
 - (1) guide, assist, and support the candidate during the candidate's clinical teaching in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and
 - (2) report the candidate's progress to the candidate's field supervisor.

§228.95. Host Teacher Qualifications and Responsibilities.

- (a) Required qualifications of a host teacher:
 - (1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);
 - (2) an accomplished educator, as determined by the educator preparation program (EPP) in partnership with the district or campus administration, and shown by:
 - (A) at least three years of proficient or above proficient ratings on teacher evaluations;
 - (B) demonstrated evidence of positive impact on student learning as determined by a set of student growth and/or achievement data agreed upon by the partnership; and
 - (C) other dispositional criteria prioritized by the residency partnership;
 - (3) trained by the EPP, including training in co-teaching strategies and how to coach and mentor teacher candidates, at least twice per school year, including before or within the three weeks after being assigned as a host teacher;
 - (4) not assigned to the candidate as a field supervisor; and
 - (5) valid certification in the certification category for the residency assignment for which the residency candidate is seeking certification.
- (b) Duties of a host teacher:

- (1) co-teach with the residency candidate, gradually releasing instructional responsibility and lead instruction time to the candidate as specified in §228.65(b)(2) of this title (relating to Residency);
- (2) guide, assist, give feedback to, and support the candidate during the candidate's residency in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and
- (3) report the candidate's progress to the candidate's field supervisor at least monthly.

§228.97. Mentor Qualifications and Responsibilities.

(a) Required qualifications of a mentor:

- (1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);
- (2) accomplishment as an educator as shown by student learning;
- (3) not assigned to the candidate as a cooperating teacher, field supervisor, or site supervisor;
- (4) trained as a mentor by the educator preparation program (EPP) or the campus or district, including training in how to coach and mentor teacher candidates, during the twelve weeks before or three weeks after the candidate's assignment start date; and
- (5) valid certification in the certification category in which the internship candidate is seeking certification.

(b) Duties of a mentor:

- (1) guide, assist, and support the candidate throughout the entirety of the internship in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and
- (2) report the candidate's progress to the candidate's field supervisor.

§228.99. Site Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a site supervisor:

- (1) at least three creditable years of experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the aspect(s) of the certification class being pursued by the candidate;
- (2) valid certification in the certification class in which the practicum candidate is seeking certification;
- (3) trained by the educator preparation program (EPP), including training in how to coach and mentor candidates, during the twelve weeks before or three weeks after the start of the candidate's practicum;
- (4) not serving as a field supervisor for a candidate completing a practicum, clinical teaching, or internship; and
- (5) accomplishment as an educator as shown by student learning.

(b) Duties of a site supervisor:

- (1) guide, assist, and support the candidate during the practicum; and
- (2) report the candidate's progress to the candidate's field supervisor.

§228.101. Field Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a field supervisor:

- (1) accomplishment as an educator as shown by student learning; and
 - (2) not employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum; and
 - (3) trained by the educator preparation program (EPP) as a field supervisor; and
 - (4) for a supervisor of residency candidates, trained annually by the EPP in coaching and co-teaching strategies and candidate evaluation and participation in school and/or district trainings, as determined by the district partner; and
 - (5) has completed Texas Education Agency (TEA)-approved training as required in subsection (b)(1) of this section or, for field supervisors supporting teacher candidates, is a currently certified Texas Teacher Evaluation and Support System (T-TESS) appraiser; and
 - (6) not assigned to the candidate as a mentor, cooperating teacher, or site supervisor; and
 - (7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, or:
 - (A) for a supervisor of classroom teacher and reading specialist candidates, experience as a campus-level administrator and a current certificate that is appropriate for a principal assignment may also supervise teacher and reading specialist candidates; or
 - (B) for a supervisor of principal candidates, experience as a district-level administrator and a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates; and either
 - (8) valid certification in the class in which supervision is provided; or
 - (9) at least a master's degree in the academic area or field related to the certification class for which supervision is being provided, and in compliance with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) for the certification class for which supervision is being provided.
- (b) Duties of a field supervisor:
- (1) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained annually as a field supervisor by the EPP and completed TEA-approved field supervisor training at least every three years. Field supervisors who have completed TEA-approved training must renew that training by September 1, 2026, and then renew the training at least one time per each three-year period thereafter. Field supervisors who support teacher candidates and who maintain valid T-TESS certification are not required to renew TEA-approved field supervisor training.
 - (2) The field supervisor must contact the assigned candidate within the first three weeks after the assignment start date for a candidate seeking certification as a classroom teacher and within the first quarter of the assignment for a candidate seeking certification in a class other than classroom teacher. The field supervisor must contact a candidate who is a late hire as defined in §228.2 of this title (relating to Definitions) within the first week after the candidate's assignment start date. Contact may be made by telephone, email, or other electronic communication.
 - (3) The field supervisor shall verify the candidate's internship placement within the first three weeks of the candidate's internship assignment and shall notify the EPP if the internship placement does not meet the requirements of this chapter, including assignment of a qualified mentor.
 - (4) Field supervisors shall conduct observations of candidates as described in §§228.103 of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 of this title (relating to Formal Observations for Candidates in Clinical Teaching

Assignments), 228.109 of this title (relating to Formal Observations for Candidates in Internship Assignments), 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides), 228.113 of this title (relating to Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12), 228.115 of this title (relating to Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12), and 228.117 of this title (relating to Support and Formal Observations for Candidates Other Than Classroom Teacher).

- (5) With the exception of candidates who are late hires as defined in §228.2 of this title, field supervisors of candidates in clinical teaching, internship, and practicum assignments shall provide informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following:
 - (A) at least three informal observations that are 15 minutes or more in duration per semester of the internship, clinical teaching, or practicum assignment;
 - (B) the first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous;
 - (C) informal observations of practicum candidates may be virtual, either synchronous or asynchronous;
 - (D) are informed by written feedback provided during post-observation conferences; and
 - (E) include observation and feedback on targeted skills.
- (6) Field supervisors must provide to a candidate who is a late hire as defined in §228.2 of this title informal observations as required in subsection (b)(5) of this section. Two of the required informal observations must be provided within the first eight weeks of the candidate's assignment start date and both informal observations must be in-person.
- (7) Field supervisors of candidates in residency assignments shall provide informal observations and ongoing coaching that, at a minimum, include the following:
 - (A) at least four in person informal observations that are 15 minutes or more in duration per semester, totaling at least eight observations over the course of the year-long teacher residency placement. The first informal must occur within the first four weeks of the residency placement;
 - (B) are informed by written feedback provided during post-observation conferences; and
 - (C) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill.
- (8) For candidates participating in an internship, the field supervisor shall provide a copy of all written feedback to the candidate's supervising campus administrator and assigned mentor. For candidates participating in a residency, the field supervisor shall provide a copy of all written feedback to the candidate's host teacher and campus supervisor.
- (9) In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher at least three times throughout the clinical teaching experience.
- (10) For a residency, the field supervisor shall collaborate with the candidate, campus supervisor, and the host teacher throughout the residency, including regular meetings and/or collaborative supports at least three times each semester with the campus supervisor and twice monthly with the host teacher. Meetings may be held virtually, and collaborative supports may include but are not limited to co-observation of candidates, co-coaching of candidates, and calibration for inter-rater reliability.

- (11) For an internship, the field supervisor shall collaborate with the candidate and campus supervisor, or their designee, at least twice per semester. Collaboration may include but is not limited to co-observations (formal and informal), post-observation collaborative coaching, collaborative goal setting, or the provision of actionable feedback related to collaboratively established goals.
- (12) For non-teacher candidates in a practicum, the field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

§228.103. Formal Observations for Candidates in Residency Assignments.

- (a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all residency assignments.
- (b) For a residency described in §228.65 of this title (relating to Residency):
 - (1) an EPP must provide a minimum of two formal observations of 45 minutes each during the first semester of the residency and a minimum of two formal observations of 45 minutes each during the second semester of the residency. All formal observations must include a pre-observation and post-observation conference with the candidate; and
 - (2) all of the minimum formal observations must be in-person.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

- (a) Educator preparation programs shall ensure that the field supervisor conducts formal observations of the candidates completing a clinical experience.
- (b) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.
- (c) Each formal virtual observation must be:
 - (1) at least 45 minutes in length;
 - (2) conducted by the field supervisor;
 - (3) followed by a post-observation conference within 72 hours of the educational activity; and
 - (4) conducted through use of an unedited electronic transmission, video, or technology-based method.
- (d) For each formal observation, whether in-person or virtual, the field supervisor shall:
 - (1) participate in an individualized pre-observation conference with the candidate;
 - (2) document educational practices observed;
 - (3) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and
 - (4) provide a copy of the written feedback to the candidate's cooperating teacher or mentor.
- (e) Neither the pre-observation conference nor the post-observation conference needs to be onsite.

§228.107. Formal Observations for Candidates in Clinical Teaching Assignments.

- (a) An educator preparation program (EPP) must provide the first formal observation within the first third of all clinical teaching assignments.
- (b) For a clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.
- (c) For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of

each assignment and a minimum of one formal observation must be provided during the second half of each assignment.

- (d) For a clinical teaching assignment:
 - (1) at least two of the minimum formal observations must be in-person for each assignment; and
 - (2) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

- (a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all internship assignments. The first formal observation must be conducted in-person.
- (b) For an internship under an intern certificate or an additional internship described in §228.73 of this title (relating to Internship):
 - (1) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and
 - (2) at least three of the minimum formal observations must be in-person.
- (c) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title:
 - (1) an EPP must provide a minimum of three formal observations during the first half of the assignment, and a minimum of two formal observations during the second half of the assignment; and
 - (2) at least two of the minimum formal observations must be in-person.
- (d) If an internship under an intern certificate or an additional internship described in §228.73 of this title involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
 - (1) an EPP must provide a minimum of three observations in each assignment;
 - (2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;
 - (3) at least two of the minimum formal observations must be in-person for each assignment; and
 - (4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.
- (e) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:
 - (1) an EPP must provide a minimum of three-observations in each assignment;
 - (2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;
 - (3) at least two of the minimum formal observations must be in-person for each assignment; and
 - (4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.

§228.111. Formal Observations for Candidates Employed as Educational Aides.

For candidates employed as certified educational aides completing clinical teaching, an educator preparation program must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.

§228.113. Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12.

- (a) For a candidate seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12 certificate, an educator preparation program (EPP) must provide guidance, assistance, and support by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
- (b) An EPP shall collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.
- (c) Supervision of each TVI candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
 - (1) Formal observations of TVI candidates must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.
 - (2) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.
 - (3) For each observation, the field supervisor shall:
 - (A) conduct an individualized pre-observation conference with the candidate before each observation;
 - (B) document educational practices observed during each observation; and
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate following each observation.
 - (4) The field supervisor may provide formal observations, pre-observation conferences, and post-observation conferences either in a face-to-face setting or by the use of electronic transmission or other video or technology-based methods.

§228.115. Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12 Certification.

- (a) For a candidate seeking a Deafblind Supplemental: Early Childhood-Grade 12 certificate, an educator preparation program (EPP) must provide guidance, assistance, and support by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.
- (b) An EPP shall collaborate with the Texas School for the Blind and Visually Impaired to assign a mentor for the candidate. The Texas School for the Blind and Visually Impaired is responsible for providing training for all mentors.
- (c) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
 - (1) Formal observations of candidates must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.

- (2) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.
- (3) The field supervisor shall:
 - (A) conduct an individualized pre-observation conference with the candidate before each observation;
 - (B) document educational practices observed during each observation; and
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate following each observation.
- (4) The field supervisor may provide formal observations, pre-observation conferences, and post-observation conferences either in a face-to-face setting or by the use of electronic transmission or other video or technology-based methods.

§228.117. Support and Formal Observations for Candidates Other Than Classroom Teacher.

- (a) Supervision of each candidate seeking certification in a class other than classroom teacher shall be conducted with the structured guidance and regular ongoing support of an experienced educator who is qualified and has been trained as a field supervisor in accordance with §228.101 of this title (relating to Field Supervisor Qualifications and Responsibilities).
- (b) For candidates in a practicum:
 - (1) An educator preparation program (EPP) must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.
 - (2) The three required formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.
 - (3) For each formal observation, the field supervisor shall:
 - (A) participate in an individualized pre-observation conference with the candidate;
 - (B) document educational practices observed during the observation;
 - (C) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and
 - (D) provide a copy of the written feedback to the candidate's site supervisor.
 - (4) The field supervisor may conduct the formal observations, pre-observation conferences, and post-observation conferences either in-person or virtually.

Subchapter G. Complaints and Investigations

§228.121. Complaints and Investigations Procedures.

- (a) Purpose. An applicant for candidacy in an educator preparation program (EPP), an employee or former employee of an EPP, a cooperating teacher, a host teacher, a mentor, a site supervisor, or an administrator in a public or private school that serves as a site for clinical teaching, residency, internship, or practicum experiences may submit a complaint about an EPP for investigation and resolution.
- (b) Complaint form. Texas Education Agency (TEA) staff shall develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form shall be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be investigated.

(c) Processing the complaint.

- (1) TEA staff shall record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.
- (2) The complaint shall be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.
- (3) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.
- (4) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff may close the complainant without action.
- (5) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.

(d) Investigating the complaint.

- (1) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff shall notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.
- (2) TEA staff may request additional information from the individual and from the EPP.
- (3) An EPP shall:
 - (A) cooperate fully with any SBEC investigation; and
 - (B) respond within 10 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:
 - (i) TEA staff imposes a different response date; or
 - (ii) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.
 - (C) If an EPP fails to comply with this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.
- (4) Resolving the complaint.
 - (A) Upon completion of an investigation, TEA staff shall notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice shall specify the statute and/or rule that was alleged to have been violated.
 - (B) Each party shall have 10 business days to present additional evidence or to dispute the findings of the investigation.
 - (C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, TEA staff shall close the investigation and notify both parties in writing.
 - (D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply.

- (i) TEA staff shall notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.
- (ii) Within 10 business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff shall agree to a timely resolution of each violation. If the parties cannot agree on a resolution within 10 business days, TEA staff shall unilaterally propose a resolution and timeline.
- (iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and the results recorded in accordance with subparagraph (E) of this paragraph. TEA staff shall provide the EPP written notice that the investigation is closed.
- (iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff shall make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval). The SBEC's decision shall be recorded in accordance with subparagraph (E) of this paragraph.
- (v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (relating to Informal Review of Texas Education Agency Recommendations).

(E) The final disposition of the complaint shall be recorded in the TEA complaints tracking system.

§228.123. Educator Preparation Program Responsibilities for Candidate Complaints.

- (a) The educator preparation program (EPP) shall adopt and send to Texas Education Agency (TEA) staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.
- (b) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.
- (c) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with §228.121(b) of this title (relating to Complaints and Investigations Procedures).
- (d) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with §228.121(b) of this title.

ATTACHMENT II
Text of Proposed Repeal of 19 TAC

[Chapter 228. Requirements for Educator Preparation Programs]

§228.1. General Provisions:

- ~~(a) To ensure the highest level of educator preparation and practice, the State Board for Educator Certification (SBEC) recognizes that the preparation of educators must be the joint responsibility of educator preparation programs (EPPs) and the Early Childhood-Grade 12 public and private schools of Texas. Collaboration in the development, delivery, and evaluation of educator preparation is required.~~
- ~~(b) Consistent with the Texas Education Code, §21.049, the SBEC's rules governing educator preparation are designed to promote flexibility and creativity in the design of EPPs to accommodate the unique characteristics and needs of different regions of the state as well as the diverse population of potential educators.~~
- ~~(c) All EPPs are subject to the same standards of accountability, as required under Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs).~~
- ~~(d) If the governor declares a state of disaster consistent with the Texas Government Code, §418.014, Texas Education Agency staff may extend deadlines in this chapter for up to 90 days and decrease clinical teaching, internship, and practicum assignment minimums by up to 20 percent as necessary to accommodate persons in the affected disaster areas.~~
- ~~(e) For purposes of educator preparation training under §228.35 of this title (relating to Preparation Program Coursework and/or Training) during the 2020-2021 academic year, actual school settings and authentic school settings may include campuses with a traditional, in person setting that are temporarily functioning in a virtual setting, and face to face settings for formal observations may include synchronous virtual settings or asynchronous virtual settings.~~

§228.2. Definitions:

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- ~~(1) Academic year If not referring to the academic year of a particular public, private, or charter school or institution of higher education, September 1 through August 31.~~
- ~~(2) Accredited institution of higher education An institution of higher education that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.~~
- ~~(3) Alternative certification program An approved educator preparation program, delivered by entities described in §228.20(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional undergraduate certification program, for individuals already holding at least a bachelor's degree from an accredited institution of higher education.~~
- ~~(4) Benchmarks A record similar to a transcript for each candidate enrolled in an educator preparation program documenting the completion of admission, program, certification, and other requirements.~~
- ~~(5) Campus supervisor A school administrator or designee responsible for the annual performance appraisal of an intern.~~
- ~~(6) Candidate An individual who has been formally or contingently admitted into an educator preparation program; also referred to as an enrollee or participant.~~
- ~~(7) Candidate coach A person as defined in §228.33(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency approved observation training or has~~

- ~~completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.~~
- ~~(8) — Certification category — A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).~~
- ~~(9) — Certification class — A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.~~
- ~~(10) — Classroom teacher — An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full time administrator.~~
- ~~(11) — Clinical teaching — A supervised educator assignment through an educator preparation program at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.~~
- ~~(12) — Clock hours — The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited institution of higher education is equivalent to 15 clock hours. Clock hours of field-based experiences, clinical teaching, internship, and practicum are actual hours spent in the required educational activities and experiences.~~
- ~~(13) — Contingency admission — Admission as described in §227.15 of this title (relating to Contingency Admission).~~
- ~~(14) — Cooperating teacher — For a clinical teacher candidate, an educator who is collaboratively assigned by the educator preparation program (EPP) and campus administrator; who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed cooperating teacher training, including training in how to coach and mentor teacher candidates, by the EPP within three weeks of being assigned to a clinical teacher; who is currently certified in the certification category for the clinical teaching assignment for which the clinical teacher candidate is seeking certification; who guides, assists, and supports the candidate during the candidate's clinical teaching in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.~~
- ~~(15) — Educator preparation program — An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more educator certification classes.~~
- ~~(16) — Entity — The legal entity that is approved to deliver an educator preparation program.~~
- ~~(17) — Field based experiences — Introductory experiences for a classroom teacher certification candidate involving, at the minimum, reflective observation of Early Childhood Grade 12 students, teachers, and faculty/staff members engaging in educational activities in a school setting.~~
- ~~(18) — Field supervisor — A currently certified educator, hired by the educator preparation program, who preferably has advanced credentials, to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators. A field supervisor shall have at least three years of experience and current certification in the class in which supervision is provided. A field supervisor shall be an accomplished educator as shown by student learning. A field supervisor with experience as a campus level administrator and who holds a current certificate that is appropriate for a principal assignment may also supervise classroom teacher, master teacher, and reading specialist candidates. A field supervisor with experience as a district level administrator and who holds a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates. If an individual is not currently certified, an individual must hold at least a master's degree in the academic area or field related to the certification class for which supervision is being provided and comply with the same number.~~

~~content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities). A field supervisor shall not be employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum. A mentor, cooperating teacher, or site supervisor, assigned as required by §228.35(f) of this title (relating to Preparation Program Coursework and/or Training), may not also serve as a candidate's field supervisor.~~

- ~~(19) — Formal admission — Admission as described in §227.17 of this title (relating to Formal Admission).~~
- ~~(20) — Head Start Program — The federal program established under the Head Start Act (42 United States Code, §9801 et seq.) and its subsequent amendments.~~
- ~~(21) — Initial certification — The first Texas certificate in a class of certificate issued to an individual based on participation in an approved educator preparation program.~~
- ~~(22) — Intensive Pre-Service — An educator assignment supervised by an educator preparation program accredited and approved by the State Board for Educator Certification prior to a candidate meeting the requirements for issuance of intern and probationary certificates.~~
- ~~(23) — Intern certificate — A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing initial requirements for certification through an approved educator preparation program.~~
- ~~(24) — Internship — A paid supervised classroom teacher assignment for one full school year at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.~~
- ~~(25) — Late hire — An individual who has not been accepted into an educator preparation program before the 45th day before the first day of instruction and who is hired for a teaching assignment by a school after the 45th day before the first day of instruction or after the school's academic year has begun.~~
- ~~(26) — Mentor — For an internship candidate, an educator who is collaboratively assigned by the campus administrator and the educator preparation program (EPP); who has at least three years of teaching experience; who is an accomplished educator as shown by student learning; who has completed mentor training, including training in how to coach and mentor teacher candidates, by an EPP within three weeks of being assigned to the intern; who is currently certified in the certification category in which the internship candidate is seeking certification; who guides, assists, and supports the candidate during the internship in areas such as planning, classroom management, instruction, assessment, working with parents, obtaining materials, district policies; and who reports the candidate's progress to that candidate's field supervisor.~~
- ~~(27) — Pedagogy — The art and science of teaching, incorporating instructional methods that are developed from scientifically based research.~~
- ~~(28) — Post baccalaureate program — An educator preparation program, delivered by an accredited institution of higher education and approved by the State Board for Educator Certification to recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree.~~
- ~~(29) — Practicum — A supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.~~
- ~~(30) — Probationary certificate — A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved educator preparation program.~~

- ~~(31) School day If not referring to the school day of a particular public or private school, a school day shall be at least seven hours (420 minutes) each day, including intermissions and recesses.~~
- ~~(32) School year If not referring to the school year of a particular public or private school, a school year shall provide at least 180 days (75,600 minutes) of instruction for students.~~
- ~~(33) Site supervisor For a practicum candidate, an educator who has at least three years of experience in the aspect(s) of the certification class being pursued by the candidate; who is collaboratively assigned by the campus or district administrator and the educator preparation program (EPP); who is currently certified in the certification class in which the practicum candidate is seeking certification; who has completed training by the EPP, including training in how to coach and mentor candidates, within three weeks of being assigned to a practicum candidate; who is an accomplished educator as shown by student learning; who guides, assists, and supports the candidate during the practicum; and who reports the candidate's progress to the candidate's field supervisor.~~
- ~~(34) Students with disabilities A student who is eligible to participate in a school district's special education program under Texas Education Code, §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or is covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).~~
- ~~(35) Texas Education Agency staff Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.~~
- ~~(36) Texas Essential Knowledge and Skills (TEKS) The kindergarten Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.~~

§228.10. Approval Process.

- ~~(a) New entity approval. An entity seeking initial approval to deliver an educator preparation program (EPP) shall submit an application and proposal with evidence indicating the ability to comply with the provisions of this chapter, Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates), Chapter 229 of this title (relating to Accountability System for Educator Preparation Programs), and Chapter 230 of this title (relating to Professional Educator Preparation and Certification). The proposal will be reviewed by the Texas Education Agency (TEA) staff and a pre approval site visit will be conducted. The TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the entity should be approved. A post approval site visit will be conducted after the first year of the EPP's operation.~~
 - ~~(1) The proposal shall include the following program approval components:

 - ~~(A) ownership and governance of the EPP;~~
 - ~~(B) criteria for admission to the EPP;~~
 - ~~(C) EPP curriculum;~~
 - ~~(D) EPP coursework and/or training, including ongoing support during clinical teaching, internship, and practicum experiences;~~
 - ~~(E) certification procedures;~~
 - ~~(F) assessment and evaluation of candidates for certification and EPP improvement;~~
 - ~~(G) professional conduct of EPP staff and candidates;~~
 - ~~(H) EPP complaint procedures;~~
 - ~~(I) required submissions of information, surveys, and other accountability data; and~~
 - ~~(J) as required under Texas Education Code (TEC), §21.0443(b)(1) and (2), proactive instructional planning techniques throughout the course work for candidates and across~~~~

~~content areas and inclusive practices for all students, including students with disabilities, throughout coursework and clinical experience for candidates.~~

~~(2) The proposal shall also include identification of the classes and categories of certificates proposed to be offered by the entity.~~

~~(b) Continuing entity approval. An entity approved by the SBEC under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of the TEA staff.~~

~~(1) At the time of the review, the entity shall submit to the TEA staff a status report regarding its compliance with existing standards and requirements for EPPs. An EPP is responsible for establishing procedures and practices sufficient to ensure the security of information against unauthorized or accidental access, disclosure, modification, destruction, or misuse prior to the expiration of the retention period. Evidence of compliance is described in the figure provided in this paragraph.~~

~~Figure: 19 TAC §228.10(b)(1)~~

~~(2) Unless specified otherwise, the entity must retain evidence of compliance described in the figure in paragraph (1) of this subsection for a period of five years.~~

~~(3) TEA staff shall, at the minimum, use the following risk factors to determine the need for discretionary reviews and the type of five-year reviews:~~

~~(A) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:~~

~~(i) the seriousness of any violation of a rule, standard, or procedure;~~

~~(ii) whether the violation resulted in an action being taken against the program;~~

~~(iii) whether the violation was promptly remedied by the program;~~

~~(iv) the number of alleged violations; and~~

~~(v) any other matter considered to be appropriate in evaluating the program's compliance history;~~

~~(B) whether the program meets the accountability standards under TEC, §21.045; and~~

~~(C) whether a program is accredited by other organizations.~~

~~(c) Approval of clinical teaching for an alternative certification program. An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by the TEA staff on an application in a form developed by the TEA staff that shall include, at a minimum:~~

~~(1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;~~

~~(2) selection criteria for clinical teachers;~~

~~(3) selection criteria for cooperating teachers;~~

~~(4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;~~

~~(5) description of program supervision; and~~

~~(6) description of how candidates are evaluated.~~

~~(d) Addition of certificate categories and classes.~~

~~(1) An EPP that is rated "accredited," as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request additional certificate categories be approved by TEA staff, by submitting an application in a form developed by the TEA staff that shall include, at a minimum, the curriculum matrix; a description of how the standards for Texas educators are incorporated~~

~~into the EPP; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in each certification category being requested. The curriculum matrix must include the standards, framework competencies, applicable Texas Essential Knowledge and Skills, course and/or module names, and the benchmarks or assessments used to measure successful program progress.~~

- ~~(2) — An EPP rated "accredited" and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels by submitting an application in a form developed by the TEA staff that shall include, at a minimum, a modified curriculum matrix that includes the standards, course and/or module names, and the benchmarks or assessments used to measure successful program progress. The requested additional certificate categories must be within the classes of certificates for which the EPP has been previously approved by the SBEC.~~
- ~~(3) — An EPP that is not rated "accredited" may not apply to offer additional certificate categories or classes of certificates.~~
- ~~(4) — An EPP that is rated "accredited" may request the addition of a certificate class that has not been previously approved by the SBEC, but must present a full proposal on an application in a form developed by the TEA staff for consideration and approval by the SBEC.~~
- ~~(e) — Addition of program locations. An EPP that is rated "accredited," may open additional locations, provided the program informs the SBEC of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate.~~
- ~~(f) — Contingency of approval. Approval of an EPP by the SBEC, including each specific certificate class and category, is contingent upon approval by other lawfully established governing bodies such as the Texas Higher Education Coordinating Board, boards of regents, or school district boards of trustees. Continuing EPP approval is contingent upon compliance with superseding state and federal law.~~
- ~~(g) — Notwithstanding any other provisions of this section, a program that is approved to offer certificates that the SBEC has replaced with new certificates, which require a science of teaching reading assessment, may be approved to offer the certificates by submitting on or before December 1, 2020, a request to offer the new certificates in a form developed by the TEA staff. This request must include at a minimum an attestation signed by the program's legal authority of the program's intent to modify its curriculum by January 1, 2021, as necessary to prepare candidates for the new certificate. Programs may be approved to offer the new certificates only for the route(s) for which they are approved to offer the existing certificates. A program that does not file a request for approval to offer the new certificates on or before December 1, 2020, may apply for authorization using the process described in subsection (d) of this section. The eligible certificates are as follows:
 - ~~(1) — a program approved to offer Core Subjects: Early Childhood 6 may request to offer Core Subjects with Science of Teaching Reading: Early Childhood 6;~~
 - ~~(2) — a program approved to offer Core Subjects: Grades 4-8 may request to offer Core Subjects with Science of Teaching Reading: Grades 4-8;~~
 - ~~(3) — a program approved to offer English Language Arts and Reading: Grades 4-8 may request to offer English Language Arts and Reading with Science of Teaching Reading: Grades 4-8; and~~
 - ~~(4) — a program approved to offer English Language Arts and Reading/Social Studies: Grades 4-8 may request to offer English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.~~~~

§228.15. Program Consolidation or Closure.

- ~~(a) — An educator preparation program (EPP) that is consolidating or closing must comply with the following procedures to ensure that all issues relevant to EPP consolidation or closure have been addressed.~~

- ~~(1) The EPP must submit a letter on official letterhead to Texas Education Agency (TEA) staff signed by the legal authority of the EPP that contains a formal statement of consolidation or closing with an effective date of August 31 for consolidation or closure.~~
- ~~(2) The EPP must contact candidates currently in the EPP with notification of consolidation or closure and the steps candidates must take in relation to their status. The EPP shall maintain evidence of the attempts to notify each candidate.~~
- ~~(3) The EPP shall not admit candidates or recommend candidates for an intern or probationary certificate within one year of the August 31 closure date.~~
- ~~(4) The EPP must identify and keep current a representative's name, electronic mail address, and telephone number that will be valid for five years after an EPP's closure to provide access to candidate records and responses to former candidate's questions and/or issues. If an EPP is consolidating, the candidate records will transfer to the new EPP.~~
- ~~(5) The EPP must complete required State Board for Educator Certification (SBEC) and TEA actions, including required submissions of information, surveys, and other accountability data; removal of security accesses; reconciliation of certification recommendations; and payment of the Accountability System for Educator Preparation Programs technology fee as specified in §229.9(7) of this title (relating to Fees for Educator Preparation Program Approval and Accountability).~~
- ~~(b) The chief operating officer, legal authority, or a member of the governing body of an EPP that fails to comply with the consolidation or closure procedures in this section is not eligible to be recommended to the SBEC for approval as an EPP.~~
- ~~(c) The chief operating officer, legal authority, or a member of the governing body of an EPP that closes voluntarily due to pending TEA or SBEC action or involuntarily due to SBEC action is not eligible to be recommended to the SBEC for approval as an EPP.~~
- ~~(d) If an EPP is consolidating and fails to comply with the consolidation procedures in this section, TEA staff may make a recommendation that the SBEC impose sanctions affecting the new EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).~~
- ~~(e) If an EPP violates any of the requirements as prescribed in subsection (a)(1)-(5) of this section, TEA staff will recommend revocation of the EPP's continuing approval to recommend candidates in accordance with §229.6(c) of this title.~~

§228.17. Change of Ownership and Name Change:

- ~~(a) An educator preparation program (EPP) that changes ownership shall notify the Texas Education Agency (TEA) staff of the change of ownership in writing within 10 days of the change.~~
- ~~(b) A change of ownership is any agreement to transfer the control of an EPP. The control of an EPP is considered to have changed:

 - ~~(1) in the case of ownership by an individual, when more than 50% of the EPP has been sold or transferred;~~
 - ~~(2) in the case of ownership by a partnership or a corporation, when more than 50% of the owning partnership or corporation has been sold or transferred; or~~
 - ~~(3) in the case of ownership by a board of directors, officers, shareholders, or similar governing body, when more than 50% of the ownership has changed.~~~~
- ~~(c) An EPP may not change its name unless it has notified TEA of a change of ownership within the preceding 90 days and has an SBEC accreditation status of "Accredited" or "Accredited - Not Rated." The EPP shall notify TEA staff of the name change in writing.~~

~~(d) TEA staff shall recommend an accreditation status of " Accredited Probation" in accordance with §229.4(c)(2) of this title (relating to Determination of Accreditation Status) for any EPP that fails to notify TEA staff timely regarding a change in ownership or a change of program name.~~

§228.20. Governance of Educator Preparation Programs.

~~(a) Preparation for the certification of educators may be delivered by an institution of higher education, regional education service center, public school district, or other entity approved by the State Board for Educator Certification (SBEC) under §228.10 of this title (relating to Approval Process);~~

~~(b) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA recognized private schools. An advisory committee with members representing as many as possible of the groups identified as collaborators in this subsection shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP). The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee and shall meet a minimum of once during each academic year.~~

~~(c) The governing body and chief operating officer of an entity approved to deliver educator preparation shall provide sufficient support to enable the EPP to meet all standards set by the SBEC and shall be accountable for the quality of the EPP and the candidates whom the program recommends for certification.~~

~~(d) All EPPs must be implemented as approved by the SBEC as specified in §228.10 of this title.~~

~~(e) An EPP that is rated "accredited" or "accredited not rated" may amend its program, provided the program informs TEA staff of any amendments 60 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment to its program on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment.~~

~~(f) An EPP that is not rated "accredited" or "accredited not rated" may amend its program, provided the program informs TEA staff of any amendments 120 days prior to implementing the amendments. An EPP must submit notification of a proposed amendment on a letter signed by the EPP's legally authorized agent or representative that explains the amendment, details the rationale for changes, and includes documents relevant to the amendment. The EPP will be notified in writing of the approval or denial of its proposal within 60 days following the receipt of the notification by the TEA staff.~~

~~(g) Each EPP must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field based experience requirements prior to a clinical teaching experience or prior to or during an internship experience.~~

~~(h) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission.~~

§228.30. Educator Preparation Curriculum.

~~(a) The educator standards adopted by the State Board for Educator Certification shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS);~~

~~(b) The curriculum for each educator preparation program shall rely on scientifically based research to ensure educator effectiveness;~~

~~(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:~~

- ~~(1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code of Ethics), which include:
 - ~~(A) professional ethical conduct, practices, and performance;~~
 - ~~(B) ethical conduct toward professional colleagues; and~~
 - ~~(C) ethical conduct toward students;~~~~
- ~~(2) instruction in detection and education of students with dyslexia, as indicated in the Texas Education Code (TEC), §21.044(b);~~
- ~~(3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in the TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice based program or research based practice;~~
- ~~(4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;~~
- ~~(5) the importance of building strong classroom management skills;~~
- ~~(6) the framework in this state for teacher and principal evaluation;~~
- ~~(7) appropriate relationships, boundaries, and communications between educators and students;~~
- ~~(8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
 - ~~(A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;~~
 - ~~(B) provide effective, evidence based strategies to determine a person's degree of digital literacy; and~~
 - ~~(C) include resources to address any deficiencies identified by the digital literacy evaluation;~~and~~
- ~~(9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence based inclusive instructional practices, as required under TEC, §21.044(a-1).~~
- ~~(d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:
 - ~~(1) the relevant TEKS, including the English Language Proficiency Standards;~~
 - ~~(2) reading instruction, including instruction that improves students' content area literacy;~~
 - ~~(3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines;~~and~~
- ~~(4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards);~~
- ~~(e) For candidates seeking certification in the principal certification class, the curriculum shall include the skills and competencies as prescribed in Chapter 241 of this title (relating to Certification as Principal) and captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards);~~
- ~~(f) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates~~

~~who are seeking the Early Childhood: Prekindergarten Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:~~

- ~~(1) Child Development provisions of the Early Childhood: Prekindergarten Grade 3 Content Standards;~~
- ~~(2) Early Childhood Grade 3 Pedagogy and Professional Responsibilities Standards; and~~
- ~~(3) Science of Teaching Reading Standards.~~

§228.33. Intensive Pre-Service.

~~(a) To offer intensive pre-service, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an intern certificate:~~

- ~~(1) a four week minimum intensive program;~~
- ~~(2) a minimum of 12 instructional days with one hour of supervised instruction per day;~~
- ~~(3) a minimum of four face to face observation/feedback coaching cycles provided by qualified coaches with observations that are a minimum of 15 minutes and coaching meetings that are a minimum of 30 minutes; and~~
- ~~(4) the requirements regarding coursework and/or training for a candidate seeking initial certification in the classroom teacher certification class as specified in §228.35(b)(1) and (2) of this title (relating to Preparation Program Coursework and/or Training).~~

~~(b) An EPP offering intensive pre-service shall ensure that:~~

- ~~(1) a candidate coach participates in a minimum of four observation/feedback coaching cycles provided by program supervisors and ongoing training;~~
- ~~(2) a candidate coach completes a TEA approved observation training or has completed a minimum of 150 hours of observation/feedback training; and~~
- ~~(3) a candidate coach shall have a current certification in the class in which supervision is provided.~~

~~(c) A candidate participating in intensive pre-service will be eligible for an intern certificate by completing:~~

- ~~(1) the requirements as prescribed in §230.36(f) of this title (relating to Intern Certificates);~~
- ~~(2) programmatic requirements under subsection(a)(1)-(4) of this section;~~
- ~~(3) the requirements of the following proficiencies in §150.1002 of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet all of the following performance level measures:
 - ~~(A) Developing performance level on Planning Dimension 1.1: Standards and Alignment;~~
 - ~~(B) Developing performance level on Planning Dimension 1.2: Data and Assessment;~~
 - ~~(C) Developing performance level on Instruction Dimension 2.1: Achieving Expectations;~~
 - ~~(D) Developing performance level on Instruction Dimension 2.2: Content Knowledge and Expertise;~~
 - ~~(E) Developing performance level on Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;~~
 - ~~(F) Developing performance level on Learning Environment Dimension 3.2: Managing Student Behavior;~~
 - ~~(G) Developing performance level on Learning Environment Dimension 3.3: Classroom Culture;~~
 - ~~(H) Proficient performance level on Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;~~~~

~~(I) — Developing performance level on Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and~~

~~(J) — Developing performance level on Professional Practices and Responsibilities Dimension 4.3: Professional Development.~~

~~(d) — A candidate participating in intensive pre-service will be eligible for a probationary certificate as prescribed in §230.37(f) of this title (relating to Probationary Certificates);~~

~~(e) — The provisions in this subchapter apply to an applicant who is admitted to an EPP intensive pre-service on or after January 1, 2020.~~

§228.35. Preparation Program Coursework and/or Training.

~~(a) — Coursework and/or training for candidates seeking initial certification in any certification class.~~

~~(1) — An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the classroom.~~

~~(2) — Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate focused, and performance-based.~~

~~(3) — All coursework and/or training shall be completed prior to EPP completion and standard certification.~~

~~(4) — With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock hours of training may be provided by a school district and/or campus that is an approved Texas Education Agency (TEA) continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in the Texas Education Code (TEC), §21.451 (Staff Development Requirements) and must be directly related to the certificate being sought.~~

~~(5) — Each EPP must develop and implement specific criteria and procedures that allow:~~

~~(A) — military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought; and~~

~~(B) — candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought.~~

~~(6) — Coursework and training that is offered online must meet, or the EPP must be making progress toward meeting, criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:~~

~~(A) — Accreditation or Certification by the Distance Education Accrediting Commission;~~

~~(B) — Program Design and Teaching Support Certification by Quality Matters;~~

~~(C) — Part 1, Chapter 4, Subchapter P, of this title (relating to Approval of Distance Education Courses and Programs for Public Institutions); or~~

~~(D) — Part 1, Chapter 7 of this title (relating to Degree-Granting Colleges and Universities Other than Texas Public Institutions).~~

~~(b) — Coursework and/or training for candidates seeking initial certification in the classroom teacher certification class. An EPP shall provide each candidate with a minimum of 300 clock hours of coursework and/or training. An EPP shall provide a minimum of 200 clock hours of coursework and/or training for a candidate seeking a Trade and Industrial Workforce Training certificate as specified by §233.14(e) of this~~

~~title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)). Unless a candidate qualifies as a late hire, a candidate shall complete the following prior to any clinical teaching or internship:~~

- ~~(1) a minimum of 30 clock hours of field-based experience. Up to 15 clock hours of this field-based experience may be provided by use of electronic transmission or other video or technology-based method; and~~
- ~~(2) 150 clock hours of coursework and/or training as prescribed in §228.30(d)(4) of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency in:
 - ~~(A) designing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for diverse learners and encourage higher-order thinking, persistence, and achievement;~~
 - ~~(B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;~~
 - ~~(C) ensuring high levels of learning, social-emotional development, and achievement for all students through knowledge of students, proven practices, and differentiated instruction;~~
 - ~~(D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;~~
 - ~~(E) organizing a safe, accessible, and efficient classroom;~~
 - ~~(F) establishing, communicating, and maintaining clear expectations for student behavior;~~
 - ~~(G) leading a mutually respectful and collaborative class of actively engaged learners;~~
 - ~~(H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;~~
 - ~~(I) reflect on his or her practice; and~~
 - ~~(J) effectively communicating with students, families, colleagues, and community members.~~~~
- ~~(c) Coursework and/or training for candidates seeking initial certification in a certification class other than classroom teacher. An EPP shall provide coursework and/or training to ensure that the educator is effective in the assignment. An EPP shall provide a candidate with a minimum of 200 clock hours of coursework and/or training that is directly aligned to the educator standards for the applicable certification class.~~
- ~~(d) Late hire provisions. A late hire for a school district teaching position may begin employment under an intern or probationary certificate before completing the pre-internship requirements of subsection (b) of this section, but shall complete these requirements within 90 school days of assignment.~~
- ~~(e) Educator preparation program delivery. An EPP shall provide evidence of ongoing and relevant field-based experiences throughout the EPP in a variety of educational settings with diverse student populations, including observation, modeling, and demonstration of effective practices to improve student learning.
 - ~~(1) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 30 clock hours. The field-based experiences must be completed prior to assignment in an internship or clinical teaching:
 - ~~(A) Field-based experiences must include 15 clock hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities that include:
 - ~~(i) authentic school settings in a public school accredited by the TEA or other school approved by the TEA for this purpose;~~
 - ~~(ii) instruction by content certified teachers;~~~~~~~~

- ~~(iii) — actual students in classrooms/instructional settings with identity proof provisions;~~
- ~~(iv) — content or grade level specific classrooms/instructional settings; and~~
- ~~(v) — written reflection of the observation.~~
- ~~(B) — Up to 15 clock hours of field-based experience may be provided by use of electronic transmission or other video or technology based method. Field based experience provided by use of electronic transmission or other video or technology based method must include:~~
 - ~~(i) — direction of the EPP;~~
 - ~~(ii) — authentic school settings in an accredited public or private school;~~
 - ~~(iii) — instruction by content certified teachers;~~
 - ~~(iv) — actual students in classrooms/instructional settings with identity proof provisions;~~
 - ~~(v) — content or grade level specific classrooms/instructional settings; and~~
 - ~~(vi) — written reflection of the observation.~~
- ~~(C) — Up to 15 clock hours of field based experience may be satisfied by serving as a long term substitute. A long term substitute is an individual who has been hired by a school or district to work at least 30 consecutive days in an assignment as a classroom teacher. Experience may occur after the candidate's admission to an EPP or during the two years before the date the candidate is admitted to the EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for the purpose by the TEA.~~
- ~~(2) — For initial certification in the classroom teacher certification class, each EPP shall also provide at least one of the following:~~
 - ~~(A) — Clinical Teaching. A candidate must have a clinical teaching assignment for each subject area in which the candidate is seeking initial certification:~~
 - ~~(i) — For a candidate seeking initial certification in only one subject area, the following provisions apply:~~
 - ~~(I) — Clinical teaching must meet one of the following requirements:~~
 - ~~(a) — a minimum of 14 weeks (no fewer than 70 full days), with a full day being 100% of the school day; or~~
 - ~~(b) — a minimum of 28 weeks (no fewer than 140 half days), with a half day being 50% of the school day.~~
 - ~~(II) — A clinical teaching assignment as described in subclause (I)(a) of this clause shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty free lunch periods.~~
 - ~~(ii) — For a candidate seeking initial certification in more than one subject area, the primary teaching assignment must meet the requirements of clause (i)(I)(a) of this subparagraph. Additional clinical teaching assignments in other subject areas may be less than an average of four hours each day during the 14 weeks of clinical teaching if:~~
 - ~~(I) — the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;~~

- ~~(II) — the EPP is approved to offer preparation in the certification category required for the additional assignment;~~
- ~~(III) — the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;~~
- ~~(IV) — the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and~~
- ~~(V) — the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.~~
- ~~(iii) — Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.~~
- ~~(iv) — An EPP may permit a full day clinical teaching assignment up to 5 full days fewer than the minimum and a half day clinical teaching assignment up to 10 half days fewer than the minimum if due to maternity leave, military leave, illness, or bereavement.~~
- ~~(B) — Internship. An internship must be for a minimum of one full school year for the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.~~
 - ~~(i) — An EPP may permit an internship of up to 30 school days fewer than the minimum if due to maternity leave, military leave, illness, bereavement, or if the late hire date is after the first day of the school year.~~
 - ~~(ii) — The beginning date for an internship for the purpose of field supervision is the first day of instruction with students in the school or district in which the internship takes place.~~
 - ~~(iii) — An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and duty-free lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day if:

 - ~~(I) — the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;~~
 - ~~(II) — the EPP is approved to offer preparation in the certification category required for the additional assignment;~~
 - ~~(III) — the EPP provides ongoing support for each assignment as prescribed in subsection (g) of this section;~~
 - ~~(IV) — the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and~~
 - ~~(V) — the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required.~~~~
 - ~~(iv) — A candidate must hold an intern or probationary certificate while participating in an internship. A candidate must meet the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title~~

(relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates) to be eligible for an intern or probationary certificate:

- (v) — An EPP may recommend an additional internship if:
 - (I) — the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional internship; or
 - (II) — the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional internship.
 - (vi) — An EPP must provide ongoing support to a candidate as described in subsection (g) of this section for the full term of the initial and any additional internship, unless, prior to the expiration of that term:
 - (I) — a standard certificate is issued to the candidate during any additional internship under a probationary certificate;
 - (II) — the candidate resigns, is non-renewed, or is terminated by the school or district; or
 - (III) — the candidate is discharged or is released from the EPP; or
 - (IV) — the candidate withdraws from the EPP; or
 - (V) — the internship assignment does not meet the requirements described in this subparagraph.
 - (vii) — If the candidate leaves the internship assignment for any of the reasons identified in clause (vi)(I)-(V) of this subparagraph:
 - (I) — the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment; and
 - (II) — TEA must receive the certificate deactivation request with all related documentation from the EPP within two calendar weeks of the candidate's last day of the assignment in a format determined by TEA.
 - (viii) — The EPP must communicate the requirements in clause (vii) of this subparagraph to candidates and campus or district personnel prior to the assignment start date.
 - (ix) — An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.
 - (x) — An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).
- (3) — An EPP may request an exception to the clinical teaching option described in this subsection.

- ~~(A) — Submission of Exception Request. The request for an exception must include an alternate requirement that will adequately prepare candidates for educator certification and ensure the educator is effective in the classroom. The request for an exception must be submitted in a form developed by the TEA staff that shall include:~~
- ~~(i) — the rationale and support for the alternate clinical teaching option;~~
 - ~~(ii) — a full description and methodology of the alternate clinical teaching option;~~
 - ~~(iii) — a description of the controls to maintain the delivery of equivalent, quality education; and~~
 - ~~(iv) — a description of the ongoing monitoring and evaluation process to ensure that EPP objectives are met.~~
- ~~(B) — Review, Approval, and Revocation of Exception Request.~~
- ~~(i) — Exception requests will be reviewed by TEA staff, and the TEA staff shall recommend to the State Board for Educator Certification (SBEC) whether the exception should be approved. The SBEC may:~~
 - ~~(I) — approve the request;~~
 - ~~(II) — approve the request with conditions;~~
 - ~~(III) — deny approval of the request; or~~
 - ~~(IV) — defer action on the request pending receipt of further information.~~
 - ~~(ii) — If the SBEC approves the request with conditions, the EPP must meet the conditions specified in the request. If the EPP does not meet the conditions, the approval is revoked.~~
 - ~~(iii) — If the SBEC approves the request, the EPP must submit a written report of outcomes resulting from the clinical teaching exception to the TEA by September 15 of each academic year. If the EPP does not timely submit the report, the approval is revoked.~~
 - ~~(iv) — If the SBEC does approve the exception or an approval is revoked, an EPP must wait at least six months from the date of the denial or revocation before submitting a new request.~~
- ~~(4) — Candidates participating in an internship or a clinical teaching assignment need to experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences.~~
- ~~(5) — An internship or clinical teaching experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:~~
- ~~(A) — a certified teacher is available as a trained mentor;~~
 - ~~(B) — the Head Start program is affiliated with the federal Head Start program and approved by the TEA;~~
 - ~~(C) — the Head Start program teaches three and four year old students; and~~
 - ~~(D) — the state's prekindergarten curriculum guidelines are being implemented.~~
- ~~(6) — An internship or clinical teaching experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.~~
- ~~(7) — An internship or clinical teaching experience shall not take place in a setting where the candidate:~~
- ~~(A) — has an administrative role over the mentor or cooperating teacher; or~~

- ~~(B) — is related to the field supervisor, mentor, or cooperating teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.~~
- ~~(8) — For certification in a class other than classroom teacher, each EPP shall provide a practicum for a minimum of 160 clock hours whereby a candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.~~
- ~~(A) — A practicum experience must take place in an actual school setting rather than a distance learning lab or virtual school setting.~~
- ~~(B) — A practicum may not take place exclusively during a summer recess.~~
- ~~(C) — A practicum shall not take place in a setting where the candidate:~~
- ~~(i) — has an administrative role over the site supervisor; or~~
- ~~(ii) — is related to the field supervisor or site supervisor by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.~~
- ~~(D) — An intern or probationary certificate may be issued to a candidate for a certification class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title and §230.37 of this title.~~
- ~~(i) — A candidate for an intern or probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.~~
- ~~(ii) — An EPP may recommend an additional practicum under a probationary certificate if:~~
- ~~(I) — the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate and the candidate's field supervisor, and the EPP implements the plan during the additional practicum; or~~
- ~~(II) — the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.~~
- ~~(E) — A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.~~
- ~~(9) — Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for field-based experience, internship, clinical teaching, and/or practicum.~~
- ~~(A) — All Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of field based experience, internship, clinical teaching, and/or practicum.~~
- ~~(B) — An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public school, a private school, or a school system located within any state or territory of the United States, as a site for field-based experience. The application shall be in a form developed by the TEA~~

~~staff and shall include, at a minimum, evidence showing that the instructional standards of the school or school system align with those of the applicable Texas Essential Knowledge and Skills (TEKS) and SBEC certification standards.~~

~~(C) — An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching or practicum required by this chapter.~~

~~(i) — The clinical teaching or practicum site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:~~

~~(I) — military assignment of candidate or spouse;~~

~~(II) — illness of candidate or family member for whom the candidate is the primary caretaker;~~

~~(III) — candidate becomes the primary caretaker for a family member residing out of state; or~~

~~(IV) — candidate or spouse transfer of employment.~~

~~(ii) — The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the state of Texas and be in a form developed by the TEA staff and shall include, at a minimum:~~

~~(I) — the accreditation(s) held by the school;~~

~~(II) — a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable TEKS and SBEC certification standards;~~

~~(III) — the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and~~

~~(IV) — the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.~~

~~(D) — An EPP may file an application, with the appropriate fee specified in §229.9(6) of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching or a practicum required by this chapter.~~

~~(i) — The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:~~

~~(I) — military assignment of candidate or spouse;~~

~~(II) — illness of candidate or family member for whom the candidate is the primary caretaker;~~

~~(III) — candidate becomes the primary caretaker for a family member residing out of country; or~~

~~(IV) — candidate or spouse transfer of employment.~~

~~(ii) — The application shall identify the circumstances that necessitate the request to complete clinical teaching or a practicum outside of the United States and be in a form developed by the TEA staff and shall include, at a minimum, the same provisions required in subparagraph (C)(ii) of this paragraph for schools located within any state or territory of the United States, with the addition of a description of the on-site program personnel and~~

~~program support that will be provided and a description of the school's recognition by the U.S. State Department Office of Overseas Schools.~~

- ~~(f) Mentors, cooperating teachers, and site supervisors. In order to support a new educator and to increase educator retention, an EPP shall collaborate with the campus or district administrator to assign each candidate a mentor during the candidate's internship, assign a cooperating teacher during the candidate's clinical teaching experience, or assign a site supervisor during the candidate's practicum. If an individual who meets the certification category and/or experience criteria for a cooperating teacher, mentor, or site supervisor is not available, the EPP and campus or district administrator shall assign an individual who most closely meets the criteria and document the reason for selecting an individual that does not meet the criteria. The EPP is responsible for providing mentor, cooperating teacher, and/or site supervisor training that relies on scientifically-based research, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented.~~
- ~~(g) Ongoing educator preparation program support for initial certification of teachers. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first three weeks of assignment. For each formal observation, whether in-person or virtual, the field supervisor shall participate in an individualized pre-observation conference with the candidate, document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's cooperating teacher or mentor. Neither the pre-observation conference nor the post-observation conference need to be onsite. For candidates participating in an internship, the field supervisor shall provide a copy of the written feedback to the candidate's supervising campus administrator. Formal observations by the field supervisor conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience. For an internship, the field supervisor shall collaborate with the candidate, mentor, and supervising campus administrator throughout the internship.~~
- ~~(1) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.~~
- ~~(2) Each formal virtual observation must be:~~
- ~~(A) at least 45 minutes in length;~~
 - ~~(B) conducted by the field supervisor;~~
 - ~~(C) followed by a post-observation conference within 72 hours of the educational activity;~~
~~and~~
 - ~~(D) conducted through use of an unedited electronic transmission, video, or technology-based method.~~
- ~~(3) An EPP must provide the first formal observation within the first third of all clinical teaching assignments and the first six weeks of all internship assignments.~~
- ~~(4) For an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section:~~
- ~~(A) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and~~
 - ~~(B) at least three of the minimum formal observations must be in-person.~~
- ~~(5) For a first year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section:~~

- ~~(A) — an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment;~~
- ~~(B) — at least two of the minimum formal observations must be in person; and~~
- ~~(C) — if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in person observations;~~
- ~~(6) — If an internship under an intern certificate or an additional internship described in subsection (e)(2)(B)(v)(I) of this section involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:~~
- ~~(A) — an EPP must provide a minimum of three observations in each assignment;~~
- ~~(B) — for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;~~
- ~~(C) — at least two of the minimum formal observations must be in person for each assignment; and~~
- ~~(D) — if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in person observations for each assignment;~~
- ~~(7) — For a first year internship under a probationary certificate or an additional internship described in subsection (e)(2)(B)(v)(II) of this section that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:~~
- ~~(A) — an EPP must provide a minimum of one formal observation in each of the assignments during the first half of the assignment and a minimum of one formal observation in each assignment during the second half of the assignment;~~
- ~~(B) — at least two of the minimum formal observations must be in person for each assignment; and~~
- ~~(C) — if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in person observations for each assignment;~~
- ~~(8) — For a 14 week, full day clinical teaching assignment, an EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment. For an all-level clinical teaching assignment in more than one location or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of the assignment and a minimum of one formal observation must be provided during the second half of the assignment. For either of these assignments:~~
- ~~(A) — at least two of the minimum formal observations must be in person for each assignment; and~~
- ~~(B) — if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in person observations for each assignment;~~
- ~~(9) — For a 28 week, half day clinical teaching assignment or a full day clinical teaching assignment that exceeds 14 weeks and extends beyond one semester:~~

- ~~(A) — an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the last half of the assignment; and~~
- ~~(B) — at least two of the minimum formal observations must be in person for each assignment.~~
- ~~(h) — Ongoing educator preparation program support for certification in a certification class other than classroom teacher. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor. Supervision provided on or after September 1, 2017, must be provided by a field supervisor who has completed TEA-approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and provide a copy of the written feedback to the candidate's site supervisor. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate. The field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.~~
- ~~(1) — An EPP must provide a minimum of one formal observation within the first third of the practicum, one formal observation within the second third of the practicum, and one formal observation within the final third of the practicum.~~
- ~~(2) — The three required formal observations must be at least 135 minutes in duration in total throughout the practicum and must be conducted by the field supervisor.~~
- ~~(3) — If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology-based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre- and post-conference.~~
- ~~(i) — Coursework and/or training for candidates seeking Early Childhood: Prekindergarten-Grade 3 certification:~~
- ~~(1) — In support of the educator standards that are the curricular basis of the Early Childhood: Prekindergarten-Grade 3 certificate, an EPP shall integrate the following concepts and themes throughout the coursework and training:~~
- ~~(A) — using planning and teaching practices that support student learning in early childhood, including:~~
- ~~(i) — demonstrating knowledge and skills to support child development (birth-age eight) in the following areas:~~
- ~~(I) — brain development;~~
- ~~(II) — physical development;~~
- ~~(III) — social-emotional learning; and~~
- ~~(IV) — cultural development;~~
- ~~(ii) — demonstrating knowledge and skills of effective, research-supported, developmentally appropriate instructional approaches to support young students' learning, including, but not limited to:~~
- ~~(I) — intentional instruction with clear learning goals;~~
- ~~(II) — project-based learning;~~
- ~~(III) — child-directed inquiry;~~
- ~~(IV) — learning through play; and~~

- (V) — integration of knowledge across content areas;
- (iii) — demonstrating knowledge and skills in implementing instruction tailored to the variability in learners' needs, including, but not limited to, small group instruction;
- (iv) — demonstrating knowledge and skills in early literacy development and pedagogy, including:
 - (I) — demonstrating effective ways to support language development, particularly oral language development, including, but not limited to, growth in academic vocabulary, comprehension, and inferencing abilities; and
 - (II) — demonstrating effective ways to support early literacy development, including letter knowledge, phonological awareness, early writing, and decoding;
- (v) — demonstrating knowledge and skills in early mathematics and science development and pedagogy;
- (vi) — demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who are English learners and/or bilingual; and
- (vii) — demonstrating knowledge and skills in developing and implementing pedagogical approaches for students who have or are at risk for developmental delays and disabilities;
- (B) — assessing the success of instruction and student learning through developmentally appropriate assessment, including:
 - (i) — demonstrating knowledge of multiple forms of assessment, the information that each form of assessment can provide about a student's learning and development, and how to conceive, construct, and/or select an assessment aligned to standards that can demonstrate student learning to stakeholders;
 - (ii) — demonstrating knowledge in how to use assessments to inform instruction to support student growth; and
 - (iii) — demonstrating knowledge and application of children's developmental continuum in the analysis of assessment results utilizing a variety of assessment types to gain a full understanding of students' current development and assets;
- (C) — creating developmentally appropriate learning environments, including:
 - (i) — demonstrating knowledge and skills in supporting learners' development of self-regulation and executive function (e.g., behavior, attention, goal setting, cooperation);
 - (ii) — demonstrating knowledge and skills in designing, organizing, and facilitating spaces for learning, particularly small group learning, in both indoor and outdoor contexts; and
 - (iii) — demonstrating knowledge and skills in developing learning environments that support English learners' development, including structures to support language development and communication;
- (D) — working with families, students, and the community through:
 - (i) — teacher agency and teacher leadership;
 - (ii) — research-based family engagement practices;

- ~~(iii) — understanding the capabilities of students through parent and community input; and~~
- ~~(iv) — the development and modeling of responsive relationships with children; and~~
- ~~(E) — using a diversity and equity framework, such as:~~
 - ~~(i) — demonstrating knowledge and skills in creating early learning communities that capitalize on the cultural knowledge and strengths children bring to the classroom;~~
 - ~~(ii) — demonstrating knowledge and skills in creating an early learning environment that reflects the communities in which they work; and~~
 - ~~(iii) — demonstrating knowledge and skills in how to access the knowledge children and families bring to school.~~
- ~~(2) — An EPP shall provide each candidate who holds a valid standard, provisional, or one year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title (relating to Elementary School Certificate Standards and that is based on the concepts and themes specified in subsection (i)(1) of this section. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.~~
- ~~(3) — An EPP shall provide each candidate who holds a valid standard, provisional, or one year classroom teacher certificate specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in subsections (a) and (b) of this section that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title and that is based on the concepts and themes specified in subsection (i)(1) of this section, a clinical experience as specified in subsection (c)(2) of this section, a mentor or cooperating teacher as specified in subsection (f) of this section, and ongoing support as specified in subsection (g) of this section.~~
- ~~(j) — Coursework and/or training for candidates seeking a Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood Grade 12 certification:~~
 - ~~(1) — An EPP must provide a minimum of 300 hours of coursework and/or training related to the educator standards for that certificate adopted by the SBEC.~~
 - ~~(2) — An EPP shall provide a clinical experience of at least 350 clock hours in a supervised educator assignment in a public school accredited by the TEA or other school approved by the TEA for this purpose. A TVI certification candidate must demonstrate proficiency in each of the educator standards for the certificate being sought during the clinical experience. A clinical experience is successful when the field supervisor recommends to the EPP that the TVI certification candidate should be recommended for a TVI supplemental certification.~~
 - ~~(A) — An EPP will provide guidance, assistance, and support for the TVI certification candidate by assigning a cooperating teacher and/or providing individual or group consultation. The EPP is responsible for providing training to cooperating teachers and/or consultation providers.~~
 - ~~(B) — An EPP will collaborate with the program coordinator for the Texas School for the Blind and Visually Impaired Statewide Mentor Program to assign a TVI mentor for the TVI certification candidate. The Texas School for the Blind and Visually Impaired Statewide Mentor Program is responsible for providing training for all TVI mentors.~~
 - ~~(C) — An EPP will provide ongoing support for the TVI certification candidate. Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained as a field supervisor.~~

~~Supervision must be provided by a field supervisor who has completed TEA approved observation training. The initial contact, which may be made by telephone, email, or other electronic communication, with the assigned candidate must occur within the first quarter of the assignment. For each formal observation, the field supervisor shall participate in an individualized pre-observation conference with the candidate; document educational practices observed; and provide written feedback through an individualized, synchronous, and interactive post observation conference with the candidate. Neither the pre-observation conference nor the post-observation conference need to be onsite. Formal observations conducted through collaboration with school or district personnel can be used to meet the requirements of this subsection. Informal observations and coaching shall be provided by the field supervisor as appropriate.~~

- ~~(i) Formal observations must be at least 135 minutes in duration in total throughout the clinical experience and must be conducted by the field supervisor.~~
- ~~(ii) If a formal observation is not conducted on the candidate's site in a face-to-face setting, the formal observation may be provided by use of electronic transmission or other video or technology based method. A formal observation that is not conducted on the candidates' site in a face-to-face setting must include a pre and post conference.~~
- ~~(iii) An EPP must provide a minimum of one formal observation within the first third of the clinical experience, one formal observation within the second third of the clinical experience, and one formal observation within the final third of the clinical experience.~~

~~(k) Candidates employed as certified educational aides.~~

~~(1) Clinical Teaching Assignment. Candidates employed as certified educational aides may satisfy their clinical teaching assignment requirements through their instructional duties.~~

~~(A) If an EPP permits candidates employed as certified educational aides, as defined by Chapter 230, Subchapter E, of this title (relating to Educational Aide Certificate), to satisfy the clinical teaching assignment requirements through their instructional duties, the clinical teaching assignment must be for a minimum of 490 hours (14-week equivalent).~~

~~(B) An EPP may permit an educational aide employed in a clinical teaching to be excused from up to 35 of the required hours due to maternity leave, military leave, or illness.~~

~~(C) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.~~

~~(2) Coursework and Training. An EPP must provide coursework and/or training as specified in subsections (a) and (b) of this section, a clinical experience as specified in subsection (c) of this section, a cooperating teacher as specified in subsection (d) of this section, and ongoing support as specified in subsection (e) of this section. An EPP must provide a minimum of one formal observation during the first third of the assignment, a minimum of one formal observation during the second third of the assignment, and a minimum of one formal observation during the last third of the assignment.~~

~~(l) Exemptions:~~

~~(1) Under the TEC, §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption~~

~~from tuition and fees under the TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, or clinical teaching.~~

- ~~(2) Under the TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an EPP or while the person is enrolled in an EPP is exempt from any clinical teaching, internship, or field-based experience program requirement.~~

§228.40. Assessment and Evaluation of Candidates for Certification and Program Improvement.

- ~~(a) To ensure that a candidate for educator certification is prepared to receive a standard certificate, the educator preparation program (EPP) shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP.~~
- ~~(b) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for certification, unless that content pedagogy test is used for admission purposes.~~
- ~~(c) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP.~~
- ~~(d) An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct. An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed the EPP or if the candidate has returned to the EPP for test approval five or more years following the academic year of completion.~~
- ~~(e) For the purposes of EPP improvement, an entity shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically-based research practices, and the results of internal and external feedback and assessments.~~
- ~~(f) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.~~

§228.50. Professional Conduct.

~~During the period of preparation, the educator preparation program shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).~~

§228.60. Implementation Date.

~~The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.~~

§228.70. Complaints and Investigations Procedures.

- ~~(a) Purpose. Texas Education Agency (TEA) staff shall maintain a process through which a candidate or former candidate in an educator preparation program (EPP), an applicant for candidacy in an EPP, an employee or former employee of an EPP, a cooperating teacher, a mentor, a site supervisor, or an administrator in a public or private school that serves as a site for clinical teaching, internship, or practicum experiences may submit, in accordance with subsection (c)(1) of this section, a complaint about an EPP for investigation and resolution.~~
- ~~(b) EPP responsibilities.~~

- ~~(1) The EPP shall adopt and send to TEA staff, for inclusion in the EPP's records, a complaint procedure that requires the EPP to timely attempt to resolve complaints at the EPP level before a complaint is filed with TEA staff.~~
- ~~(2) The EPP shall post on its website a link to the TEA complaints website and information regarding how to file a complaint under the EPP's complaint policy.~~
- ~~(3) The EPP shall post a notification at all of its physical site(s) used by employees and candidates, in a conspicuous location, information regarding filing a complaint with TEA staff in accordance with subsection (c)(1) of this section.~~
- ~~(4) Upon request of an individual, the EPP shall provide information in writing regarding filing a complaint under the EPP's complaint policy and the procedures to submit a complaint to TEA staff in accordance with subsection (c)(1) of this section.~~

~~(c) TEA responsibilities:~~

- ~~(1) Filing a complaint. TEA staff will develop a complaint form to standardize information received from an individual making a complaint against an EPP. The complaint form will be available on the TEA website. All complaints filed against an EPP must be in writing on the complaint form. The written complaint must clearly state the facts that are the subject of the complaint and must state the measures the complainant has taken to attempt resolution of the complaint with the EPP. Anonymous complaints may not be accepted or investigated.~~
- ~~(2) Processing the complaint.
 - ~~(A) TEA staff will record all complaints in the TEA complaints tracking system. Each complaint, no matter the severity, shall be assigned a tracking number.~~
 - ~~(B) The complaint will be forwarded to the division responsible for educator preparation for further action, including assessing the complaint, providing a severity status and prioritizing the complaint accordingly, and determining jurisdiction.~~
 - ~~(C) If TEA staff determines that the complaint is not within the State Board for Educator Certification's (SBEC's) jurisdiction, TEA staff shall notify the complainant that the complaint will be closed without action for lack of jurisdiction. TEA staff and the SBEC do not have jurisdiction over complaints related to contractual arrangements with an EPP, commercial issues, obtaining a higher grade or credit for training, or seeking reinstatement to an EPP.~~
 - ~~(D) If TEA staff determines the complainant knew or should have known about the events giving rise to a complaint more than two years before the earliest date the complainant filed a complaint with either TEA staff or the EPP, TEA staff will notify the complainant that the complaint will be closed without action.~~
 - ~~(E) If a complainant has not exhausted all applicable complaint and appeal procedures that the EPP has established to address complaints, TEA staff may delay initiating an investigation until the EPP's complaint and appeal process is complete.~~~~
- ~~(3) Investigating the complaint.
 - ~~(A) If TEA staff determines a complaint is within the SBEC's jurisdiction, TEA staff will notify the respondent EPP that a complaint has been made, provide a summary of the allegations in the complaint, and request that the EPP respond to the complaint.~~
 - ~~(B) TEA staff may request further information from the individual and from the EPP.~~
 - ~~(C) An EPP shall:
 - ~~(i) cooperate fully with any SBEC investigation; and~~
 - ~~(ii) respond within 21 business days of receipt to requests for information regarding the complaint(s) and other requests for information from the TEA, except where:~~~~~~

- ~~(I) TEA staff imposes a different response date; or~~
- ~~(II) the EPP is unable to meet the initial response date and requests and receives a different response date from TEA staff.~~
- ~~(D) If an EPP fails to comply with subparagraph (C) of this paragraph, the SBEC may amend the complaint to reflect the violation and may deem admitted the violation of SBEC rules and/or Texas Education Code (TEC), Chapter 21, alleged in the original complaint.~~
- ~~(4) Resolving the complaint.~~
 - ~~(A) Upon completion of an investigation, TEA staff will notify both the individual and the EPP in writing of the findings of the investigation. If TEA staff finds that a violation occurred, the notice will specify the statute and/or rule that was alleged to have been violated.~~
 - ~~(B) Each party will have ten business days to present additional evidence or to dispute the findings of the investigation.~~
 - ~~(C) After reviewing any additional evidence, if TEA staff finds that no violation has occurred, the complaint will be closed and TEA staff will notify both parties in writing.~~
 - ~~(D) After reviewing any additional evidence, if TEA staff finds that the EPP has violated SBEC rules and/or TEC, Chapter 21, the following provisions apply:
 - ~~(i) TEA staff will notify the EPP in writing and specify for each violation the seriousness and extent of the violation, including whether the EPP has been found to have violated that statute and/or rule previously.~~
 - ~~(ii) Within ten business days of TEA staff notifying the EPP in writing that a violation has occurred, the EPP and TEA staff will collaboratively develop and agree to a timely resolution of each violation. If the parties cannot agree on a resolution within ten business days, TEA staff will unilaterally propose a resolution within ten business days of TEA staff issuing the violation notice.~~
 - ~~(iii) If the EPP complies with the agreed or proposed resolution, the investigation is closed and results recorded in accordance with subparagraph (E) of this paragraph.~~
 - ~~(iv) If the EPP does not comply with the agreed or proposed resolution within the timelines set out in the resolution, TEA staff will make a recommendation that the SBEC impose sanctions affecting the EPP's accreditation status in accordance with §229.5 of this title (relating to Accreditation Sanctions and Procedures) and/or continuing approval status in accordance with §229.6 of this title (relating to Continuing Approval).~~
 - ~~(v) The EPP shall be entitled to an informal review of the proposed recommendation for sanctions under the conditions and procedures set out in §229.7 of this title (regarding Informal Review of Texas Education Agency Recommendations).~~~~
 - ~~(E) The final disposition of the complaint will be recorded in the TEA complaints tracking system.]~~

ATTACHMENT III

Figure: 19 TAC §228.13(f)

Component 1: Governance (19 TAC Chapter 228, Subchapters B & C)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Written notification provided to individuals or entities</u> 	<ul style="list-style-type: none"> ✓ <u>Letter with signature and date; or</u> ✓ <u>Email with to/from identified and date stamp; or</u> ✓ <u>Signed and dated form.</u> ✓ <u>Website posting (as applicable).</u>
<ul style="list-style-type: none"> • <u>Official notifications to TEA</u> 	<ul style="list-style-type: none"> ✓ <u>Letter with signature of Legal Authority and date.</u>
<ul style="list-style-type: none"> • <u>Attendance at meetings or training</u> 	<ul style="list-style-type: none"> ✓ <u>Meeting minutes; and</u> ✓ <u>Training materials; and</u> ✓ <u>Sign-In Sheet with date</u>
<ul style="list-style-type: none"> • <u>Qualifications of individuals</u> 	<ul style="list-style-type: none"> ✓ <u>Resume (certification, experience, accomplishment, employment history).</u> ✓ <u>Valid educator certificate (certification); and</u> ✓ <u>Official service records (experience); and</u> ✓ <u>K-12 campus/district report card (accomplishment).</u> ✓ <u>Signed reference letter(s) or recommendation(s) (certification, experience, accomplishment)</u>
Component 2: Admission (19 TAC Chapters 227, 239, 241, & 242)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>GPA</u> • <u>College coursework completed</u> • <u>College credit</u> • <u>Conferred degrees</u> 	<ul style="list-style-type: none"> ✓ <u>Official transcripts; or</u> ✓ <u>For out-of-country applicants: Credential evaluation from approved service (course by course evaluation with GPA and degree conferred)</u>
<ul style="list-style-type: none"> • <u>Basic skills</u> 	<ul style="list-style-type: none"> ✓ <u>Official transcripts or foreign credential evaluation reflecting a degree, college level coursework complete, or TSI complete; or</u> ✓ <u>SAT/ACT/GRE scores.</u>
<ul style="list-style-type: none"> • <u>English language proficiency</u> 	<ul style="list-style-type: none"> ✓ <u>Official transcripts reflecting bachelor's degree or higher conferred in the U.S. or country listed in Figure: 19 TAC §230.11(b)(5)(C); or</u> ✓ <u>TOEFL-iBT score report.</u>
<ul style="list-style-type: none"> • <u>Notification provided to individuals or entities</u> 	<ul style="list-style-type: none"> ✓ <u>Letter with date and signature; or</u> ✓ <u>Email with to/from identified and date stamp; or</u> ✓ <u>Signed and dated form.</u>
<ul style="list-style-type: none"> • <u>Performance Assessments</u> • <u>Screens</u> 	<ul style="list-style-type: none"> ✓ <u>Copy of assessment or screen; and</u> ✓ <u>Aligned rubric with proficiency score identified.</u>
<ul style="list-style-type: none"> • <u>Application</u> 	<ul style="list-style-type: none"> ✓ <u>Document reflecting applicant and program information (paper or electronic).</u>
<ul style="list-style-type: none"> • <u>Qualifications of applicants</u> 	<ul style="list-style-type: none"> ✓ <u>Valid educator certificate (certification), as applicable;</u> ✓ <u>Official service records (experience), as applicable;</u> ✓ <u>Copy of license and/or certificate (as required in the SOQ, as applicable)</u>

<ul style="list-style-type: none"> • <u>Work experience</u> 	<ul style="list-style-type: none"> ✓ <u>Resume.</u> ✓ <u>Official service records.</u> ✓ <u>Signed letters of reference.</u> ✓ <u>SOQ (as applicable).</u>
<ul style="list-style-type: none"> • <u>Licensure and/or certification</u> 	<ul style="list-style-type: none"> ✓ <u>Copy of license and/or certificate</u>
<ul style="list-style-type: none"> • <u>Completion of training/prior coursework completed</u> 	<ul style="list-style-type: none"> ✓ <u>Transfer form.</u> ✓ <u>Certificate(s) of completion.</u> ✓ <u>Dated sign-in sheet(s) with training topic identified.</u> ✓ <u>Training transcripts.</u>
<ul style="list-style-type: none"> • <u>Providing/posting information for applicants and candidates</u> • <u>Publishing EPP policies</u> 	<ul style="list-style-type: none"> ✓ <u>Published page(s) on public website; or</u> ✓ <u>Orientation materials; or</u> ✓ <u>Admission application.</u>
Component 3: Curriculum (19 TAC Chapter 228, Subchapter D, Chapters 239, 241, & 242)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Specified curriculum components</u> • <u>Standards-based</u> 	<ul style="list-style-type: none"> ✓ <u>Standards alignment charts; and</u> ✓ <u>Published Course / Module syllabus reflecting information; or</u> ✓ <u>Instructor lesson plans; and</u> ✓ <u>Course materials (presentation slides, project instructions, textbooks; and</u> ✓ <u>Performance assessment w/aligned rubric.</u>
<ul style="list-style-type: none"> • <u>Evidence-based</u> • <u>Research-based</u> 	<ul style="list-style-type: none"> ✓ <u>Bibliography on syllabus.</u> ✓ <u>Required text(s) for course.</u>
<ul style="list-style-type: none"> • <u>Assessments</u> 	<ul style="list-style-type: none"> ✓ <u>Published Course / Module syllabus; and</u> ✓ <u>Copy of assessment or project instructions; and</u> ✓ <u>Aligned rubric or other evaluative tool with proficiency level identified.</u>
Component 4: Program Design & Delivery (19 TAC Chapter 228, Subchapters D, E, & F)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Number/Hours of performance activities completed-candidate, field supervisor (e.g., FBE hours, practicum hours, clinical teaching hours, field supervisor contact hours)</u> 	<ul style="list-style-type: none"> ✓ <u>Signed/initialed and dated logs; and</u> ✓ <u>Written reflections (for FBE).</u>
<ul style="list-style-type: none"> • <u>Hours of coursework completed</u> 	<ul style="list-style-type: none"> ✓ <u>Official transcripts; or</u> ✓ <u>Time and date stamped logs or transcripts (including verifying signature if completion is not automatically recorded by technology); and</u> ✓ <u>Signed/initialed and dated benchmark document.</u> ✓ <u>Certificate of completion</u>
<ul style="list-style-type: none"> • <u>Performance Assessments</u> • <u>Screens</u> • <u>Proficiency in clinical experience</u> 	<ul style="list-style-type: none"> ✓ <u>Copy of assessment or screen; and</u> ✓ <u>Aligned rubric reflecting level of proficiency.</u> ✓ <u>Observation rubric reflecting level of proficiency and educational practices observed with date,</u>

<ul style="list-style-type: none"> • <u>Proficiency in pre-service coursework</u> • <u>Proficiency in clinical experience</u> 	<ul style="list-style-type: none"> ✓ <u>start and stop time, subject, and grade level (clinical experience); and</u> ✓ <u>Signed recommendation from identified campus personnel and field supervisor</u>
<ul style="list-style-type: none"> • <u>Qualifications of individuals (field supervisors, mentors, cooperating teachers, site supervisors, candidate coach)</u> 	<ul style="list-style-type: none"> ✓ <u>Resume (certification, experience, accomplishment, employment history).</u> ✓ <u>Signed reference letter or letter of recommendation (accomplishment); or</u> ✓ <u>K-12 campus/district report card (accomplishment); and</u> ✓ <u>Official service records (experience); and</u> ✓ <u>Valid educator certificate (certification); and/or</u> ✓ <u>Professional license, as applicable.</u> ✓ <u>Signed and dated reference letter or recommendation (accomplishment) (experience, certification, and accomplishment if from employer or HR).</u>
<ul style="list-style-type: none"> • <u>Work experience</u> 	<ul style="list-style-type: none"> ✓ <u>Resume.</u> ✓ <u>Service record.</u> ✓ <u>Signed letter of reference.</u>
<ul style="list-style-type: none"> • <u>Licensure and/or certification</u> 	<ul style="list-style-type: none"> ✓ <u>Copy of license and/or certificate.</u>
<ul style="list-style-type: none"> • <u>Completion of training (field supervisors, mentors, cooperating teachers, site supervisors, candidate coach)</u> 	<ul style="list-style-type: none"> ✓ <u>Certificate of completion; or</u> ✓ <u>Dated sign-in sheet with training topic identified; or</u> ✓ <u>Official transcripts/training transcripts; and</u> ✓ <u>Training materials reflecting required content (e.g., coaching/mentoring and co-teaching.)</u>
<ul style="list-style-type: none"> • <u>Notification provided to individuals or entities</u> 	<ul style="list-style-type: none"> ✓ <u>Letter with date and signature; or</u> ✓ <u>Email with to/from identified and date stamp; or</u> ✓ <u>Signed and dated form.</u>
<ul style="list-style-type: none"> • <u>Coursework or training content</u> 	<ul style="list-style-type: none"> ✓ <u>Published syllabi for course or module; or</u> ✓ <u>Course materials (presentation slides, project instructions, textbooks, instructor guides); and</u> ✓ <u>Performance assessment with aligned rubric.</u>
Component 5: Evaluation of Program & Candidate (19 TAC Chapters 227, 228, 230, 239, 241, & 242)	
If the TAC Requirement Includes...	Acceptable Evidence of Compliance is...
<ul style="list-style-type: none"> • <u>Candidate progress or readiness (e.g., testing, certification)</u> 	<ul style="list-style-type: none"> ✓ <u>Benchmark document reflecting dates and requirements complete.</u> ✓ <u>Test scores.</u> ✓ <u>Rubric reflecting level of proficiency.</u>
<ul style="list-style-type: none"> • <u>Program evaluation</u> 	<ul style="list-style-type: none"> ✓ <u>Surveys; and</u> ✓ <u>Survey data.</u> ✓ <u>Meeting minutes (for discussions related to evaluation of program).</u> ✓ <u>Rubrics.</u> ✓ <u>Institutional plan for long term program growth/improvement</u>

<ul style="list-style-type: none"> • <u>Document retention (candidate records, EPP records)</u> 	<ul style="list-style-type: none"> ✓ <u>Evidence required by this chart, paper or electronic</u>
Component 6: Professional Conduct (19 TAC Chapter 228, Subchapter D)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Educators Code of Ethics: Attestation of understanding and adherence</u> 	<ul style="list-style-type: none"> ✓ <u>Handbook page reflecting attestation with signature; or</u> ✓ <u>Application reflecting attestation with signature or electronic acknowledgement; or</u> ✓ <u>Document that includes statement of adherence with signature.</u>
Component 7: Complaints Process (19 TAC Chapter 228, Subchapter G)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Complaints process in place</u> 	<ul style="list-style-type: none"> ✓ <u>Published on website with link to TEA complaint process; and</u> ✓ <u>Policy/process displayed at physical site; and</u> ✓ <u>Document on file at TEA.</u>
<ul style="list-style-type: none"> • <u>Complaints process applied</u> 	<ul style="list-style-type: none"> ✓ <u>Letter/email/form signed and dated; or</u> ✓ <u>Meeting minutes (where complaint is discussed)</u>
Component 8: Certification Procedures (19 TAC Chapter 228, Subchapter D, Chapters 239, 241, & 242)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Degree conferred</u> • <u>College coursework completed</u> 	<ul style="list-style-type: none"> ✓ <u>Official transcripts</u>
<ul style="list-style-type: none"> • <u>EPP requirements completed</u> 	<ul style="list-style-type: none"> ✓ <u>Benchmark document reflecting dates and requirements complete; or</u> ✓ <u>EPP Training transcript; or</u> ✓ <u>Official transcripts.</u>
<ul style="list-style-type: none"> • <u>Classroom teaching experience</u> 	<ul style="list-style-type: none"> ✓ <u>Official service records</u>
<ul style="list-style-type: none"> • <u>Licensure/certification</u> 	<ul style="list-style-type: none"> ✓ <u>License or certificate; and</u> ✓ <u>Statement of Qualifications (SOQ), as applicable</u>
<ul style="list-style-type: none"> • <u>Passing scores on examinations</u> 	<ul style="list-style-type: none"> ✓ <u>Official exam score report.</u>
Component 9: Integrity of Data Submission (19 TAC Chapter 229)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Data reported to TEA</u> 	<ul style="list-style-type: none"> ✓ <u>Records in ASEP or ECOS compared with dates and data on EPP evidence required by this chart (must agree).</u>
Component 10: Instruction in Proactive Planning Techniques & Inclusive Practices (19 TAC Chapter 228, Subchapter D)	
<u>If the TAC Requirement Includes...</u>	<u>Acceptable Evidence of Compliance is...</u>
<ul style="list-style-type: none"> • <u>Required content in coursework & training</u> 	<ul style="list-style-type: none"> ✓ <u>Standards alignment charts identifying alignment of educator standards in curriculum; and</u> ✓ <u>Application of required content identified in syllabi/course outlines; or</u> ✓ <u>Application of required content identified in course/training lesson plans.</u>
<ul style="list-style-type: none"> • <u>Proficiency in required content during clinical experience</u> 	<ul style="list-style-type: none"> ✓ <u>Observation rubric signed by candidate and field supervisor with date, start and stop time, subject,</u>

	<u>and grade level, with record of educational practices observed.</u>
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ATTACHMENT IV

Figure: 19 TAC §228.15(b)(1)
Teacher Residency Preparation Route Evidence Sources

<u>If the TAC Requirement Includes...</u>	<u>Requirements</u>	<u>Acceptable Evidence of Compliance is...</u>
<u>Coursework Requirement</u>	<u>§228.37(a)</u>	<ul style="list-style-type: none"> • <u>Residency Program Scope and Sequence (including clearly outlined timeline for gradual increase of instructional responsibility)</u> • <u>Methods Course Syllabus</u> • <u>Content Pedagogy Syllabi</u>
<u>Practice-Based Experience in a Classroom Setting</u>	<u>§228.65(a)</u>	<ul style="list-style-type: none"> • <u>Scope and Sequence of Residency Program</u> • <u>Educator Preparation Program (EPP) Handbook: Submission of guidance for gradual release and co-teaching.</u> • <u>Evidence of host teacher training related to best practices in co-teaching.</u>
<u>Instructional Setting</u>	<u>§228.65(b)(1) and (3)</u> <u>§228.43(a)-(c)</u>	<ul style="list-style-type: none"> • <u>EPP handbook: description on instructional setting selection process</u> • <u>Form used for determining that a candidate should have multiple placements.</u> • <u>EPP handbook: description of expectations for candidate completion of field-based experiences (FBEs)</u> • <u>Log or tracking tool of candidate FBE completion</u>
<u>Host Teacher</u>	<u>§228.91(a), (b), (d), and (e)</u> <u>§228.95(a) and (b)</u>	<ul style="list-style-type: none"> • <u>Host Teacher Profile or Job Description</u> • <u>EPP handbook includes description of host criteria, selection process, and training.</u> • <u>Host teacher training calendar and/or scope and sequence</u> • <u>Host teacher training artifacts: agenda, training materials that show evidence of focus on coaching and co-teaching practice</u> • <u>Host teacher job embedded support artifacts: example check in, example of observation of host teacher or debrief notes.</u>
<u>Co-Teaching</u>	<u>§228.65(b)(2)</u>	<ul style="list-style-type: none"> • <u>EPP Scope and Sequence and/or Handbook with description of co-teaching practices</u>

<u>Field Supervisors</u>	<u>§228.101(a)</u> <u>§228.101(b)(1), (4), and (10)</u>	<ul style="list-style-type: none"> • <u>EPP handbook description of Field Supervisor (FS) requirements, selection, and training</u> • <u>FS training calendar</u> • <u>FS training artifacts: sample agenda and/or training materials to show evidence of alignment to co-teaching and coaching.</u> • <u>Sample resume of a Field Supervisor</u>
<u>Teacher Resident Coaching</u>	<u>§228.101(b)(7)</u>	<ul style="list-style-type: none"> • <u>EPP Handbook: teacher resident coaching and informal observations, including protocols, observation feedback process description</u> • <u>Sample coaching tools</u> • <u>Samples of written candidate feedback that includes candidate follow up support plans</u>
<u>Formal Observations</u>	<u>§228.103(a) and (b)</u>	<ul style="list-style-type: none"> • <u>EPP Handbook: description of formal observation practices (observation pre- and post-practices, length of observation), FS training to meet TEA requirements.</u> • <u>EPP’s formal observation tool</u> • <u>EPP’s calendar of formal observations</u>
<u>Certification Exam Requirements</u>	<u>§228.31(d) and (e)</u> <u>§230.39(b)(5)-(6)</u>	<ul style="list-style-type: none"> • <u>EPP handbook: description of certification exam timeline requirements for teacher residents, description of supports for candidates to prepare for and access exam by EPP established deadline.</u> • <u>EPP handbook: description of certification requirements, surrounding processes for candidates to be recommended for and to achieve completer status within their program.</u> • <u>Sample recommendation form for candidates to be certified upon completion of a teacher residency program.</u>
<u>Evaluation of Teacher Candidate Readiness</u>	<u>§228.31(c)</u> <u>§228.65(c)-(g)</u>	<ul style="list-style-type: none"> • <u>EPP Handbook: description of progression of performance gates, description of response to candidate performance on each gate and intervention supports, description of candidate recommendation process</u> • <u>Submission of all performance gates for review of quality criteria</u> • <u>Sample intervention plan template</u> • <u>Candidate recommendation for certification form/document, reflecting shared decision making with district partner.</u>
<u>Governance</u>	<u>§228.25(d)</u>	<ul style="list-style-type: none"> • <u>Governance practices, from EPP handbook</u> • <u>Sample governance meeting agenda</u> • <u>Sample governance meeting minutes</u> • <u>Current MOUs from partner districts</u>

INFORMATION MATERIALS

STATE BOARD OF EDUCATION OPERATING RULES
(amended February 2, 2023)

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. Establishment of essential knowledge and skills (TEKS)
2. Instructional materials proclamations and adoption of instructional materials
3. 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 including coordination with the TEA and the Texas Permanent School Fund Corporation (Texas PSF)
7. Oversight of the Texas PSF, including receipt of required reports
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. Updates regarding open-enrollment application cycles and processes
4. School safety and items pertaining to the Texas school safety center and recommendations from the chief of school safety and security
5. State Board for Educator Certification rules review
6. School board member training policy
7. Hearing examiners
8. Military reservation and special purpose school districts
9. Extracurricular activities
10. 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 consider relevant qualifications specific to a committee assignment in making committee assignments.
- (f) 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. Should the committee chair be unable or unwilling to continue to serve as chair, the chairman of the board shall declare a vacancy and a new election shall be held by the committee.
- (g) 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.
- (h) 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.
- (i) The members appointed to the Committee on School Finance/Permanent School Fund will serve as the members of the board of directors of the Texas PSF that are appointed by the SBOE as provided under Texas Education Code §43.053(a)(1) and will cease to serve as a director upon the expiration of his or her term of service or other separation from such committee in accordance with these rules as provided under 19 TAC Chapter 33, Texas Permanent School Fund Corporation, §33.21.

§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, at least 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 as attachments.
- (f) Official agendas and agenda attachments will be available one week before the board meeting. Any items submitted after this deadline may be considered at the next 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) A board member who wishes to participate in a meeting virtually shall notify the board chair and the State Board of Education Support office at least five business days prior to the start of the full board meeting during which the member will need to participate virtually. In the event of an emergency, every effort will be made to accommodate the board member. 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.
- (f) The presiding chair shall designate the area inside the velvet ropes as the bar of the meeting (the only place where discussion and votes may take place). Members of the public shall not enter areas of the bar of the meeting space designated for SBOE members only and shall not impede or interfere with the movement of SBOE members to or from designated areas. At the start of each meeting, the presiding chair shall inform members of the public that the bar has been established, that they are not permitted inside the bar, and that they may not limit members' movements to or from the bar.
- (g) For the sake of expediency, each board member shall be limited to 10 minutes of questions and discussion on each agenda item.

§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 by informing all individuals in attendance of the rules of decorum and providing notice that written rules are posted at the entrance to the room and in the room. The presiding chair shall also provide notice that an individual who does not comply with the rules of decorum may be removed from the meeting. 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) Members in the audience shall not distract or disrupt SBOE members or others in the audience during a meeting. Anyone needing to engage in a conversation should quietly exit the meeting room to a public space. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.
- (d) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (e) No applause, outburst, other demonstration, or disruption by any spectator shall be permitted during any 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. If, after at least one warning from the presiding officer, any individual continues to disrupt a meeting by his or her words or actions, the presiding officer may direct that the individual be removed as necessary to preserve decorum during meetings.
- (f) 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. Materials should focus on scientific processes and recognize the ongoing process of scientific discovery and change over time in the natural world.
 - (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 Texas and its heritage and abundant natural resources.
 - (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 Texas 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.
 - (vii) Instructional materials shall present factual information, avoid bias, and encourage discussion.

- (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.
- (7) At the start of public testimony or a public hearing, the presiding chair shall announce that testimony will be heard for a maximum of two consecutive hours at which time a recess of at least 15 minutes will be observed. Testimony will continue in this manner until such time as all registered testifiers have been permitted to speak. The presiding chair shall also announce that reasonable lunch and dinner breaks will be observed.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Monday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at [Operating Rules](#) 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) Those registering online will receive an email confirming the registration during the next business day.
- (4) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (5) 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.
- (6) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
- (7) All speakers may provide an electronic copy of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide an electronic copy 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.
- (4) 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.
- (5) 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. Two-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, an electronic copy may be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who are unable to attend or to testify at a committee or board meeting due to time constraints may provide an electronic copy 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 (TEKS) and 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 an electronic copy of their testimony for distribution to board members and agency executive staff.
- (e) Persons who are unable to testify at a public hearing due to time constraints may provide an electronic copy of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

§2.13. Public Comments Regarding Proposed Rulemaking.

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments will be noted in the *Texas Register* posting for each item. A minimum of 30 days will be allotted for public comment on a rule item. 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 charter schools 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 private or personal interest including 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 (See Texas Government Code §572.058 for further information.).
- (b) The ethical standards that govern the conduct of State Board of Education members with respect to their duties as to the Permanent School Fund are as provided under 19 TAC Chapter 33, §33.4 *Ethical Standards for Members of the State Board of Education*.

§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 and distributed to board members 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 direct contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation 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 at least one week before the board meeting.
- (c) The board may 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 may 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 may 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 may 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 may 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 may 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 may 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.

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 ensure that proper criteria are 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 to:
 - (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.

2021-2025 Rule Review Plan for State Board of Education Rules

STATE BOARD OF EDUCATION: INFORMATION

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

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

Rule Review Procedures. Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples that present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

Example 1. Rule Review with No Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

Example 2. Rule Review with Changes

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

Example 3. Repeal of Rule under Review

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

Staff Members Responsible:

Cristina De La Fuente-Valadez, Director, Rulemaking

Lynette Smith, Program Specialist, Rulemaking

Attachment I:

2021-2025 Rule Review Plan for State Board of Education Rules

Attachment II:

Sample Notices of Proposed Review and Adopted Review

ATTACHMENT I

2021-2025 Rule Review Plan for State Board of Education Rules (Approved June 25, 2021)

Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.

Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE.

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_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

Notice of Adopted Review (with no changes to rule) (Readoption)

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)
(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

STATUTORY AUTHORITY REFERENCE SECTION:

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

Sec. 2. PERMANENT SCHOOL FUND.

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
 - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
 - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
 - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
 - (2) the land is not patentable under the law in effect before January 1, 2002; and
 - (3) the person claiming title to the land:

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 2

- (A) holds the land under color of title;
 - (B) holds the land under a chain of title that originated on or before January 1, 1952;
 - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
 - (D) has a deed to the land recorded in the appropriate county; and
 - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
 - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
 - (2) change the mineral reservation in an existing patent.

Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

Tract 1:

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

Tract 2:

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
 - (2) any navigable waterway or related interest owned by a governmental entity; or
 - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

THE TEXAS CONSTITUTION
ARTICLE 7. EDUCATION
SECTION 5

Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
- (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
- (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
- (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.
 - (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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.
 - (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](#). The program may not include a distinction between standard protocol dyslexia instruction, as defined by the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as updated in 2021 and adopted by the State Board of Education, and its subsequent amendments, and other types of direct dyslexia instruction, including specially designed instruction.
 - (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](#).
 - (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.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 6.01, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 268, Sec. 2, eff. May 26, 1997; Acts 1999, 76th Leg., ch. 1482, Sec. 1, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 4, eff. July 19, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 73 (S.B. [307](#)), Sec. 2.06(a)(1), eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.003(4), eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 3.003, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 2, eff. June 10, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE
CHAPTER 7. STATE ORGANIZATION
SUBCHAPTER D. STATE BOARD OF EDUCATION

TEC, §7.109. DESIGNATION AS STATE BOARD FOR CAREER AND TECHNOLOGY EDUCATION.

- (a) The board is also the State Board for Career and Technology Education.
- (b) The commissioner is the executive officer through whom the State Board for Career and Technology Education shall carry out its policies and enforce its rules.
- (c) The State Board for Career and Technology Education may contract with the Texas Higher Education Coordinating Board or any other state agency to assume the leadership role and administrative responsibility of the State Board for Career and Technology Education for state level administration of technical-vocational education programs in public community colleges, public technical institutes, and other eligible public postsecondary institutions in this state.
- (d) The State Board for Career and Technology Education may allocate funds appropriated to the board by the legislature or federal funds received by the board under the Carl D. Perkins Vocational Education Act (20 U.S.C. Section 2301 et seq.) or other federal law to an institution or program approved by the State Board of Education, the Texas Higher Education Coordinating Board, or another state agency specified by law.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF
INDEPENDENT SCHOOL DISTRICT

TEC, §11.159. MEMBER TRAINING AND ORIENTATION.

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (b-1) The State Board of Education shall require a trustee to complete training on school safety. The state board, in coordination with the Texas School Safety Center, shall develop the curriculum and materials for the training.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
 - (1) three hours of training on evaluating student academic performance; and
 - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section [11.1515](#).
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.

(e) For purposes of this section, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1244 (H.B. [2563](#)), Sec. 5, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 925 (S.B. [1566](#)), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 313 (H.B. [690](#)), Sec. 1, eff. September 1, 2021.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 11. SCHOOL DISTRICTS
SUBCHAPTER 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 on or are employed on the military reservation. A person who retires from active duty or civilian service while serving a term as a member of the board of trustees may continue to serve for the remainder of that person's term. 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 shall 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.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 982, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 676 (S.B. [144](#)), Sec. 1, eff. June 17, 2005.

Acts 2023, 88th Leg., R.S., Ch. 759 (H.B. [4210](#)), Sec. 1, eff. September 1, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE
CHAPTER 12. CHARTERS
SUBCHAPTER B. HOME-RULE SCHOOL DISTRICT CHARTER

TEC, §12.028. PROCEDURE FOR PLACEMENT ON PROBATION OR REVOCATION.

- (a) The State Board of Education by rule shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter.
- (b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the district and to parents of district students. A hearing under this subsection must be held in the 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 campus under Subsection (b-4)(2) up to 36 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.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 193, Sec. 1, eff. June 2, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1140 (S.B. [2](#)), Sec. 9, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1046 (H.B. [1842](#)), Sec. 3(a), eff. June 19, 2015.

Acts 2019, 86th Leg., R.S., Ch. 597 (S.B. [668](#)), Sec. 2.01, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 706 (H.B. [2102](#)), Sec. 1, eff. September 1, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
CHAPTER 21. EDUCATORS
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §21.003. CERTIFICATION REQUIRED.

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- (b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.
- (c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section 7.056. A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

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CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.031. PURPOSE.

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

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TEC, §21.035. DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY.

- (a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.
- (b) The agency shall provide the board's administrative functions and services.

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TEC, §21.040. GENERAL POWERS AND DUTIES OF BOARD.

The board shall:

- (1) appoint the members of any advisory committee to the board;
- (2) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the board;
- (3) provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees; and
- (4) develop and implement policies that clearly define the respective responsibilities of the board and the board's staff.

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TEC, §21.041. RULES; FEES.

- (a) The board may adopt rules as necessary for its own procedures.
- (b) The board shall propose rules that:
 - (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
 - (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state or foreign country, subject to Section 21.052;
 - (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;
 - (7) provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Chapter 2001, Government Code;
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics;
 - (9) provide for continuing education requirements; and
 - (10) provide for certification of persons performing appraisals under Subchapter H.
- (c) The board shall propose a rule adopting a fee for the issuance and maintenance of an educator certificate that, when combined with any fees imposed under Subsection (d), is adequate to cover the cost of administration of this subchapter.
- (d) The board may propose a rule adopting a fee for the approval or renewal of approval of an educator preparation program, or for the addition of a certificate or field of certification to the scope of a program's approval. A fee imposed under this subsection may not exceed the amount necessary, as determined by the board, to provide for the administrative cost of approving, renewing the approval of, and appropriately ensuring the accountability of educator preparation programs under this subchapter.

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TEC, §21.042. APPROVAL OF RULES.

The State Board for Educator Certification must submit a written copy of each rule it proposes to adopt to the State Board of Education for review. The State Board of Education may reject a proposed rule by a vote of at least two-thirds of the members of the board present and voting. If the State Board of Education fails to reject a proposal before the 90th day after the date on which it receives the proposal, the proposal takes effect as a rule of the State Board for Educator Certification as provided by Chapter 2001, Government Code. The State Board of Education may not modify a rule proposed by the State Board for Educator Certification.

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TEC, §21.044. EDUCATOR PREPARATION.

- (a) The board shall propose rules:
 - (1) specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities;
 - (2) establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; and
 - (3) specifying the minimum academic qualifications required for a certificate.
- (a-1) Any training requirements for a certificate specified under Subsection (a) must require that the person demonstrate:
 - (1) basic knowledge of:
 - (A) each disability category under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and how each category can affect student learning and development; and
 - (B) conditions that may be considered a disability under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and how a condition covered by that section can affect student learning and development;
 - (2) competence in the use of proactive instructional planning techniques that:
 - (A) provide flexibility in the ways:
 - (i) information is presented;
 - (ii) students respond or demonstrate knowledge and skills; and
 - (iii) students are engaged;
 - (B) reduce barriers in instruction;
 - (C) provide appropriate accommodations, supports, and challenges; and
 - (D) maintain high achievement expectations for all students, including students with disabilities and students of limited English proficiency;
 - (3) competence in the use of evidence-based inclusive instructional practices, including:
 - (A) general and special education collaborative and co-teaching models and approaches;
 - (B) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;

- (C) classroom management techniques using evidence-based behavioral intervention strategies and supports; and
 - (D) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction; and
- (4) thorough understanding of and competence in the use of open education resource instructional materials included on the list of approved instructional materials maintained by the State Board of Education under Section [31.022](#) in each subject area and grade level covered by the person's certificate.
- (b) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
 - (1) be provided through:
 - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section [38.351](#); or
 - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program; and
 - (2) include effective strategies, including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, virtual learning, and virtual instruction, including a digital literacy evaluation followed by a prescribed digital learning

curriculum. The instruction required must:

- (1) be aligned with the International Society for Technology in Education's standards for teachers;
 - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy;
 - (3) cover best practices in:
 - (A) assessing students receiving virtual instruction, based on academic progress; and
 - (B) developing a virtual learning curriculum; and
 - (4) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section [28.027](#), at a secondary school, a person must:
- (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
 - (2) have at a minimum:
 - (A) an associate degree from an accredited institution of higher education; and
 - (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
- (1) an associate degree or more advanced degree from an accredited institution of higher education;
 - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
 - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.

- (g) Each educator preparation program must provide information regarding:
- (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;
 - (2) the effect of supply and demand forces on the educator workforce in this state;
 - (3) the performance over time of the educator preparation program;
 - (4) the importance of building strong classroom management skills;
 - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and
 - (6) appropriate relationships, boundaries, and communications between educators and students.
- (h) An educator preparation program may not include instruction on the use of instructional materials that incorporate the method of three-cueing, as defined by Section [28.0062\(a-1\)](#), into foundational skills reading instruction.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 926 (S.B. [1620](#)), Sec. 1, eff. June 17, 2011.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. [4.001](#), eff. September 1, 2013.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 1091 (H.B. [3573](#)), Sec. 1, eff. June 14, 2013.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 1282 (H.B. [2012](#)), Sec. 3, eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1321 (S.B. [460](#)), Sec. 2, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1157 (S.B. [674](#)), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1157 (S.B. [674](#)), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(8), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 8, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 714 (H.B. [4056](#)), Sec. 2, eff. June 12, 2017.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 3, eff. June 12, 2017.

Acts 2017, 85th Leg., R.S., Ch. 960 (S.B. [1963](#)), Sec. 1, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.03, eff. December 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 548 (S.B. [226](#)), Sec. 2, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 2, eff. June 13, 2023.

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TITLE 2. PUBLIC EDUCATION
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CHAPTER 21. EDUCATORS
SUBCHAPTER B. CERTIFICATION OF EDUCATORS

TEC, §21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS.

- a) The board shall propose rules necessary to establish standards to govern the continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:
- (1) results of the certification examinations prescribed under Section [21.048\(a\)](#);
 - (2) performance based on the appraisal system for beginning teachers adopted by the board;
 - (3) achievement, including improvement in achievement, of all students, including students with disabilities, taught by beginning teachers for the first three years following certification, to the extent practicable;
 - (4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching.
- (b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:
- (1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);
 - (2) data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;
 - (3) the following information, disaggregated by race, sex, and ethnicity:
 - (A) the number of candidates who apply;
 - (B) the number of candidates admitted;
 - (C) the number of candidates retained;
 - (D) the number of candidates completing the program;

- (E) the number of candidates employed as beginning teachers under standard teaching certificates by not later than the first anniversary of completing the program;
 - (F) the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;
 - (G) the number of candidates retained in the profession; and
 - (H) any other information required by federal law;
- (4) the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and
 - (5) any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.
- (c) The board shall propose rules necessary to establish performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a).
 - (d) To assist an educator preparation program in improving the design and effectiveness of the program in preparing educators for the classroom, the agency shall provide to each program data that is compiled and analyzed by the agency based on information reported through the Public Education Information Management System (PEIMS) relating to the program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 723 (S.B. [174](#)), Sec. 2, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 6, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 4, eff. June 12, 2017.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 4, eff. September 1, 2021.

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TEC, §21.046. QUALIFICATIONS FOR CERTIFICATION AS SUPERINTENDENT OR PRINCIPAL.

- (a) The qualifications for superintendent must permit a candidate for certification to substitute management training or experience for part of the educational experience.
- (b) The qualifications for certification as a principal must be sufficiently flexible so that an outstanding teacher may qualify by substituting approved experience and professional training for part of the educational requirements. Supervised and approved on-the-job experience in addition to required internship shall be accepted in lieu of classroom hours. The qualifications must emphasize:
 - (1) instructional leadership, including the ability to create an inclusive school environment and to foster parent involvement;
 - (2) administration, supervision, and communication skills;
 - (3) curriculum and instruction management, including curriculum and instruction management for students with disabilities;
 - (4) performance evaluation;
 - (5) organization; and
 - (6) fiscal management.
- (c) Because an effective principal is essential to school improvement, the board shall ensure that:
 - (1) each candidate for certification as a principal is of the highest caliber; and
 - (2) multi-level screening processes, validated comprehensive assessment programs, and flexible internships with successful mentors exist to determine whether a candidate for certification as a principal possesses the essential knowledge, skills, and leadership capabilities necessary for success.
- (d) In creating the qualifications for certification as a principal, the board shall consider the knowledge, skills, and proficiencies for principals as developed by relevant national organizations and the State Board of Education.
- (e) For purposes of satisfying eligibility requirements for certification as a principal, a teacher who is certified under Section [21.0487](#):
 - (1) is considered to hold a classroom teaching certificate; and
 - (2) may apply as creditable years of teaching experience as a classroom teacher any period during which the teacher was employed by a school district as a Junior Reserve Officer Training Corps instructor before or after the teacher was certified under Section [21.0487](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1194 (S.B. [1309](#)), Sec. 2, eff. June 19, 2015.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 6, eff. September 1, 2021.

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TEC, §21.048. CERTIFICATION EXAMINATIONS.

- (a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.
- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination. A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.
- (a-2) The board shall adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by the board after January 1, 2021.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057.
- (d) In this section:

- (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
- (3) "Validity" means being:
 - (A) well-grounded or justifiable;
 - (B) relevant and meaningful;
 - (C) correctly derived from premises or inferences; and
 - (D) supported by objective truth or generally accepted authority.

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TEC, §21.049. ALTERNATIVE CERTIFICATION.

- (a) To provide a continuing additional source of qualified educators, the board shall propose rules providing for educator certification programs as an alternative to traditional educator preparation programs. The rules may not provide that a person may be certified under this section only if there is a demonstrated shortage of educators in a school district or subject area.
- (b) The board may not require a person employed as a teacher in an alternative education program under Section 37.008 or a juvenile justice alternative education program under Section 37.011 for at least three years to complete an alternative educator certification program adopted under this section before taking the appropriate certification examination.

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TEC, §21.050. ACADEMIC DEGREE REQUIRED FOR TEACHING CERTIFICATE; FIELD-BASED EXPERIENCE OR INTERNSHIP.

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, ~~[other than education]~~, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) ~~[The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate.]~~ The board shall provide for a minimum number of semester credit hours of field-based experience or internship to be included in the credit hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

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TEC, §21.051. RULES REGARDING FIELD-BASED EXPERIENCE AND OPTIONS FOR FIELD EXPERIENCE AND INTERNSHIPS.

- (a) In this section, "teacher of record" means a person employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Before a school district may employ a candidate for certification as a teacher of record and, except as provided by Subsection (b-1), after the candidate's admission to an educator preparation program, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities involving a diverse student population that, to the greatest extent practicable, includes students with disabilities under supervision at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (b-1) A candidate may satisfy up to 15 hours of the field-based experience requirement under Subsection (b) by serving as a long-term substitute teacher as prescribed by board rule. Experience under this subsection may occur after the candidate's admission to an educator preparation program or during the two years before the date the candidate is admitted to the program. The candidate's experience in instructional or educational activities must be documented by the educator preparation program and must be obtained at:
 - (1) a public school campus accredited or approved for the purpose by the agency; or
 - (2) a private school recognized or approved for the purpose by the agency.
- (c) Subsection (b) applies only to an initial certification issued on or after September 1, 2012. Subsection (b) does not affect:
 - (1) the validity of a certification issued before September 1, 2012; or
 - (2) the eligibility of a person who holds a certification issued before September 1, 2012, to obtain a subsequent renewal of the certification in accordance with board rule.

- (d) Subsection (b) does not affect the period within which an individual must complete field-based experience hours as determined by board rule if the individual is not accepted into an educator preparation program before the deadline prescribed by board rule and is hired for a teaching assignment by a school district after the deadline prescribed by board rule.
- (e) The board shall propose rules relating to the field-based experience required by Subsection (b). The commissioner by rule shall adopt procedures and standards for recognizing a private school under Subsection (b)(2).
- (f) The board shall propose rules providing flexible options for persons for any field-based experience or internship required for certification, including options for candidate observations that provide for at least:
 - (1) two observations to occur in person and two additional observations to occur in virtual settings that are equivalent in rigor to in-person options for observation; or
 - (2) three observations to occur in person.
- (f-1) The options required under Subsection (f) must, to the greatest extent practicable, involve interaction with a diverse student population, including students with disabilities.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 8 (S.B. [8](#)), Sec. 2, eff. September 28, 2011.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 6, eff. June 12, 2017.

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 8, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 952 (S.B. [1590](#)), Sec. 1, eff. June 18, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 5 (S.B. [15](#)), Sec. 1, eff. September 9, 2021.

Acts 2023, 88th Leg., R.S., Ch. 768 (H.B. [4595](#)), Sec. 6.006, eff. September 1, 2023.

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TEC, §21.054. CONTINUING EDUCATION.

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (a-1) Continuing education requirements for educators must include training regarding educating students with disabilities.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) Subject to Subsection (d-2), continuing education requirements for a classroom teacher may not require that more than 25 percent of the training required every five years include instruction regarding:
 - (1) collecting and analyzing information that will improve effectiveness in the classroom;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into classroom instruction;
 - (4) educating diverse student populations, including:
 - (A) students who are educationally disadvantaged; and
 - (B) students at risk of dropping out of school; and
 - (5) understanding appropriate relationships, boundaries, and communications between educators and students.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (d-2) Training in a topic of instruction described by Subsection (d) attended by a classroom teacher in excess of an amount of hours equal to 25 percent of the training required of the teacher every five years shall be counted toward the teacher's overall training requirements.
- (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
 - (1) effective and efficient management, including:
 - (A) collecting and analyzing information;
 - (B) making decisions and managing time; and
 - (C) supervising student discipline and managing behavior;
 - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
 - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
 - (4) effective implementation of a comprehensive school counseling program under Section [33.005](#);
 - (5) mental health programs addressing a mental health condition;

- (6) educating diverse student populations, including:
 - (A) students who are educationally disadvantaged;
 - (B) emergent bilingual students; and
 - (C) students at risk of dropping out of school; and
- (7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section [21.12](#), Penal Code, or for which reporting is required under Section [21.006](#) of this code.
- (f) Continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction regarding:
 - (1) assisting students in developing high school graduation plans;
 - (2) implementing dropout prevention strategies;
 - (3) informing students concerning:
 - (A) college admissions, including college financial aid resources and application procedures; and
 - (B) career opportunities;
 - (4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
 - (5) effective implementation of a comprehensive school counseling program under Section [33.005](#).
- (g) The board shall adopt rules that allow an educator to fulfill continuing education requirements by participating in an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance.
- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 675 (S.B. [143](#)), Sec. 2, eff. June 17, 2005.

Acts 2009, 81st Leg., R.S., Ch. 596 (H.B. [200](#)), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 67(a), eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 2, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 638 (H.B. [642](#)), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1306 (H.B. [3793](#)), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(9), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 9, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 522 (S.B. [179](#)), Sec. 8, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 8, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.04, eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 4, eff. June 6, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1123 (H.B. [2424](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 3, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(1), eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(2), eff. June 18, 2021.

Acts 2023, 88th Leg., R.S., Ch. 518 (H.B. [2929](#)), Sec. 1, eff. June 10, 2023.

Acts 2023, 88th Leg., R.S., Ch. 518 (H.B. [2929](#)), Sec. 2, eff. June 10, 2023.

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SUBCHAPTER F. HEARING BEFORE HEARING EXAMINERS

TEC, §21.252. CERTIFICATION OF HEARING EXAMINERS.

- (a) The State Board of Education, in consultation with the State Office of Administrative Hearings, by rule shall establish criteria for the certification of hearing examiners eligible to conduct hearings under this subchapter. A hearing examiner certified under this subchapter must be licensed to practice law in this state.

- (b) The commissioner shall certify hearing examiners according to the criteria established under Subsection (a). A person certified as a hearing examiner or the law firm with which the person is associated may not serve as an agent or representative of:
 - (1) a school district;
 - (2) a teacher in any dispute with a school district; or
 - (3) an organization of school employees, school administrators, or school boards.

- (c) The commissioner shall set hourly rates of compensation for a hearing examiner and shall set maximum amount of compensation a hearing examiner may receive for a hearing.

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TEC, §21.0441. ADMISSION REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS .

- (a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:
- (1) except as provided by Subsection (b), satisfies the following minimum grade point average requirements:
 - (A) an overall grade point average of at least 2.50 on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or
 - (B) a grade point average of at least 2.50 on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and
 - (2) if the person is seeking initial certification:
 - (A) has successfully completed at least:
 - (i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or
 - (ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or
 - (B) has achieved a satisfactory level of performance on a content certification examination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.
- (b) The board's rules must permit an educator preparation program to admit in extraordinary circumstances a person who fails to satisfy a grade point average requirement prescribed by Subsection (a)(1)(A) or (B), provided that:

- (1) not more than 10 percent of the total number of persons admitted to the program in a year fail to satisfy the requirement under Subsection (a)(1)(A) or (B);
 - (2) each person admitted as described by this subsection performs, before admission, at a satisfactory level on an appropriate subject matter examination for each subject in which the person seeks certification; and
 - (3) for each person admitted as described by this subsection, the director of the program determines and certifies, based on documentation provided by the person, that the person's work, business, or career experience demonstrates achievement comparable to the academic achievement represented by the grade point average requirement.
- (c) The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:
- (1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or
 - (2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.
- (d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

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**TEC, §21.0442. EDUCATOR PREPARATION PROGRAM FOR PROBATIONARY AND
STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING
CERTIFICATES.**

- (a) The board shall propose rules under this subchapter to create an abbreviated educator preparation program for a person seeking certification in trade and industrial workforce training.
- (b) A person is eligible for admission to an educator preparation program created under this section only if the person:
 - (1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;
 - (2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;
 - (3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and
 - (4) within the period described by Subdivision (2), has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.
- (c) In proposing rules for an educator preparation program under this section, the board shall ensure that the program requires at least 80 hours of classroom instruction in:
 - (1) a specific pedagogy;
 - (2) creating lesson plans;
 - (3) creating student assessment instruments;
 - (4) classroom management; and
 - (5) relevant federal and state education laws.

Text of section effective on June 15, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 3, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 1, eff. June 15, 2017.

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TEC, §21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL.

- (a) The board shall propose rules to establish standards to govern the approval or renewal of approval of:
 - (1) educator preparation programs; and
 - (2) certification fields authorized to be offered by an educator preparation program.
- (b) To be eligible for approval or renewal of approval, an educator preparation program must:
 - (1) incorporate proactive instructional planning techniques throughout course work and across content areas using a framework that:
 - (A) provides flexibility in the ways:
 - (i) information is presented;
 - (ii) students respond or demonstrate knowledge and skills; and
 - (iii) students are engaged;
 - (B) reduces barriers in instruction;
 - (C) provides appropriate accommodations, supports, and challenges; and
 - (D) maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency;
 - (2) integrate inclusive practices for all students, including students with disabilities, and evidence-based instruction and intervention strategies throughout course work, clinical experience, and student teaching;
 - (3) adequately prepare candidates for educator certification; and
 - (4) meet the standards and requirements of the board.
- (c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

Added by Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 5, eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 3, eff. September 1, 2021.

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TEC, §21.0452. CONSUMER INFORMATION REGARDING EDUCATOR PREPARATION PROGRAMS.

- (a) To assist persons interested in obtaining teaching certification in selecting an educator preparation program and assist school districts in making staffing decisions, the board shall make information regarding educator programs in this state available to the public through the board's Internet website.
- (b) The board shall make available at least the following information regarding each educator preparation program:
 - (1) the information specified in Sections [21.045\(a\)](#) and (b);
 - (2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:
 - (A) average overall grade point average and average grade point average in specific subject areas; and
 - (B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;
 - (3) the degree to which persons who complete the program are successful in obtaining teaching positions;
 - (4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:
 - (A) students with disabilities; and
 - (B) emergent bilingual students, as defined by Section [29.052](#);
 - (5) the activities offered by the program that are designed to prepare teachers to:
 - (A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and
 - (B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;
 - (6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;
 - (7) the perseverance of beginning teachers in the profession, based on information reported through the Public Education Information Management System (PEIMS) providing the

- number of beginning teachers employed as classroom teachers for at least three years after certification in comparison to similar programs;
- (8) the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;
 - (9) the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and
 - (10) the results of teacher satisfaction surveys developed under Section [21.045](#) and given to program participants at the end of the first year of teaching.
- (c) For purposes of Subsection (b)(9), the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.
 - (d) For purposes of Subsections (b)(9) and (10), the board shall develop surveys for distribution to program participants and school principals.
 - (e) The board may develop procedures under which each educator preparation program receives a designation or ranking based on the information required to be made available under Subsection (b). If the board develops procedures under this subsection, the designation or ranking received by each program must be included in the information made available under this section.
 - (f) In addition to other information required to be made available under this section, the board shall provide information identifying employment opportunities for teachers in the various regions of this state. The board shall specifically identify each region of this state in which a shortage of qualified teachers exists.
 - (g) The board may require any person to provide information to the board for purposes of this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 723 (S.B. [174](#)), Sec. 2, eff. June 19, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 931 (H.B. [2205](#)), Sec. 8, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. [241](#)), Sec. 1.01, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 597 (S.B. [668](#)), Sec. 1.02, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 1, eff. September 1, 2021.

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TEC, §21.0453. INFORMATION FOR CANDIDATES FOR TEACHER CERTIFICATION.

- (a) The board shall require an educator preparation program to provide candidates for teacher certification with information concerning the following:
 - (1) skills and responsibilities required of teachers with regard to all students, including students with disabilities;
 - (2) expectations for student performance, including students with disabilities, based on state standards;
 - (3) the current supply of and demand for teachers in this state;
 - (4) the importance of developing classroom management skills; and
 - (5) the state's framework for appraisal of teachers and principals.
- (b) The board may propose rules as necessary for administration of this section, including rules to ensure that accurate and consistent information is provided by all educator preparation programs.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1292 (H.B. [2318](#)), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 215 (H.B. [159](#)), Sec. 5, eff. September 1, 2021.

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TEC, §21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL.

- a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:
 - (1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:
 - (A) the seriousness of any violation of a rule, standard or procedure;
 - (B) whether the violation resulted in an action being taken against the program;
 - (C) whether the violation was promptly remedied by the program;
 - (D) the number of alleged violations; and
 - (E) any other matter considered to be appropriate in evaluating the program's compliance history; and
 - (2) whether the program meets the accountability standards under Section [21.045](#).
- (b) The set of risk factors developed by the board may include whether an educator preparation
- (c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section [21.0443](#).

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TEC, §21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS.

- (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.
- (b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:
 - (1) on the Internet website of the educator preparation program, if the program maintains a website; and
 - (2) on a sign prominently displayed in program facilities.
- (c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.
- (d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

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TEC, §21.0462. QUALIFICATIONS FOR CERTIFICATION AS SCHOOL COUNSELOR.

The qualifications for certification as a school counselor may not include a requirement that a candidate for certification have experience as a classroom teacher.

Added by Acts 2023, 88th Leg., R.S., Ch. 344 (S.B. [798](#)), Sec. 1, eff. September 1, 2023.

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TEC, §21.0485. CERTIFICATION TO TEACH STUDENTS WITH VISUAL IMPAIRMENTS.

- (a) To be eligible to be issued a certificate to teach students with visual impairments, a person must:
 - (1) complete either:
 - (A) all course work required for that certification in an approved educator preparation program; or
 - (B) an alternative educator certification program approved for the purpose by the board;
 - (2) perform satisfactorily on each examination prescribed under Section [21.048](#) for certification to teach students with visual impairments, after completing the course work or program described by Subdivision (1); and
 - (3) satisfy any other requirements prescribed by the board.
- (b) Subsection (a) does not apply to eligibility for a certificate to teach students with visual impairments, including eligibility for renewal of that certificate, if the application for the initial certificate was submitted on or before September 1, 2011.

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**TEC, §21.0487. JUNIOR RESERVE OFFICER TRAINING CORPS TEACHER
CERTIFICATION.**

- (a) The board shall establish a standard Junior Reserve Officer Training Corps teaching certificate to provide Junior Reserve Officer Training Corps instruction.
- (b) To be eligible for a certificate under this section, a person must:
 - (1) hold a bachelor's degree from an institution of higher education that is, and at the time the person received the degree was, accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
 - (2) satisfy the eligibility and testing requirements for certification as a Junior Reserve Officer Training Corps instructor established by the branch of service in which the person served; and
 - (3) complete an approved educator preparation program.
- (c) The board shall propose rules to:
 - (1) approve educator preparation programs to prepare a person as a teacher for certification under this section; and
 - (2) establish requirements under which:
 - (A) a person's training and experience acquired during the person's military service serves as proof of the person's demonstration of subject matter knowledge if that training and experience is verified by the branch of service in which the person served; and
 - (B) a person's employment by a school district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program or while the person is enrolled in an educator preparation program is applied to satisfy any student teaching, internship, or field-based experience program requirement.
- (d) A person is not required to hold a certificate established under this section to be employed by a school district as a Junior Reserve Officer Training Corps instructor.

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TEC, §21.0489. EARLY CHILDHOOD CERTIFICATION.

- (a) To ensure that there are teachers with special training in early childhood education focusing on prekindergarten through grade three, the board shall establish an early childhood certificate.
- (b) A person is not required to hold a certificate established under this section to be employed by a school district to provide instruction in prekindergarten through grade three.
- (c) To be eligible for a certificate established under this section, a person must:
 - (1) either:
 - (A) satisfactorily complete the course work for that certificate in an educator preparation program, including a knowledge-based and skills-based course of instruction on early childhood education that includes:
 - (i) teaching methods for:
 - (a) using small group instructional formats that focus on building social, emotional, and academic skills;
 - (b) navigating multiple content areas; and
 - (c) managing a classroom environment in which small groups of students are working on different tasks; and
 - (ii) strategies for teaching fundamental academic skills, including reading, writing, and numeracy; or
 - (B) hold an early childhood through grade six certificate issued under this subchapter and satisfactorily complete a course of instruction described by Paragraph (A);
 - (2) perform satisfactorily on an early childhood certificate examination prescribed by the board; and
 - (3) satisfy any other requirements prescribed by the board.
- (d) The criteria for the course of instruction described by Subsection (c)(1)(A) shall be developed by the board in consultation with faculty members who provide instruction at institutions of higher education in educator preparation programs for an early childhood through grade six certificate.

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TEC, §21.0491. PROBATIONARY AND STANDARD TRADE AND INDUSTRIAL WORKFORCE TRAINING CERTIFICATES.

- (a) To provide a continuing additional source of teachers to provide workforce training, the board shall establish a probationary trade and industrial workforce training certificate and a standard trade and industrial workforce training certificate that may be obtained through an abbreviated educator preparation program under Section 21.0442.
- (b) To be eligible for a probationary certificate under this section, a person must:
 - (1) satisfactorily complete the course work for that certificate in an educator preparation program under Section [21.0442](#); and
 - (2) satisfy any other requirements prescribed by the board.
- (c) To be eligible for a standard certificate under this section, a person must:
 - (1) hold a probationary certificate issued under this section;
 - (2) be employed by:
 - (A) a public or private primary or secondary school; or
 - (B) an institution of higher education or an independent or private institution of higher education as those terms are defined by Section [61.003](#); and
 - (3) perform satisfactorily on a standard trade and industrial workforce training certificate examination prescribed by the board.
- (d) The limitation imposed by Section [21.048](#)(a-1) on the number of administrations of an examination does not apply to the administration of the standard trade and industrial workforce training certificate examination prescribed by the board.
- (e) Notwithstanding any other law, the board may administer the standard trade and industrial workforce training certificate examination to a person who satisfies the requirements of Subsections (c)(1) and (2).
- (f) The board shall propose rules to:
 - (1) specify the term of a probationary certificate and a standard certificate issued under this section; and
 - (2) establish the requirements for renewal of a standard certificate.

Text of section effective on June 15, 2017, but only if a specific appropriation is provided as described by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 3, which states: This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Added by Acts 2017, 85th Leg., R.S., Ch. 1077 (H.B. [3349](#)), Sec. 1, eff. June 15, 2017.

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TEC, §21.04891. BILINGUAL SPECIAL EDUCATION CERTIFICATION.

- (a) In this section, "limited English proficiency" has the meaning assigned by Section [29.052](#).
- (b) To ensure that there are teachers with special training in providing instruction to students of limited English proficiency with disabilities, the board shall establish a bilingual special education certificate.
- (c) To be eligible for a certificate established under this section, a person must:
 - (1) satisfactorily complete the coursework for that certificate in an educator preparation program, including a skills-based course of instruction on providing instruction to students of limited English proficiency with disabilities, which must include instruction on:
 - (A) the foundations of bilingual, multicultural, and second language special education;
 - (B) providing individualized education programs for students of limited English proficiency with disabilities;
 - (C) providing assessment of students of limited English proficiency with and without disabilities;
 - (D) developing teaching methods to recognize the intellectual, developmental, and emotional needs of students in dual language and transitional bilingual education settings;
 - (E) teaching fundamental academic skills, including reading, writing, and mathematics, to students of limited English proficiency; and
 - (F) creating partnerships with families and school professionals;
 - (2) perform satisfactorily on a bilingual special education certificate examination prescribed by the board; and
 - (3) satisfy any other requirements prescribed by the board.

Added by Acts 2021, 87th Leg., R.S., Ch. 691 (H.B. [2256](#)), Sec. 1, eff. September 1, 2021.

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CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

**TEC, §22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE BOARD FOR
EDUCATOR CERTIFICATION.**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section [411.0845](#), Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter [21](#).

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SUBCHAPTER C. CRIMINAL HISTORY RECORDS

TEC, §22.083. ACCESS TO CRIMINAL HISTORY RECORDS OF EMPLOYEES BY LOCAL AND REGIONAL EDUCATION AUTHORITIES.

- (a) A school district, open-enrollment charter school, or shared services arrangement shall obtain criminal history record information that relates to a person who is not subject to a national criminal history record information review under this subchapter and who is an employee of:
 - (1) the district or school; or
 - (2) a shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.
- (a-1) A school district, open-enrollment charter school, or shared services arrangement may obtain the criminal history record information from:
 - (1) the department;
 - (2) a law enforcement or criminal justice agency; or
 - (3) a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.).
- (a-2) A shared services arrangement may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person who is not subject to Subsection (a) and whom the shared services arrangement intends to employ in any capacity.
- (b) A private school or regional education service center may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to:
 - (1) a person whom the school or service center intends to employ in any capacity; or
 - (2) an employee of or applicant for employment by a person that contracts with the school or service center to provide services, if:
 - (A) the employee or applicant has or will have continuing duties related to the contracted services; and
 - (B) the employee or applicant has or will have direct contact with students.
- (c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1372, Sec. 27, eff. June 15, 2007.
- (d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1372, Sec. 27, eff. June 15, 2007.

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TEC, §22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS .

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter [21](#), and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.
- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.
- (e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter [21](#), and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.
- (f) The board may propose rules to implement this section, including rules establishing:
 - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
 - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
- (g) Expired.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.002. REQUIRED CURRICULUM.

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
 - (1) a foundation curriculum that includes:
 - (A) English language arts;
 - (B) mathematics;
 - (C) science; and
 - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
 - (2) an enrichment curriculum that includes:
 - (A) to the extent possible, languages other than English;
 - (B) health, with emphasis on:
 - (i) physical health, including the importance of proper nutrition and exercise;
 - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
 - (C) physical education;
 - (D) fine arts;
 - (E) career and technology education;
 - (F) technology applications;
 - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of

the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter [B](#), Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
 - (1) is relevant to student education; and
 - (2) aligns with current or emerging professions.
- (c-4) In adopting essential knowledge and skills for English language arts under Subsection (a)(1)(A), the State Board of Education shall specify a list of required vocabulary and at least one literary work to be taught in each grade level. The vocabulary specified by the board must support the essential knowledge and skills adopted for other courses offered under the foundation curriculum under Subsection (a)(1).
- (c-5) The State Board of Education shall initiate the process of specifying an initial list of vocabulary and literary works as required by Subsection (c-4) not later than February 1, 2024. The State Board of Education shall request from the agency recommendations regarding the list, and that request for recommendations may be considered an initiation of the process. This subsection expires September 1, 2025.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
 - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
 - (2) is consistent with national physical education standards for:
 - (A) the information that students should learn about physical activity; and
 - (B) the physical activities that students should be able to perform;
 - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
 - (4) offers students an opportunity to choose among many types of physical activity in which to participate;

- (5) offers students both cooperative and competitive games;
 - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
 - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
 - (8) teaches self-management and movement skills;
 - (9) teaches cooperation, fair play, and responsible participation in physical activity;
 - (10) promotes student participation in physical activity outside of school; and
 - (11) allows physical education classes to be an enjoyable experience for students.
- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
- (1) be flexible in approving a course for credit for high school graduation under this subsection; and
 - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
- (1) includes teacher input;
 - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
 - (3) includes a meeting of the board of trustees of the district at which:
 - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
 - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
- (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
 - (2) the course or other activity allows students to enter:
 - (A) a career or technology training program in the district's region of the state;

- (B) an institution of higher education without remediation;
 - (C) an apprenticeship training program; or
 - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
 - (2) the history, qualities, traditions, and features of civic engagement in the United States;
 - (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (4) the founding documents of the United States, including:
 - (A) the entirety of the Declaration of Independence;
 - (B) the entirety of the United States Constitution;
 - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
 - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
 - (E) the transcript of the first Lincoln-Douglas debate;
 - (F) the writings of the founding fathers of the United States;
 - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
 - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."
- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:

- (1) an understanding of:
 - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
 - (B) the history, qualities, traditions, and features of civic engagement in the United States;
 - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
 - (D) the founding documents of the United States;
 - (2) the ability to:
 - (A) analyze and determine the reliability of information sources;
 - (B) formulate and articulate reasoned positions;
 - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
 - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
 - (E) participate as a citizen in a constitutional democracy by voting; and
 - (3) an appreciation of:
 - (A) the importance and responsibility of participating in civic life;
 - (B) a commitment to the United States and its form of government; and
 - (C) a commitment to free speech and civil discourse.
- (h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.
- (h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.
- (h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).
- (h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.
- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).

- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
 - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3) (1) This subsection may be cited as "Lauren's Law."
- (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
- (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
 - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).
- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.

- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
- (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
 - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
 - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
- (1) child development;
 - (2) parenting skills, including child abuse and neglect prevention; and
 - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

- (w) Repealed by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:
 - (1) "Cyberbullying" has the meaning assigned by Section [37.0832](#).
 - (2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1285, Sec. 4.02, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 907, Sec. 1, eff. June 14, 2001; Acts 2001, 77th Leg., ch. 925, Sec. 3, eff. June 14, 2001; Acts 2003, 78th Leg., ch. 61, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1264, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(14), eff. Sept. 1, 2003.

Amended by:

- Acts 2005, 79th Leg., Ch. 784 (S.B. [42](#)), Sec. 1, eff. June 17, 2005.
- Acts 2007, 80th Leg., R.S., Ch. 254 (H.B. [2176](#)), Sec. 1, eff. September 1, 2007.
- Acts 2007, 80th Leg., R.S., Ch. 856 (H.B. [1287](#)), Sec. 3, eff. June 15, 2007.
- Acts 2007, 80th Leg., R.S., Ch. 1377 (S.B. [530](#)), Sec. 1, eff. June 15, 2007.
- Acts 2009, 81st Leg., R.S., Ch. 529 (S.B. [1344](#)), Sec. 2, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 773 (S.B. [891](#)), Sec. 1, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 25, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 1419 (H.B. [3076](#)), Sec. 1, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 1421 (S.B. [1219](#)), Sec. 1, eff. June 19, 2009.
- Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(5), eff. September 1, 2011.
- Acts 2011, 82nd Leg., R.S., Ch. 776 (H.B. [1942](#)), Sec. 4, eff. June 17, 2011.
- Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 13, eff. July 19, 2011.
- Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 8(a), eff. June 10, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 78(b)(1), eff. September 1, 2014.
- Acts 2013, 83rd Leg., R.S., Ch. 796 (S.B. [1474](#)), Sec. 1, eff. June 14, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 861 (H.B. [462](#)), Sec. 1, eff. June 14, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 1026 (H.B. [2662](#)), Sec. 1, eff. June 14, 2013.
- Acts 2015, 84th Leg., R.S., Ch. 89 (H.B. [440](#)), Sec. 1, eff. May 23, 2015.
- Acts 2015, 84th Leg., R.S., Ch. 729 (H.B. [1431](#)), Sec. 1, eff. June 17, 2015.
- Acts 2015, 84th Leg., R.S., Ch. 1175 (S.B. [968](#)), Sec. 1, eff. June 19, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1088 (H.B. [3593](#)), Sec. 1, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.07, eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 7, eff. June 6, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1149 (H.B. [2984](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 772 (H.B. [3979](#)), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1005 (H.B. [4509](#)), Sec. 3, eff. June 18, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 3, eff. December 2, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 4, eff. December 2, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 7, eff. June 13, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

TEC, §28.0023. CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR INSTRUCTION.

- (a) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1269, Sec. 3, eff. June 14, 2013.
- (b) The State Board of Education by rule shall require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator, for students in grades 7 through 12.
- (c) A school district or open-enrollment charter school shall provide instruction to students in grades 7 through 12 in cardiopulmonary resuscitation and the use of an automated external defibrillator in a manner consistent with the requirements of this section and State Board of Education rules adopted under this section. The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.
- (d) A school administrator may waive the curriculum requirement under this section for an eligible student who has a disability.
- (e) Cardiopulmonary resuscitation instruction must include training in cardiopulmonary resuscitation techniques and the use of an automated external defibrillator that has been developed:
 - (1) by the American Heart Association or the American Red Cross; or
 - (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.
- (f) For purposes of Subsection (e), "psychomotor skills" means hands-on practice to support cognitive learning. The term does not include cognitive-only instruction and training.
- (g) A school district or open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training under this section. Instruction provided under this section is not required to result in certification in cardiopulmonary resuscitation or the use of an automated external defibrillator. If instruction is intended to result in certification in cardiopulmonary resuscitation or the use of an automated external defibrillator, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Acts 2023, 88th Leg., R.S., Ch. 625 (H.B. [4375](#)), Sec. 3, eff. June 11, 2023.

TEXAS EDUCATION CODE
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND
ACADEMIC ACHIEVEMENT RECORD

TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002\(a\)\(1\)](#) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
 - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
 - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
 - (1) four credits in English language arts under Section [28.002\(a\)\(1\)\(A\)](#), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
 - (2) three credits in mathematics under Section [28.002\(a\)\(1\)\(B\)](#), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
 - (3) three credits in science under Section [28.002\(a\)\(1\)\(C\)](#), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
 - (4) three credits in social studies under Section [28.002\(a\)\(1\)\(D\)](#), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history;
 - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002\(a\)\(2\)\(A\)](#);
 - (6) five elective credits;
 - (7) one credit in fine arts under Section [28.002\(a\)\(2\)\(D\)](#); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
 - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- (b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the

essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002](#)(c). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002](#)(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
 - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee;
 - (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
 - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
 - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
 - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:
 - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee; or

- (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
 - (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
 - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
 - (3) the remaining curriculum requirements under Subsection (b-1); and
 - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
 - (1) two-thirds of instruction time to instruction in personal financial literacy; and
 - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
 - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and

- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [39.025](#); or
 - (2) the student successfully completes an individualized education program developed under Section [29.005](#).
- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
 - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
 - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
 - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
 - (5) multidisciplinary studies, which allows a student to:
 - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
 - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
 - (A) four credits in mathematics, which must include:
 - (i) the courses described by Subsection (b-1)(2); and
 - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
 - (B) four credits in science, which must include:

- (i) the courses described by Subsection (b-1)(3); and
 - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
- (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
- (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.
- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
 - (1) for outstanding performance:
 - (A) in a dual credit course;
 - (B) in bilingualism and biliteracy;
 - (C) on a college advanced placement test or international baccalaureate examination;
 - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
 - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#).
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter [A](#), Chapter [29](#), may earn an endorsement on the student's transcript by:
 - (1) successfully completing, with or without modification of the curriculum:
 - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and

- (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
- (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
 - (A) without modification of the curriculum; or
 - (B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.
- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
 - (1) enrolled in the foundation high school program;
 - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
 - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter [A](#), Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter [A](#), Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student

may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).

- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (h) Expired.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER A. SPECIAL EDUCATION PROGRAM

TEC, §29.0031. DYSLEXIA AND RELATED DISORDERS.

- (a) Dyslexia is an example of and meets the definition of a specific learning disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(30)). If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Section [28.006](#) or [38.003](#), and that the student may be a child with a disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(3)), the district must:
- (1) provide to the student's parent or a person standing in parental relation to the student a form developed by the agency explaining the rights available under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that may be additional to the rights available under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
 - (2) comply with all federal and state requirements, including the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments, regarding any evaluation of the student; and
 - (3) if the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.
- (b) The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:
- (1) hold a licensed dyslexia therapist license under Chapter [403](#), Occupations Code;
 - (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections [7.102](#) and [38.003](#); or
 - (3) if a person qualified under Subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections [7.102](#) and [38.003](#).
- (c) A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services as described by Subsection (b) must sign a document describing the member's participation in the evaluation of a student described by that subsection and any resulting individualized education program developed for the student.
- (d) At least once each grading period, and more often if provided for in a student's individualized education program, a school district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction.

Added by Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 3, eff. June 10, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER A. SPECIAL EDUCATION PROGRAM

TEC, §29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION.

- (a) A provider of dyslexia instruction to students with dyslexia and related disorders:
 - (1) must be fully trained in the district's adopted instructional materials for students with dyslexia; and
 - (2) is not required to hold a certificate or permit in special education issued under Subchapter [B](#), Chapter [21](#), unless the provider is employed in a special education position that requires the certification.
- (b) The completion of a literacy achievement academy under Section [21.4552](#) by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of Subsection (a)(1).

Added by Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 3, eff. June 10, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER B. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS

TEC, §29.051. STATE POLICY.

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 5, eff. September 1, 2021.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

TEC, §29.121. DEFINITION.

In this subchapter, "gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

- (1) exhibits high performance capability in an intellectual, creative, or artistic area;
- (2) possesses an unusual capacity for leadership; or
- (3) excels in a specific academic field.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

TEC, §29.122. ESTABLISHMENT.

- (a) Using criteria established by the State Board of Education, each school district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. A district may establish a shared services arrangement program with one or more other districts.
- (b) Each school district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 29. EDUCATIONAL PROGRAMS
SUBCHAPTER D. EDUCATIONAL PROGRAMS FOR GIFTED AND TALENTED STUDENTS

TEC, §29.123. STATE PLAN; ASSISTANCE.

The State Board of Education shall develop and periodically update a state plan for the education of gifted and talented students to guide school districts in establishing and improving programs for identified students. The regional education service centers may assist districts in implementing the state plan. In addition to obtaining assistance from a regional education service center, a district may obtain other assistance in implementing the plan. The plan shall be used for accountability purposes to measure the performance of districts in providing services to students identified as gifted and talented.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS AND TECHNOLOGY
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §31.003. RULES.

- (a) The State Board of Education may adopt rules, consistent with this chapter, for the adoption, requisition, distribution, care, use, and disposal of instructional materials.
- (b) The commissioner may adopt rules, consistent with this chapter, as necessary to implement a provision of this chapter that the commissioner or agency is responsible for implementing.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 20, eff. July 19, 2011.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 13, eff. June 13, 2023.

TEXAS EDUCATION CODE
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE REVIEW AND ADOPTION

TEC, §31.022. STATE BOARD OF EDUCATION INSTRUCTIONAL MATERIALS REVIEW AND APPROVAL.

- (a) The State Board of Education shall review instructional materials provided to the board by the agency under Section 31.023. Before approving instructional material, the board may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Section 28.0062(a-1). The board shall add each material approved under this section to a list of approved instructional materials and may add a material not approved under this section to a list of rejected instructional materials.
- (b) The State Board of Education may adopt criteria necessary for approval of instructional material under Subsection (a) and may require:
 - (1) all instructional material submitted as full subject tier one instructional material to cover a minimum percentage, as determined by the board, of the essential knowledge and skills adopted for the subject and grade level for which the material is designed;
 - (2) electronic samples of the material;
 - (3) certain physical specifications;
 - (4) the instructional material to not contain obscene or harmful content and otherwise be compatible with certification requirements under Section 31.1011(a)(1)(B); and
 - (5) the instructional material to be made publicly available for review.
- (c) The State Board of Education may remove instructional material from the list of approved instructional materials under this section if the essential knowledge and skills intended to be covered by the material are revised or the material is revised without the approval of the board.
- (c-1) If the State Board of Education intends to remove an instructional material from the list of approved instructional materials under Subsection (c) because the board plans to revise the essential knowledge and skills intended to be covered by the material, the board shall issue a proclamation requesting the revision of the applicable instructional materials and shall, not later than December 1 of the year preceding the school year for which the revision will take effect, provide to each school district the updated list of approved instructional materials for the relevant subject or grade level.
- (d) The State Board of Education shall indicate whether each instructional material reviewed under Subsection (a) is capable of being made available through an instructional materials parent portal established under Section 31.154.
- (d-1) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.
- (e) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.
- (f) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.
- (g) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.
- (h) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.
- (i) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. 1605), Sec. 51(2), eff. June 13, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES
CHAPTER 31. INSTRUCTIONAL MATERIALS
SUBCHAPTER B. STATE REVIEW AND ADOPTION

TEC, §31.023. INSTRUCTIONAL MATERIAL REVIEW.

- (a) The commissioner shall establish, in consultation with and with the approval of the State Board of Education, a process for the annual review of instructional materials by the agency. The process established under this subsection must:
- (1) establish a process for the agency to select instructional materials for review that includes:
 - (A) evaluating requests for review of instructional materials submitted to the agency by:
 - (i) a school district;
 - (ii) a majority of the members of the State Board of Education; or
 - (iii) a publisher of instructional material, which may only be submitted for material published by the requesting publisher;
 - (B) requiring the agency to review materials if the State Board of Education requests by a majority vote that the material be reviewed by the agency;
 - (C) reviewing instructional materials requisitioned or purchased under Section [31.0212](#); and
 - (D) reviewing instructional materials using a time frame appropriate for the proclamation requesting the revision of the instructional materials under Section [31.022\(c-1\)](#) to address revisions made by the State Board of Education to the essential knowledge and skills for a particular subject or grade level;
 - (2) describe the types of instructional materials the agency may review, including:
 - (A) partial subject tier one instructional material, including those designed for use in the phonics curriculum required under Section [28.0062\(a\)\(1\)](#);
 - (B) open education resource instructional material;
 - (C) instructional materials developed by a school district and submitted to the agency by the district for review; and
 - (D) commercially available full subject tier one instructional material;

- (3) establish procedures for the agency to conduct reviews of instructional materials, including:
 - (A) the use of a rubric approved under Subsection (b); and
 - (B) consultation with classroom teachers and other curriculum experts for the appropriate subject and grade level; and
 - (4) ensure the procedures for review allow the agency to review at least 200 individual instructional materials each year.
- (b) In conducting a review under this section, the agency must use a rubric developed by the agency in consultation with and approved by the State Board of Education that includes, with respect to the instructional material being reviewed, a determination of:
- (1) whether the material is free from factual error and satisfies the criteria adopted by the board under Section [31.022](#);
 - (2) the quality of the material;
 - (3) the essential knowledge and skills for the subject and grade level for which the material was developed that are covered by the material, including identification of:
 - (A) each essential knowledge and skill covered by the material;
 - (B) for a full subject tier one instructional material, the percentage of the essential knowledge and skills adopted for the subject and grade level covered by the material; and
 - (C) for a partial subject tier one instructional material, the percentage of the essential knowledge and skills for the relevant portion of the subject and grade level covered by the material; and
 - (4) whether the material contains obscene or harmful content or is otherwise incompatible with certification requirements under Section [31.1011\(a\)\(1\)\(B\)](#).
- (c) After completing a review under this section, the agency shall provide the results of the review and any related recommendations to the State Board of Education for approval or rejection of the instructional material and the inclusion of the instructional material on a list maintained by the State Board of Education under Section [31.022](#).
- (d) The agency shall use funds appropriated to the agency for the purposes of reviewing instructional material or available in the state instructional materials and technology fund for purposes of implementing this section.

- (e) A process established under Subsection (a) or a rubric developed under Subsection (b) is automatically approved by the State Board of Education if not rejected by the board before the 91st day after the date the agency submits the item to the board.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 445 (H.B. [188](#)), Sec. 4, eff. June 16, 2007.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 26, eff. July 19, 2011.

Acts 2017, 85th Leg., R.S., Ch. 578 (S.B. [801](#)), Sec. 1, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 23, eff. June 13, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE G. SAFE SCHOOLS
CHAPTER 38. HEALTH AND SAFETY
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS.

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall:
 - (1) provide for the treatment of any student determined to have dyslexia or a related disorder; and
 - (2) adopt and implement a policy requiring the district to comply with all rules and standards adopted by the State Board of Education to implement the program, including:
 - (A) the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments; and
 - (B) guidance published by the commissioner to assist the district in implementing the program.
- (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;
 - (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished; and

- (4) solicit input from parents of students enrolled in a school district during the auditing and monitoring of the district under Subdivision (1) regarding the district's implementation of the program approved by the State Board of Education under this section.
- (d) In this section:
- (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
 - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 3, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 1044 (H.B. [1886](#)), Sec. 5, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 450 (S.B. [2075](#)), Sec. 3, eff. June 4, 2019.

Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 6, eff. June 10, 2023.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE H. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY
SUBCHAPTER H. ADDITIONAL REWARDS

TEC, §39.236. GIFTED AND TALENTED STANDARDS.

The commissioner shall adopt standards to evaluate school district programs for gifted and talented students to determine whether a district operates a program for gifted and talented students in accordance with:

- (1) the Texas Performance Standards Project; or
- (2) another program approved by the commissioner that meets the requirements of the state plan for the education of gifted and talented students under Section 29.123.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 59, eff. June 19, 2009.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 43. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND
SUBCHAPTER A. GENERAL PROVISIONS

TEC, §43.0031. PERMANENT SCHOOL FUND ETHICS POLICY.

- (a) In addition to any other requirements provided by law, the State Board of Education shall adopt and enforce an ethics policy that provides standards of conduct relating to the management and investment of the permanent school fund. The ethics policy must include provisions that address the following issues as they apply to the management and investment of the permanent school fund and to persons responsible for managing and investing the fund:
 - (1) general ethical standards;
 - (2) conflicts of interest;
 - (3) prohibited transactions and interests;
 - (4) the acceptance of gifts and entertainment;
 - (5) compliance with applicable professional standards;
 - (6) ethics training; and
 - (7) compliance with and enforcement of the ethics policy.
- (b) The ethics policy must include provisions applicable to:
 - (1) members of the State Board of Education;
 - (2) the commissioner;
 - (3) employees of the agency; and
 - (4) any person who provides services to the board relating to the management or investment of the permanent school fund.
- (c) Not later than the 45th day before the date on which the board intends to adopt a proposed ethics policy or an amendment to or revision of an adopted ethics policy, the board shall submit a copy of the proposed policy, amendment, or revision to the Texas Ethics Commission and the state auditor for review and comments. The board shall consider any comments from the commission or state auditor before adopting the proposed policy.
- (d) The provisions of the ethics policy that apply to a person who provides services to the board relating to the management or investment of the permanent school fund must be based on the Code of Ethics and the Standards of Professional Conduct prescribed by the Association for Investment Management and Research or other ethics standards adopted by another appropriate professionally recognized entity.
- (e) The board shall ensure that applicable provisions of the ethics policy are included in any contract under which a person provides services to the board relating to the management and investment of the permanent school fund.

TEXAS EDUCATION CODE
TITLE 2. PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 45. SCHOOL DISTRICT FUNDS
SUBCHAPTER C. GUARANTEED BONDS

TEC, §45.053. LIMITATION; VALUE ESTIMATES.

- (a) Except as provided by Subsection (d), the commissioner may not approve bonds for guarantee under this subchapter if the approval would result in the total amount of outstanding guaranteed bonds under this subchapter exceeding an amount equal to 2-1/2 times the cost value of the permanent school fund, as estimated by the board and certified by the state auditor.
- (b) Each year, the state auditor shall analyze the status of guaranteed bonds under this subchapter as compared to the cost value of the permanent school fund. Based on that analysis, the state auditor shall certify whether the amount of bonds guaranteed under this subchapter is within the limit prescribed by this section.
- (c) The commissioner shall prepare and the board shall adopt an annual report on the status of the guaranteed bond program under this subchapter.
- (d) The board by rule may increase the limit prescribed by Subsection (a) to an amount not to exceed five times the cost value of the permanent school fund, provided that the increased limit is consistent with federal law and regulations and does not prevent the bonds to be guaranteed from receiving the highest available credit rating, as determined by the board. The board shall at least annually consider whether to change any limit in accordance with this subsection. This subsection may not be construed in a manner that impairs, limits, or removes the guarantee of bonds that have been approved by the commissioner.

TEXAS EDUCATION CODE
TITLE 2: PUBLIC EDUCATION
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT
CHAPTER 48. FOUNDATION SCHOOL PROGRAM
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

TEC, §48.109. GIFTED AND TALENTED STUDENT ALLOTMENT.

- (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter [D](#), Chapter [29](#), a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.
- (b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter [D](#), Chapter [29](#), including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.
- (c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.
- (d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section [48.266](#).
- (e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section [48.104](#) may be used.
- (f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

Added by Acts 2021, 87th Leg., R.S., Ch. 806 (H.B. [1525](#)), Sec. 27, eff. September 1, 2021.

TEXAS GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE
CHAPTER 2001. ADMINISTRATIVE PROCEDURE
SUBCHAPTER B. RULEMAKING

TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 54. EXAMINATION ON RELIGIOUS HOLY DAY;
EXAMINATION ACCOMMODATIONS FOR PERSON WITH DYSLEXIA

TOC, §54.003. EXAMINATION ACCOMMODATIONS FOR PERSON WITH DYSLEXIA.

- (a) In this section, "dyslexia" has the meaning assigned by Section [51.970](#), Education Code.
- (b) For each licensing examination administered by a state agency, the agency shall provide reasonable examination accommodations to an examinee diagnosed as having dyslexia.
- (c) Each state agency shall adopt rules necessary to implement this section, including rules to establish the eligibility criteria an examinee must meet for accommodation under this section.

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND
MILITARY SPOUSES

**TOC, §55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH
MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
 - (1) holds a restricted license issued by another jurisdiction; or
 - (2) has an unacceptable criminal history according to the law applicable to the state agency.

MINUTES

STATE BOARD OF EDUCATION

JANUARY-FEBRUARY 2024

Minutes

State Board of Education

February 2, 2024

STATE BOARD OF EDUCATION

(updated February 2023, January 2024)

(State Board for Career and Technology Education)

AARON KINSEY, Midland
Chair of the State Board of Education
District 15

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

PAT HARDY, Fort Worth
Secretary of the State Board of Education
District 11

Board Members

MELISSA ORTEGA, El Paso
District 1

JULIE PICKREN, Pearland
District 7

LJ FRANCIS, Corpus Christi
District 2

AUDREY YOUNG, Trinity
District 8

MARISA PEREZ-DIAZ, San Antonio
District 3

KEVEN ELLIS, Lufkin
District 9

STACI CHILDS, Houston
District 4

TOM MAYNARD, Florence
District 10

REBECCA BELL-METEREAU
San Marcos, District 5

AICHA DAVIS, Dallas
District 13

WILL HICKMAN, Houston
District 6

EVELYN BROOKS, Frisco
District 14

Committees of the State Board of Education
(Updated February 2023)

INSTRUCTION

Audrey Young- Chair
Evelyn Brooks-Vice Chair
Aicha Davis
Pam Little
Melissa N. Ortega

SCHOOL FINANCE/PERMANENT SCHOOL FUND

Tom Maynard-Chair
Marisa Perez-Diaz-Vice Chair
Keven Ellis
Patricia Hardy
Aaron Kinsey

SCHOOL INITIATIVES

Will Hickman-Chair
LJ Francis-Vice Chair
Rebecca Bell-Metereau
Staci Childs
Julie Pickren

Minutes
State Board of Education
Friday, February 2, 2024

The State Board of Education met at 9:00 a.m. on Friday, February 2, 2024, 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: Aaron Kinsey, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; LJ Francis; Patricia Hardy; Will Hickman; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young; Aicha Davis

Absent: Keven Ellis

Student Performance

A student performance was provided by the Westbury Jazz Band of Westbury High School in the Houston Independent School District.

Invocation

Pledge of Allegiance

Roll Call

Approval of Minutes

State Board of Education, November 17, 2023

State Board of Education, December 13, 2023

MOTION AND VOTE: *The State Board of Education approved, without objection, the minutes of the November 17, 2023, and December 13, 2023, meetings of the State Board of Education, as printed.*

1. Resolutions

Resolution Designating February 1-29, 2024, as National Career and Technical Education Month

The State Board of Education, by unanimous consent, adopted a resolution designating February 1-29, 2024, as National Career and Technical Education Month.

(ATTACHMENT 1, page 10)

Resolution Honoring the winners of the 2023 MATHCOUNTS

The State Board of Education, by unanimous consent, adopted a resolution honoring Channing Yang of Sugar Land, Texas; Roger Zhen, of Friendswood, Texas; Alexander Sun and Kevin Chen of Sugar Land, Texas for winning first place in the 2023 MATHCOUNTS national competition.

(ATTACHMENT 2, page 12)

Resolution Honoring the winner of the Employers for Education Excellence Award

The State Board of Education, by unanimous consent, adopted a resolution honoring HDR, INC. of Dallas as the gold Employers for Education Excellence award.

(ATTACHMENT 3, page 14)

National Blue Ribbon Schools

The State Board of Education, by unanimous consent, adopted a resolution congratulating Hector J. Garcia Early College High School in Laredo Independent School District (ISD); Industrial Elementary East in Industrial ISD; Ortiz Elementary in Brownsville ISD; Falls City Elementary in Falls City ISD; Roel A. and Celia R. Saenz Elementary in Roma ISD; Houston Gateway Academy Elite College Prep in Houston Gateway Academy; McLeod Elementary in McLeod ISD; Pittsburg Intermediate in Pittsburg ISD; Cross Roads Junior High in Cross Roads ISD; Rosemont Upper School in Dallas ISD; Sundown Elementary in Sundown ISD; Talkington School for Young Women Leaders in Lubbock ISD; Vega Junior High in Vega ISD; Farias Elementary in Laredo ISD; IDEA Carver Academy in IDEA Public Schools; Nitsch Elementary in Klein ISD; Herfurth Elementary in Garland ISD; Frankston Elementary in Frankston ISD; Milano Elementary in Milano ISD; Davis Elementary in Royse City ISD; Honey Grove Elementary in Honey Grove ISD; Trinity Heights Gifted and Talented School in Dallas ISD; House Creek Elementary in Copperas Cove ISD; Maxfield Elementary in Gorman ISD; Cross Plains Elementary in Cross Plains ISD; Sunset Elementary in Dumas ISD.

(ATTACHMENT 4, page 16)

Public Testimony

Public Testimony was provided by the following individuals:

NAME: Mohit Mehta
AFFILIATION: Self

NAME: Kenneth Roemer
AFFILIATION: Self

NAME: Carol Anderson
AFFILIATION: Self

NAME: Stephen Silva-Brave
 AFFILIATION: Self

NAME: Carl Kurtz
 AFFILIATION: Self

NAME: Maggie Stern
 AFFILIATION: Children’s Defense Fund of Texas

NAME: Marial Quezada
 AFFILIATION: Self

NAME: Leslie Rivas
 AFFILIATION: Ethnic Studies for Texas Schools Coalition

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) **Adoption of Rule Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations (Board agenda page I-22)**

The State Board of Education adopted the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations, as recommended by the Committee of the Full Board.

- (2) **Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021 (Second Reading and Final Adoption) (Board agenda page I-59)**

The State Board of Education approved for second reading and final adoption the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021; and

Made an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School,

§112.26(b)(11)(A), Science, Grade 6, Adopted 2021, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

(ATTACHMENT 5, page 18)

- (3) **Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)**
(First Reading and Filing Authorization)
(Board agenda page II-1)

The State Board of Education approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR), as recommended by the Committee of the Full Board.

- (4) **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript)**
(First Reading and Filing Authorization)
(Board agenda page II-5)

The State Board of Education approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript), as recommended by the Committee on Instruction.

- (5) **Approval of Updates and Substitutions to Adopted Instructional Materials**
(Board agenda page II-76)

The State Board of Education removed this item from the consent agenda.

- (6) **Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund**
(Second Reading and Final Adoption)
(Board agenda page III-1)

The State Board of Education approved for second reading and final adoption the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund; and

Made an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

(ATTACHMENT 6, page 20)

- (7) **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-5)

The State Board of Education approved 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

Made 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.

(ATTACHMENT 7, page 22)

- (8) **Approval of Revisions to Required School Safety Training for School District Trustees**
(Board agenda page IV-12)

The State Board of Education removed this item from the consent agenda.

- (9) **Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees**
(Board agenda IV-13)

The State Board of Education, based on Mr. Richard Nedelkoff's recommendation, approved the reappointment of Mr. Joshua Sprock to serve a two-year term of office from February 2, 2024, to February 1, 2026, on the Boys Ranch ISD Board of Trustees, as recommended by the Committee on School Initiatives.

- (10) **Recommendation for Two Reappointments to the Fort Sam Houston Independent School District Board of Trustees**
(Board agenda page IV-17)

The State Board of Education, based on Brigadier General Russell Driggers's recommendation, approved the reappointments of Mr. Willie E. White and Ms. Andrea D. Nicholas to serve terms of office from February 2, 2024, to February 1, 2026, on the Fort Sam Houston ISD Board of Trustees, as recommended by the Committee on School Initiatives.

- (11) **Recommendation for One Appointment to the Lackland Independent School District Board of Trustees**
(Board agenda page IV-25)

The State Board of Education, based on Brigadier General Russell Driggers's recommendation,

approved the appointment of Mrs. Tonseda Henson to serve a term of office from February 2, 2024, to February 1, 2026, on the Lackland ISD Board of Trustees, as recommended by the Committee on School Initiatives.

- (12) **Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District**
(First Reading and Filing Authorization)
(Board agenda page IV-32)

The State Board of Education removed this item from the consent agenda.

COMMITTEE OF THE FULL BOARD

3. **Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal**
(Second Reading and Final Adoption)
(Board agenda page I-1)

MOTION AND VOTE: *It was moved by Mrs. Little and carried unanimously that the State Board of Education, approve for second reading and final adoption proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal as amended; and*

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal, as amended, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

(ATTACHMENT 8, page 24)

4. Consideration for Approval of Instructional Materials Review Quality Rubrics
(Board agenda page I-10)

MOTION: *It was moved by Mrs. Little that the State Board of Education approve quality rubrics for the IMRA process.*

MOTION AND VOTE: *It was moved by Ms. Childs, seconded by Ms. Hardy, and carried without objection to strike “and” and add, “and/or paired (scaffolded) lessons” and adds a conforming amending for all rubrics.*

VOTE: *A vote was taken on the motion that the State Board of Education approve the quality rubric for the IMRA process. The motion carried unanimously.*

5. Consideration for Approval of Instructional Materials Review and Approval Process
(Board agenda page I-12)

MOTION: *It was moved by Mrs. Little that the State Board of Education approve the IMRA process and procedures, as amended.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Dr. Young to add “amd” and strike “and IMRA reviews”. The motion carried.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard to “and each Member may provide feedback for each material still eligible for adoption”. The motion failed.*

VOTE: *A vote was taken on the motion that the State Board of Education approve the IMRA process and procedures, as amended. The motion carried unanimously.*

6. Implementation of Instructional Materials Review Suitability Rubric
(Board agenda page I-14)

MOTION AND VOTE: *It was moved by Mrs. Little that the State Board of Education approve the amendments to the IMRA Suitability Rubric as presented by Mr. Kinsey, as amended. The motion carried unanimously.*

7. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920 (First Reading and Filing Authorization)
(Board agenda page I-66)

MOTION: *It was moved by Mrs. Little that the State Board of Education approve for first reading and filing authorization the proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture,*

Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920, as amended.

MOTION AND VOTE: *It was moved by Mrs. Brooks, and seconded by Ms. Childs, to add “Analyze the USDA standards and guidelines for organic livestock and poultry production”. The motion carried unanimously.*

VOTE: *A vote was taken on the motion that the State Board of Education approve for first reading and filing authorization the proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920, as amended. The motion carried unanimously.*

8. Update on Texas Essential Knowledge and Skills (TEKS) Review
(Board agenda page I-70)

There was no business presented under this item.

COMMITTEE ON INSTRUCTION

9. 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 I-10)

MOTION AND VOTE: *It was moved by Dr. Young that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as amended. The motion carried unanimously.*

MOTION AND VOTE: *It was moved by Dr. Young that the State Board of Education approve requests from McGraw Hill, McGraw Hill Texas Science Grade 6, McGraw Hill Pera Texas Grade 6, Savvas Learning Company LLC., Texas Experience Science Grade 6, Texas Experiment La Senis Grade 6, and Summit K-12 Holdings Dynamic Science 6th Grade, and Dynamic Science, Dynamic Spanish Grade 6, to update content and their adopted instructional materials. The motion carried unanimously.*

COMMITTEE ON SCHOOL INITIATIVES

10. Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

(First Reading and Filing Authorization)

(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Mr. Hickman that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The motion carried unanimously.*

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

(Board agenda page IV-39)

MOTION AND VOTE: *It was moved by Mr. Hickman that the State Board of Education take no action on the Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements. The motion carried unanimously.*

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

(Board agenda page IV-1)

MOTION AND VOTE: *It was moved by Mr. Hickman that the State Board of Education take no action on the Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The motion carried.*

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 MEMBER 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.

The meeting adjourned the meeting at 2:20 p.m.

Patricia Hardy, Secretary

R E S O L U T I O N

WHEREAS February 1-29, 2024, has been designated National Career and Technical Education Month; and

WHEREAS about 1.35 million Texas secondary students are enrolled in one or more career and technical education (CTE) courses in 1,200 school districts and charter schools throughout the state; and

WHEREAS CTE offers students the opportunity to gain the academic, technical and employability skills necessary for career readiness; and

WHEREAS students in CTE programs participate in authentic, meaningful experiences and apply academic knowledge and skills from across the curriculum which improve the quality of their overall education; and

WHEREAS CTE is a vital and integral part of the Foundation High School Program, offering students pathways to earn endorsements, performance acknowledgements, and industry-validated credentials; and

WHEREAS Texas is proud to support nine CTE student organizations – Business Professionals of America; DECA Texas Association; Future Business Leaders of America; Family, Career and Community Leaders of America; Texas HOSA-Future Health Professionals; SkillsUSA Texas; Texas Association of Future Educators; Texas FFA Association; and Texas Technology Student Association; and

WHEREAS CTE programs prepare students for a variety of careers by offering integrated programs of study that link secondary and postsecondary education and significantly contribute to college readiness; and

WHEREAS ensuring that employers have access to a qualified workforce is crucial to the Texas economy; now, therefore, be it

RESOLVED, that the State Board of Education, which has been designated by the Texas Legislature as the State Board for Career and Technical Education, does hereby proclaim February 1-29, 2024 as Career and Technical Education Month in Texas, and does hereby urge all Texans to become familiar with the outstanding programs delivered by exceptional CTE teachers in communities across the state, and to support these programs to enhance college and career readiness for all Texas students.

WITNESS our signatures this 2nd day of February, two thousand and twenty-four, in Austin, Texas.

Aaron Kinsey, Chair

Pat Hardy, Secretary

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R E S O L U T I O N

WHEREAS the *MATHCOUNTS Program* builds problem-solving skills and fosters mathematics achievement for middle school students across the country; and

WHEREAS through local, regional, state, and national competitions these Texas students have demonstrated outstanding achievement in mathematics; and

WHEREAS Channing Yang of Sugar Land, Texas, has been awarded the Donald G. Weinert College Scholarship as the champion of the 2023 *MATHCOUNTS* national competition; and

WHEREAS Channing's team includes Roger Zhen, of Friendswood, Texas; Alexander Sun and Kevin Chen of Sugar Land, Texas; and their coach, Andrea Smith, of Sugar Land, Texas; the team garnered first place in the 2023 *MATHCOUNTS* national competition; and now, therefore, be it

RESOLVED, that the State Board of Education warmly congratulates and proudly presents this resolution to each of these students and their coach for an exemplary performance at the 2023 *MATHCOUNTS* national competition; and be it further

RESOLVED, that a copy of this resolution be included in the permanent records of the State Board of Education.

WITNESS our signatures this 2nd day of February, two thousand and twenty-four, in Austin, Texas.

Aaron Kinsey, Chair

Pat Hardy, Secretary

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R E S O L U T I O N

WHEREAS parents and employers play a key role in supporting public schools; and

WHEREAS advocating for education through volunteerism, material, and financial support can have a lifelong impact on students' lives; and

WHEREAS the Texas Legislature recognized this important school-parent-business partnership when it created the Employers for Education Excellence award in 2007; and

WHEREAS HDR, Inc. of Dallas met and exceeded the requirements to be recognized at the highest level for this award in partnering with Dallas Independent School District; and

WHEREAS in 2022, HDR, Inc. of Dallas provided the students at Irma Rangel Young Women's Leadership School the opportunity to engage in discussions about Science, Technology, Engineering, and Mathematics (STEM), and the opportunity to give presentations regarding careers in STEM related fields; and

WHEREAS in Spring 2023, employees of HDR, Inc. of Dallas provided students with the hands-on experience of working on a real life client project that fostered collaboration among the students and authentic mentorship from professionals in the industry; and

WHEREAS employees of HDR, Inc. of Dallas offered over 200 hours of volunteer services to students; offered intern positions to two students through their internship program, and mentored senior students every third Thursday of each month by providing guidance on the college admissions process; and now, therefore, be it

RESOLVED, that the State Board of Education urges Texas businesses to look upon HDR, Inc. of Dallas as a role model for civic engagement; and be it further

RESOLVED, that the State Board of Education today, awards HDR, Inc. of Dallas the gold Employers for Education Excellence award for its unwavering support and partnership with Texas public schools.

WITNESS our signatures this second day of February, two thousand and twenty-four, in Austin, Texas.

Aaron Kinsey, Chair

Pat Hardy, Secretary

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R E S O L U T I O N

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 2023, Texas nominated twenty-six schools to be recognized for their students' achievement; and

WHEREAS Twenty-six of these schools were named 2023 *National Blue Ribbon Schools* by the United States Department of Education; now, therefore, be it

RESOLVED, That the State Board of Education does hereby extend its congratulations as Exemplary High-Performing Schools to Hector J. Garcia Early College High School in Laredo Independent School District (ISD); Industrial Elementary East in Industrial ISD; Ortiz Elementary in Brownsville ISD; Falls City Elementary in Falls City ISD; Roel A. and Celia R. Saenz Elementary in Roma ISD; Houston Gateway Academy Elite College Prep in Houston Gateway Academy; McLeod Elementary in McLeod ISD; Pittsburg Intermediate in Pittsburg ISD; Cross Roads Junior High in Cross Roads ISD; Rosemont Upper School in Dallas ISD; Sundown Elementary in Sundown ISD; Talkington School for Young Women Leaders in Lubbock ISD; Vega Junior High in Vega ISD; and be it further

RESOLVED, That the State Board of Education does hereby extend its congratulations as Exemplary Achievement Gap Closing Schools to Farias Elementary in Laredo ISD; IDEA Carver Academy in IDEA Public Schools; Nitsch Elementary in Klein ISD; Herfurth Elementary in Garland ISD; Frankston Elementary in Frankston ISD; Milano Elementary in Milano ISD; Davis Elementary in Royse City ISD; Honey Grove Elementary in Honey Grove ISD; Trinity Heights Gifted and Talented School in Dallas ISD; House Creek Elementary in Copperas Cove ISD; Maxfield Elementary in Gorman ISD; Cross Plains Elementary in Cross Plains ISD; Sunset Elementary in Dumas ISD and be it further

RESOLVED, That this resolution be presented to the principals of the aforementioned schools for being recognized for excellence through the *National Blue Ribbon Schools* program and that a copy be included in the permanent records of the State Board of Education.

WITNESS our signatures this 2nd day of February, two thousand and twenty-four, in Austin, Texas.

Aaron Kinsey, Chair

Pat Hardy, Secretary

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Text of Proposed Amendment to 19 TAC

Chapter 112. Texas Essential Knowledge and Skills for Science

Subchapter B. Middle School

§112.26. Science, Grade 6, Adopted 2021.

- (a) (No change.)
- (b) Knowledge and skills.
 - (1)-(10) (No change.)
 - (11) Earth and space. The student understands how resources are managed. The student is expected to:
 - (A) research and describe why resource management is important in reducing global energy [x] poverty, malnutrition, and air and water pollution ; [x] and
 - (B) (No change.)
 - (12)-(13) (No change.)

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Text of Proposed Amendment to 19 TAC

Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund**Subchapter A. State Board of Education Rules****§33.2. Distributions to the Available School Fund.**

Each year, the State Board of Education (SBOE) shall determine whether a distribution to the Available School Fund (ASF) shall be made for the current state fiscal year. The SBOE shall determine whether such distribution is permitted under the Texas Constitution, Article VII, §5(a)(2). The annual determination for the current fiscal year shall include a projection of the expected total return of the Permanent School Fund (PSF) at the end of the current fiscal year and the realized returns during the nine preceding state fiscal years. Any one-year distribution to the ASF shall not exceed 6.0% of the average market value of the PSF, excluding real property managed, sold, or acquired under the Texas Constitution, Article VII, §4, as determined under the Texas Constitution, Article VII, §5(a)(1). When adopting the rate of distribution, the SBOE shall strive to balance the needs of current and future generations of Texas school children by attempting to maintain consistent levels of distributions per student and assets per student, after adjusting for inflation.

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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, Version 19 [~~18.0~~], 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.

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Text of Proposed New 19 TAC

Chapter 67. State Review and Approval of Instructional Materials Subchapter B.**State Review and Approval****§67.21. Proclamations, Public Notice, and Requests for Instructional Materials for Review.**

- (a) Upon the adoption of revised Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall determine if the extent of the revisions have created a need to remove instructional materials from the list approved under Texas Education Code, §31.022.
- (b) The SBOE shall issue a proclamation calling for instructional materials if the determination in subsection (a) of this section results in a decision that a proclamation is necessary. The proclamation shall serve as notice to:
- (1) all publishers to submit instructional material for review for the subject and grade level or course(s); and
 - (2) all publishers with approved instructional materials for the subject and grade level or course(s) that to remain on the list of approved materials, the publisher must submit new or revised materials or new information demonstrating alignment of current instructional materials to the revised TEKS or TPG.
- (c) The Texas Education Agency shall issue an annual request for instructional materials to notify all publishers and the public that submissions of instructional materials aligned to quality rubrics and the suitability rubric approved by the SBOE are being invited for review.
- (d) Each proclamation and annual request for instructional materials for review shall contain the following:
- (1) information about and reference to applicable TEKS, TPG, and English Language Proficiency Standards in each subject for which submissions are being invited;
 - (2) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation or annual request for instructional materials is issued;
 - (3) the requirement that a publisher grant electronic access to the instructional materials being submitted that complies to the specifications in the proclamation or annual request for instructional materials for review and may not submit a print copy;
 - (4) specifications for providing computerized files to produce accessible formats of approved instructional materials;
 - (5) specifications for ensuring that electronic instructional materials are fully accessible

to students with disabilities; and

- (6) a schedule of instructional materials review and approval procedures.

§67.23. Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA).

- (a) A publisher with approved materials shall comply with product standards and specifications.
- (b) Publishers participating in the adoption process are responsible for all expenses incurred by their participation.
- (c) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the Texas Education Agency (TEA). This does not apply to open education resource instructional materials as developed by TEA in accordance with Texas Education Code, Chapter 31, Subchapter B-1.
- (d) On or before the deadline established in the schedule of approval procedures, publishers shall submit correlations of instructional materials submitted for review in a format designated by the commissioner of education. Correlations shall be provided for materials designed for student use and materials designed for teacher use and include:
- (1) evidence of coverage of each student expectation, in the context of the lesson, of the Texas Essential Knowledge and Skills or Texas Prekindergarten Guidelines (TPG) and applicable English Language Proficiency Standards (ELPS) required by the proclamation or the request for instructional materials for review; and
- (2) evidence of alignment to the quality rubric indicators.
- (e) On or before the deadline established in the schedule of approval procedures, publishers shall certify that after exercising reasonable efforts, the submitted material complies with suitability standards and all applicable state laws.
- (f) A publisher that intends to offer instructional materials for review and approval shall comply with additional requirements included in a proclamation or the annual request for instructional materials for review.

§67.25. Consideration and Approval of Instructional Materials by the State Board of Education.

The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022 and §31.023. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:

- (1) for full-subject and partial-subject tier one instructional materials for foundation subjects as defined by TEC, §28.002(a)(1), the product components cover 100% of the Texas Essential Knowledge and Skills (TEKS) and applicable English Language Proficiency Standards (ELPS) for the specific grade level and subject area when the proclamation or request for instructional materials was issued. In determining the percentage of the TEKS and ELPS covered by instructional materials, each student expectation shall count as an independent element of the TEKS standards;

- (2) materials have been reviewed through the process required by TEC, §31.023;
- (3) materials are free from factual error, defined as a verified error of fact or any error that would interfere with student learning, including significant grammatical or punctuation errors;
- (4) materials meet the Web Content Accessibility Guidelines (WCAG) and meet the technical specifications of the Federal Rehabilitation Act, Section 508, as specified when a request for instructional materials or proclamation was issued;
- (5) materials conform to or exceed in every instance the latest edition of the Manufacturing Standards and Specifications for Textbooks (MSST), developed by the State Instructional Materials Review Association, when the proclamation or request for instructional materials was issued;
- (6) materials are compliant with the suitability standards adopted by the SBOE and are compliant with all applicable state laws; and
- (7) materials provide access to a parent portal as required by TEC, §31.154.

Subchapter D. Duties of Publishers and Manufacturers

§67.81. Instructional Materials Contracts.

- (a) The state contract for materials placed on the list of approved materials shall not be changed or modified without the approval of Texas Education Agency (TEA) legal counsel.
- (b) Contracts shall be sent to publishers for signature. Signed contracts returned by publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with TEA.
- (c) The publisher of instructional materials approved by the SBOE shall:
 - (1) enter into a contract with the SBOE for a term not to exceed an initial term of eight years; and
 - (2) commit to provide the instructional materials in the manner specified by the publisher in the official bid specified in §67.23 of this title (relating to Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA)).
- (d) The commissioner shall annually review contracts for instructional materials and present to the SBOE those contracts that are eligible for renewal.
- (e) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
 - (1) placement of subject areas in the Texas Essential Knowledge and Skills review schedule;
 - (2) willingness of publishers to renew contracts; and
 - (3) cost of instructional materials under a renewal contract.
- (f) Publishers awarded new contracts shall be prepared to make the approved instructional materials available for at least one contract renewal period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner. The SBOE may

consider refusing to award future contracts to a publisher that, after receiving written notice to do so, refuses to rebid instructional materials at least once. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.

- (g) Contracts with publishers are subject to all provisions of Texas Education Code (TEC), Chapter 31.
- (h) This section does not apply to open education resource instructional material.

§67.83. Publisher Parent Portal.

(a) Standards under this section apply to any publisher that supplies instructional materials that are reviewed by a review panel under Texas Education Code (TEC), §31.022 and §31.023, and placed on the list of approved instructional materials by the State Board of Education (SBOE) as outlined in TEC, §31.022.

(b) Standards under this section apply to any instructional materials, including:

- (1) full-subject tier one instructional material;
- (2) open education resource instructional material;
- (3) partial-subject tier one instructional material; and
- (4) supplemental instructional material.

(c) A publisher **must host** an instructional materials parent portal that **must**:

(1) includes in the portal all components placed on the list of instructional materials approved by the SBOE, including teacher- and student-facing materials, **excluding materials outlined in TEC, §31.154 (c);**

(2) for each school district or open-enrollment charter school that purchases the instructional materials, make the parent portal **capable of single-sign-on with the learning management system or online learning portal used by the district or charter school to assign, distribute, present, or make available instructional materials as defined by TEC, §31.002,** to students.

If a publisher is unable to make instructional materials operational at the time of purchase by a school district or open-enrollment charter school, the publisher has 60 days from the date of purchase to make its portal operational with the learning management system of the school district or charter school that purchased the materials;

~~(3) contains for instructional materials not available in a digital format, contain the instructional materials component International Standard Book Number (ISBN) or part number, title, edition, and author to allow a parent to locate a physical copy of the material;~~

~~(4) allows access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends;~~

~~(5) optimizes the portal for viewing on large monitors, laptops, tablets, and smartphone~~

devices; and

~~(6) meets Web Content Accessibility Guidelines (WCAG) identified in the associated proclamation or annual request for instructional materials for review and any technical standards required by the Federal Rehabilitation Act, Section 508.~~

(d) A publisher hosting an instructional materials parent portal may not:

- (1) include any instructional materials as defined by TEC, §31.002, that were not reviewed and placed on the approved materials list; or
- (2) include any instructional materials on the portal that would undermine, subvert, or impede any local education agency or open-enrollment charter school from complying with TEC, §31.1011.

(e) For instructional materials that do not meet the single sign-on capability requirements within the time period established under subsection (c)(2) of this section, the Texas Education Agency shall recommend to the SBOE the removal of the publisher's instructional materials from the list of approved materials unless the failure to meet the functionality is due to inaction by the school district or charter school or the district's or school's learning management system provider. The SBOE may remove the publisher's material from the approved list.

Minutes

State Board of Education Committees

January 30-February 1, 2024

**Report of the State Board of Education
Committee of the Full Board
Tuesday, January 30, 2024**

The State Board of Education Committee of the Full Board met at 10:00 a.m. on Tuesday, January 30, 2024, 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: Aaron Kinsey, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; LJ Francis; Patricia Hardy; Will Hickman; Keven Ellis; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young; Aicha Davis

Public Testimony

The Committee of the Full Board heard public testimony on agenda item 1. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEMS

- 1. Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal**

(Second Reading and Final Adoption)
(Board agenda page I-1)

Public testimony was provided by the following individuals:

NAME: Alexander Harris
AFFILIATION: Network of Concerned Citizens

Colin Dempsey, director, district operations, technology & sustainability supports, explained this item would establish new sections of the Texas Administrative Code and define the criteria to be used in the review and approval of instructional materials by the State Board of Education and the Texas Education Agency. This proposal would also define requirements for publisher participation in the Instructional Materials Review and Approval (IMRA) process, the rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Perez-Diaz to recommend that the State Board of Education approve for second reading and final adoption proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and*

Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal; and Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal, is necessary and shall have an effective date of 20 days after filing 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.)

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Little to recommend that §67.83(c)(2)(B) be amended to, “~~The Texas Education Agency (TEA) shall remove the publisher’s materials from the list of approved materials if TEA determines that the publisher did not meet the single sign on capability, unless the failure to meet the functionality is due to inaction by the school district or charter school or the school district’s or charter school’s learning management system provider; The Texas Education Agency (TEA) shall remove~~ may recommend to the SBOE the removal of the publisher’s materials from the list of approved materials if TEA determines that the publisher did not meet the single-sign-on capability, unless the failure to meet the functionality is due to inaction by the school district or charter school or the school district’s or charter school’s learning management system provider. The SBOE may remove the publisher’s material from the list.” *The motion carried.**

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried unanimously to recommend that §67.83(c) be amended to “A publisher ~~hosting~~ must host an instructional materials parent portal that must:”*

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

(Dr. Ortega was absent from the vote.)

2. Consideration for Approval of Instructional Materials Review Quality Rubrics
(Board agenda page I-10)

Nicholas Keith, executive director of high-quality instructional materials support, explained this item provides an opportunity for the State Board of Education (SBOE) to consider for approval the quality rubrics for K–3 and 4–8 English language arts and reading, K–3 and 4–6 Spanish language arts and reading, and K–12 mathematics for the Instructional Materials Review and Approval (IMRA) process.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Perez-Diaz, and carried to recommend that the State Board of Education approve quality rubrics for the Instructional Materials Review and Approval (IMRA) process.*

3. Consideration for Approval Instructional Materials Review Suitability Rubric
(Board agenda page I-12)

Colin Dempsey, director, district operations, technology & sustainability supports, explained this item provides an opportunity for the State Board of Education (SBOE) to consider for approval the process and procedure for the new Instructional Materials Review and Approval (IMRA) process. He also explained that this process includes the key components of IMRA rubric development and approval, instructional material selection for the current IMRA cycle, IMRA reviewer selection, and the IMRA review process, including final reporting back to the SBOE.

MOTION: *It was moved by Mr. Maynard and seconded by Ms. Childs to recommend that the State Board of Education approve the process and procedure for the new Instructional Materials Review and Approval (IMRA) process.*

MOTION AND VOTE: *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education amend section 37 under the SBOE column to read as follows:*

“SBOE holds discussion and may take action to place IM on the Rejected Materials List and Approved Materials list with pending revisions and corrections.”

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 section 40 under the SBOE column by adding the following statement to the COFB and Full Board’s lists:*

“Amend approved and rejected list from the September meeting as needed.”

The motion failed.

MOTION AND VOTE: *It was moved by Mrs. Brooks and seconded by Ms. Childs to recommend that the State Board of Education amend section 3 under the SBOE column to read as follows:*

“Receive ongoing progress reports from internal subject area working groups developing rubrics.”

The motion failed.

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Mr. Hickman, and carried to recommend that the State Board of Education amend section 14 under the TEA column to read as follows:*

“Conduct market share analysis for the subject area(s) and grade level(s)/course(s). Provide this market analysis to SBOE.”

The motion carried.

MOTION: *It was moved by Mrs. Brooks and seconded by Mr. Francis to recommend that the State Board of Education amend section 16 under the TEA column to read as follows:*

“If needed, reduce the number of materials on the list using the prioritization protocol:

- 1. Any materials required to be reviewed by the SBOE.*
- 2. Materials related to recently revised TEKS.*
- 3. Voluntary publisher submissions*
- 4. District submissions*
- 5. First year for IMRA rubric in a subject/grade level (3-5 Brooks failed 2/10)*

- ~~2.~~ 6. Open Education Resource (OER) instructional materials
- 3. 7. Highest market share based on the most recent TEKS Certification and allotment spend data.
- 4. 8. Voluntary publisher submissions
 - a. First year for IMRA rubric in a subject/grade level
 - b. Materials related to recently-revised TEKS
- ~~5.~~ 9. District submissions”

MOTION AND VOTE: *It was moved by Mr. Hickman and carried without objection to divide the question to consider number 2 separately.*

MOTION AND VOTE: *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried to recommend that the State Board of Education amend number 2 in section 16 under the TEA column to read as follows:*

“Materials related to recently revised TEKS for which a Proclamation was issued.”

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded, and carried to recommend that the State Board of Education amend number 2 in section 16 under the TEA column to read as follows:*

“Materials related to the most recently revised TEKS for which a Proclamation was issued.”

VOTE: *A vote was taken on the motion to recommend that the State Board of Education amend section 16 under the TEA column to add numbers 3–5 to the list to read as follows:*

“If needed, reduce the number of materials on the list using the prioritization protocol:

- 1. Any materials required to be reviewed by the SBOE.
- 2. Materials related to most recently revised TEKS for which a Proclamation was issued.
- 3. Voluntary publisher submissions
- 4. District submissions
- 5. First year for IMRA rubric in a subject/grade level (3-5 Brooks failed 2/10)
- ~~2.~~ 6. Open Education Resource (OER) instructional materials
- 3. 7. Highest market share based on the most recent TEKS Certification and allotment spend data.
- 4. 8. Voluntary publisher submissions
 - a. First year for IMRA rubric in a subject/grade level
 - b. Materials related to recently-revised TEKS
- ~~5.~~ 9. District submissions”

The motion failed.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried to recommend that the State Board of Education amend section 37 under the TEA column to read as follows:*

“Present preliminary review reports to the SBOE. Execute and present to SBOE an after action review on the current year’s cycle, including IMRA rubrics, instructional materials selection, IMRA reviewer selection, and IMRA reviews.”

(Ms. Perez-Diaz was absent for the vote.)

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried to recommend that the State Board of Education add a new section 45 under TEA column to read as follows:*

“Execute and present to SBOE a final after action review on the current year’s cycle.”

VOTE: *A vote was taken on the motion to recommend that the State Board of Education approve the process and procedure for the new Instructional Materials Review and Approval (IMRA) process as amended. The motion carried without objection.*

4. Consideration for Approval Instructional Materials Review Suitability Rubric
(Board agenda page I-14)

Mr. Kinsey explained that this item is an amendment to the suitability rubric that was approved by the State Board of Education in the previous meeting. The amendment is a redesign of the document to provide a usable format to reviewers as they go through the suitability rubric.

MOTION: *It was moved by Mr. Francis, and seconded by Ms. Pickren, that the Committee of the Full Board recommend to the State Board of Education that they approve the amendments to the Instructional Materials Review and Approval (IMRA) Suitability Rubric as presented by the Chair.*

MOTION AND VOTE: *It was moved by Dr. Ellis, and seconded by Mr. Hickman, to amend item 3 of the overview section by adding “If relevant content is present in the materials, then reviewers must collect lesson-level evidence of compliance with indicators 2.1.1 and 6.2” The motion carried.*

MOTION AND VOTE: *It was moved by Ms. Pickren, and seconded by Mr. Francis, to strike “~~promoting citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights~~” from section 2.1.1 and replace the stricken language with “promoting American patriotism, Texas History, and the free enterprise system, understanding the importance of patriotism and democratic principles of our state and national heritage, including founding documents of the United States”; and to strike “~~2.1.3 presenting positive aspects of the United States and Texas, their heritage, and their abundant natural resources; and~~”. The motion carried.*

MOTION AND VOTE: *It was moved by Dr. Ellis, and seconded by Mr. Hickman, to add 2.2 “The IM is not contrary to 2.1.1” to section 2 alignment with public education’s constitutional goal. The motion carried with no objection.*

MOTION AND VOTE: *It was moved by Ms. Little, and seconded by Ms. Hardy, to strike “~~Health~~” from section 6 and replace that language with “Risk Avoidance”. The motion carried with no objection.*

MOTION AND VOTE: *It was moved by Ms. Little, and seconded by Ms. Hardy, to add “to students” to section 7.1. The motion passed with 13 members voting Aye, 0 members voting No, and 1 member abstaining as follows:*

<u>Aye:</u>	Ms. Little	Mr. Maynard
	Ms. Childs	Dr. Ellis
	Ms. Perez-Diaz	Dr. Young
	Mr. Francis	Ms. Pickren

Dr. Ortega
Mrs. Brooks
Ms. Davis

Mr. Hickman
Ms. Hardy

No:

Abstain: Dr. Bell-Metereau

MOTION AND VOTE: *It was moved by Mr. Maynard, and seconded by Ms. Childs, to strike “~~child pornography~~” and replace the language with “pornographic” from section 7.1. The motion carried with no objection.*

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

- 5. Adoption of Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**
(Board agenda page I-22)

Colin Dempsey, director, district operations, technology & sustainability supports, explained that there is a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presented the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed established procedures for the adoption, purchase, and distribution of instructional materials.

Mr. Dempsey shared that the agency completed the review, and no public comments were received. The SBOE maintains authority to adopt rules on instructional materials; therefore, the need for the rules in Subchapters A–C remains. Additionally, HB 1605 (88th Texas Legislature, Regular Session, 2023) implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters A–C, will continue to apply to instructional materials adopted under *Proclamation 2024* and before.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Ms. Perez-Diaz, and carried to recommend to the SBOE that they adopt the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations*

DISCUSSION ITEMS

- 6. Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, §74.13, Endorsements, and §74.14, Performance Acknowledgments**
(Board agenda page I-50)

Shelly Ramos, senior director, curriculum standards and student support, provided an overview of recommended revisions to high school graduation requirements. Ms. Ramos explained that the

changes are necessary to update career and technical education (CTE) course titles and career clusters and course credits for physical education to align with changes to the TEKS. She also explained recommended changes to three endorsements to eliminate outdated language and align requirements with recently refreshed CTE programs of study.

Chairman Kinsey adjourned the meeting at 8:03 p.m.

**Report of the State Board of Education
Committee of the Full Board
Wednesday January 31, 2024**

The State Board of Education Committee of the Full Board met at 12:30 a.m. on Tuesday, January 30, 2024, 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: Aaron Kinsey, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; LJ Francis; Patricia Hardy; Will Hickman; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Absent: Keven Ellis

Public Testimony

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

DISCUSSION ITEM

1. Commissioner's Comments
(Board agenda page I-58)

Commissioner Mike Morath presented TEA's 2023 Annual Report to the members. He walked through the Annual Report, which included updates on year-over-year student outcomes, school funding as a result of the 88th Legislative Session, school safety and security, and special education supports. He discussed notable bills passed by the 88th Legislature, including House Bill 1605, and the importance of having high-quality instructional materials for students. He also gave an overview of the Accelerating Campus Excellence model and the effectiveness of this program.

ACTION ITEM

2. Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021 (Second Reading and Final Adoption)
(Board agenda page I-59)

Shelly Ramos, senior director, curriculum standards and student support, explained that the proposed amendment would correct punctuation errors in a single student expectation in the new Grade 6 science TEKS.

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Perez-Diaz, and carried without objection to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and*

Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021, is necessary and shall have an effective date of 20 days after filing with the Texas Register.

(Ms. Davis was absent for the vote.)

DISCUSSION ITEM

3. **Public Hearing on Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills in Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30-127.44, 127.85, and 127.86; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.392 and §127.403; and Subchapter P, Transportation, Distribution, and Logistics, §§127.874 and 127.889-127.892**
(Board agenda page I-64)

Public testimony was provided by the following individuals:

NAME: Mark McClure
AFFILIATION: Cleburne Independent School District

NAME: Misty Day
AFFILIATION: Seminole Independent School District

NAME: John Denson
AFFILIATION: Moran Independent School District

NAME: Shannon Tidwell
AFFILIATION: Vandergrift High School

NAME: Megan Oliver
AFFILIATION: Sealy Independent School District

NAME: Taylor Newman
AFFILIATION: New Home Independent School District

NAME: Ray Pieniazek
AFFILIATION: Agriculture Teachers Association of Texas

NAME: James Drew
AFFILIATION: Texas Fine Arts Administrators

ACTION ITEMS

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills in Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and**

Natural Resources, §§127.xxx-127.xxx; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.xxx and §127.xxx; and Subchapter P, Transportation, Distribution, and Logistics, §§127.xxx-127.xxx

(First Reading and Filing Authorization)
(Board agenda page I-66)

Ms. Ramos explained that this item presents the final recommendations of the career and technical education (CTE) Texas Essential Knowledge and Skills (TEKS) review work groups. She stated that work groups were convened after the November 2023 SBOE meeting to develop final recommendations for the TEKS for the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as for two CTE courses that students may use to fulfill their science graduation requirements. Also included is Advanced Transportation Systems Laboratory, which is being moved into Chapter 127 and the work group did not revise.

MOTION: *It was moved by Mr. Maynard and seconded by Mr. Francis to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920.*

MOTION: *It was moved by Mr. Francis and seconded by Mrs. Brooks to recommend that the State Board of Education adopt moves and technical edits to the proposed new CTE TEKS as follows:*

§127.51(d)(3)(A) "explain the importance of safe practices such as handling, restraint, and proper use of tools and equipment when working with animals ~~such as handling, restraint, and proper use of tools and equipment~~"

§127.51(d)(9)(D) "research and compare the nutritional value of feeds such as prescription, commercial, homemade, fad, and raw diets for large and small animal species ~~such as prescription, commercial, homemade, fad diets, and raw diets.~~"

§127.887(d)(4)(E) "identify and compare airframe construction, including wood structures, metal tubular structures, fabric coverings, sheet metal, and composite structures, and basic repair methods and techniques, ~~including wood structures, metal tubular structures, fabric coverings, sheet metal, and composite structures;~~"

§127.57(d)(7)(F) "implement ~~and evaluate~~ a floral design plan through completion and evaluate the results of the plan."

§127.30(d)(1)(D), §127.45(d)(1)(D), §127.48(d)(1)(D), §127.49(d)(1)(D), §127.50(d)(1)(D), §127.55(d)(1)(D), "identify employers' legal responsibilities and expectations, including appropriate work habits; and ethical conduct, ~~and legal responsibilities;~~"

§127.48(d)(7)(A) "identify ~~and select appropriate~~ tools and equipment for grooming, riding, and training equine and select the appropriate tools or equipment for a given task or purpose;"

§127.48(d)(7)(B) "identify ~~and select appropriate~~ tools and equipment for safe handling and restraining of equine and select the appropriate tools or equipment for a given task or purpose;"

§127.49(d)(8)(A) "identify ~~and select appropriate~~ tools and equipment for safe handling and restraining of livestock and poultry and select the appropriate tools or equipment for a given task or purpose;"

§127.51(d)(8)(B) "describe the interrelationships ~~interrelationship~~ among animal body systems."

§127.887(d)(4)(C) "identify aircraft categories such as airplane, rotorcraft, glider, and lighter-than-air; ~~in reference to~~ federal aviation regulations;"

§127.888(d)(14)(C) "differentiate between exhaust heat exchanger system and combustion heater system components, functions ~~function~~, and operations ~~operation~~;"

§127.890(d)(6)(B) "explain electrical theories and laws ~~and theory~~, including Ohm's Law, Kirchhoff's Law, Watt's Law, Faraday's Law, Lenz's Law, and the right ~~Right~~-hand motor rule;"

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.48(d)(7)(A) and (7)(B) and §127.48(d)(8)(A) to replace "for a given task or purpose" with "for such tasks or purposes."*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.890(d)(6)(B) to strike the word "motor."*

VOTE: *A vote was taken on Mr. Francis's original motion to recommend that the SBOE adopt moves and technical edits, as amended. The motion carried without objection.*

MOTION: *It was moved by Mr. Francis and seconded by Mr. Maynard to recommend that the State Board of Education adopt clarifying edits to the proposed new CTE TEKS as follows:*

§127.57(d)(8)(F) "identify the benefits of establishing business relationships with a variety of vendors such as wedding venues, funeral homes, wholesale florists, and wire services; and"

§127.30(d)(11)(A) "define animal science and analyze the relevance of animal selection, production, and marketing in the industry;"

§127.51(d)(4)(B) "analyze topics related to veterinary medical ethics, including animal rights and animal welfare; and"

§127.53(d)(7)(H) "apply pricing strategies and order-processing skills to meet various budgets and needs; and"

§127.55(d)(7)(B) "identify and compare plant anatomical structures and functions that are used in ~~for~~ plant identification; and"

§127.890(d)(2)(A) "describe safety culture and organizational structures ~~factors~~ in the work environment;"

§127.890(d)(2)(B) "identify and explain types of human error and human factor ~~error~~ principles;"

§127.58(d)(7)(A) "research and document major historical milestones ~~of related to plant plants~~ and soil science in human civilization;"

§127.56(d)(6)(D) "evaluate the effectiveness of passive frost protection techniques employed in vineyards;"

§127.56(d)(6)(E) "evaluate the effectiveness of active frost protection techniques employed in vineyards; and"

§127.56(d)(9)(F) "identify the practices of organic vineyards related to soil properties and fertility."

§127.890(d)(9)(C) "calculate force, area, and pressure for a given scenario related to aircraft maintenance; and"

§127.56(d)(7)(B) "describe and demonstrate dormant pruning of grapevines ~~as an effective method for minimizing to minimize~~ crop loss due to frost;"

§127.47(d)(11)(C) "critique ~~or self-critique~~ agricultural presentations given by self or others for through an examination of logical structure, smooth transitions, accurate evidence, and well-chosen details;"

§127.47(d)(12)(C) "~~compare and~~ evaluate and compare agricultural resources and make professional decisions using reliable research sources methods of approach; and"

§127.888(d)(4)(D) "~~identify define~~ and explain commonly used covering methods of attachment ~~commonly used~~, including types of approved aircraft covering material and common stitching seams ~~commonly used with aircraft covering~~;"

§127.58(d)(14)(E) "~~investigate and~~ evaluate the effectiveness of plant management practices, including germination tests, plant spacing trials, and fertilizer tests;"

§127.30(d)(4)(D) "identify issues that may impact future scenarios, including potential global impacts for agriculture, food, and natural resources systems, including global agriculture, food, and natural resources systems, in the future;"

§127.30(d)(11)(B) "analyze define the roles of animals in agriculture and how benefits of animals benefit the in agriculture industry."

§127.30(d)(4)(F) "compare how different issues such as biotechnology, employment, safety, environmental, and animal welfare issues impact impacting agriculture, food, and natural resources industries such as biotechnology, employment, safety, environment, and animal welfare issues;"

§127.45(d)(5)(G) "analyze and discuss the importance of relationships and ~~group~~ organization for effective communication within groups."

§127.45(d)(9)(D) "identify key concepts related to practice digital citizenship and demonstrate appropriate use of technology for the workplace."

§127.53(d)(7)(D) "analyze determine the needs of indoor plants such as fertilizer, water, fertilizing, lighting, and pruning, and watering based on the condition of the plant;"

§127.30(d)(5)(A) "~~describe identify~~ the history, structure, and development of and opportunities in the agriculture, food, and natural resources student organizations organization(s);"

§127.30(d)(10)(D) "identify and use apply techniques for related to plant germination, growth, and development; and"

§127.45(d)(10)(B) "identify and explain apply media laws applicable to various agricultural communications;"

§127.30(d)(3) "The student understands identifies the impact of the agriculture industry in Texas and the United States. The student is expected to:"

§127.30(d)(3)(B) "identify regions of commodity production such as regions that produce livestock, corn, wheat, dairy products cattle, and cotton and explain the correlation between the region and the commodity."

§127.49(d)(8)(B) "identify types and essential features of and select appropriate facilities for livestock and poultry such as housing, veterinary, and reproduction facilities;"

§127.48(d)(7)(C) "identify types and essential features of and select appropriate equine facilities such as housing, performance, veterinary, and reproduction facilities;

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.30(d)(4)(D) to read:*

"identify issues that may impact future scenarios, including potential global impacts for agriculture, food, and natural resources systems, including related global agriculture, food, and natural resources systems, systems, in the future;"

MOTION AND VOTE: *It was moved by Dr. Young, seconded by Ms. Childs, and carried without objection to recommend that the State Board of Education amend §127.30(d)(5)(A) to read:*

"~~describe identify~~ the history, structure, and development of and opportunities in student organizations in the agriculture, food, and natural resources career cluster student organization(s);"

VOTE: *A vote was taken on Mr. Francis's original motion to recommend that the SBOE adopt clarifying edits, as amended. The motion carried without objection.*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education adopt staff recommendations to adjust verbs in the proposed new CTE TEKS as follows:*

§127.45(d)(3)(B) "analyze identify various leadership styles;"

§127.45(d)(5)(A) "~~describe identify~~ elements of effective communication such as accuracy, relevance, rhetoric, and organization in informal, group discussions; formal presentations; and business-related, technical communication;"

§127.53(d)(7)(I) "~~describe identify~~ packaging, distribution, and setup logistics in the floral industry."

§127.53(d)(7)(C) "identify and describe how tools, chemicals, and equipment are used in floral design and describe safe handling practices;"

§127.55(d)(4)(E) "identify and describe additional growing structures such as cold frames and hotbeds;"

§127.56(d)(7)(C) "describe ~~identify~~ grapevine-training techniques such as spur and cane pruning; and"

§127.57(d)(3)(E) "identify and explain various basing design techniques, including layering, terracing, pavé, clustering, and pillowing; and"

§127.57(d)(3)(F) "identify and explain advanced focal-emphasis design techniques, including grouping, banding, binding, shadowing, sequencing, framing, zoning, and parallelism;"

§127.54(d)(9)(C) "describe and demonstrate correct procedures for handling customer sales transactions;"

§127.57(d)(5)(A) "describe and apply ~~develop~~ proper planning techniques in floral design;"

§127.57(d)(8)(E) "describe and demonstrate proper customer service skills for a floral business;"

§127.58(d)(13)(F) "describe potential positive and negative impacts ~~debate the impact~~ of human activity such as pest control, hydroponics, monoculture planting, and sustainable agriculture on ecosystems."

§127.45(d)(5)(E) "explain ~~demonstrate~~ the importance of communicating factual and unbiased data and information obtained from reliable sources;"

§127.45(d)(6)(E) "conduct or participate actively in a meeting using ~~demonstrate a working knowledge of~~ parliamentary procedures."

§127.795(d)(1)(A) "describe and demonstrate ~~knowledge of~~ how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;"

§127.795(d)(1)(B) "describe and demonstrate how to ~~show the ability to~~ cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;"

§127.795(d)(9)(C) "calculate ~~use one-dimensional equations for~~ displacement, distance, speed, velocity, average velocity, frames of reference, acceleration, and average acceleration using one-dimensional equations;"

§127.795(d)(9)(D) "calculate ~~use graphical vector addition for~~ displacement, velocity, average velocity, acceleration, and average acceleration within a frame of reference using graphical vector addition;"

§127.796(d)(1)(A) "describe and demonstrate ~~knowledge of~~ how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;"

§127.796(d)(1)(B) "describe and demonstrate how ~~show the ability to~~ cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;"

§127.47(d)(4)(B) "~~explain define and analyze~~ the processes by which laws, regulations, and policies are developed at the local, state, and national levels; and"

§127.47(d)(6)(D) "explain ~~evaluate~~ the relevance of real-world applications for the demonstration process."

§127.795(d)(8)(A) "locate and apply ~~use~~ safety guidelines as described in various manuals, instructions, or regulations;"

§127.45(d)(6)(A) "explain ~~define~~ the significance of personal and group goals;"

MOTION: *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education adopt amendments to combine and eliminate student expectations in the proposed new CTE TEKS as follows:*

§127.889(d)(18)(B) "identify the components, basic operation, and adjustment of fuel metering systems, including float carburetor, pressure carburetor, continuous-flow fuel injection, FADEC, and hydromechanical fuel control;"

§127.889(d)(18)(C) ~~explain the basic operation of fuel metering systems, including float carburetor, pressure carburetor, continuous flow fuel injection, FADEC, and hydromechanical fuel control;~~

§127.889(d)(18)(D) ~~explain the adjustment of fuel metering systems, including float carburetor, pressure carburetor, continuous flow fuel injection, FADEC, and hydromechanical fuel control;~~

§127.890(d)(6)(C) "identify and explain electrical measurement principles, tools, and procedures for measuring ~~that measure~~ voltage, current, resistance, and power;"

§127.890(d)(6)(D) "~~identify and discuss electrical measurement principles for measuring voltage, current, resistance, and power;~~"

§127.889(d)(6)(E) "~~identify and explain electrical measurement procedures for measuring voltage, current, resistance, and power;~~"

§127.47(d)(4)(A) "identify agricultural or governmental leadership positions at ~~in~~ the local, community and at the state, and national levels, and explain and evaluate how individuals in leadership positions and decisions made by leadership impact the agricultural industry;"

§127.47(d)(4)(B) "explain how individuals in leadership positions and their decisions impact the agricultural industry;"

§127.45(d)(5)(C) "evaluate elements aspects of oral presentations such as delivery, vocabulary, length, and purpose ~~and modify based on~~ audience;

§127.45(d)(5)(D) "modify presentations based on audience;"

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.890(d)(6)(C) to read:*

“identify and explain electrical measurement principles, and related tools, and procedures for measuring voltage, current, resistance, and power;”

VOTE: *A vote was taken on Mr. Maynard’s original motion to recommend that the State Board of Education adopt amendments to combine and eliminate student expectations in the proposed new CTE TEKS, as amended. The motion carried without objection.*

MOTION: *It was moved by Mr. Maynard and seconded by Mr. Francis to recommend that the State Board of Education adopt amendments to §127.53, Floral Design, as follows:*

(4)(B) "~~create prepare~~ and evaluate floral designs using permanent botanicals such as homecoming mums;”

(4)(D) "~~create construct~~ floral designs for specific holidays and cultural occasions such as weddings and funerals;”

(4)(E) "create interiorscapes using the elements and principles of ~~floral~~ design;”

(4)(F) “~~apply proper wiring and taping techniques to materials used in the industry; and~~”

(4)(G) “~~demonstrate safe and proper usage of floral design tools.~~”

Add new (5)(B) “evaluate and appraise floral designs;”

(6)(B) “~~evaluate and appraise floral designs;~~”

Add new (6)(C) “apply proper wiring and taping techniques to materials used in the industry; and”

Add new (6)(D) “demonstrate safe and proper usage of floral design tools.”

(7) "The student recognizes the current industry ~~management and business~~ practices of floral enterprises. The student is expected to:"

(7)(C) "identify and describe how tools, chemicals, and equipment are used in floral design and describe safe handling practices;"

(7)(D) "analyze determine the needs of indoor plants such as fertilizer fertilizing, light lighting, pruning, and water watering based on the condition of the plant;”

(7)(G) “~~create cost-effective designs;~~”

(7)(H) “~~apply pricing and order processing skills to meet various budgets and needs; and~~”

(7)(I) “~~identify packaging, distribution, and setup logistics in the floral industry.~~”

(8) “The student recognizes current business management practices of floral enterprises. The student is expected to:”

(8)(A) “create cost-effective designs;”

(8)(B) “apply pricing strategies and order processing skills to meet various budgets and needs; and”

(8)(C) “identify packaging, distribution, and setup logistics in the floral industry.”

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education strike the word “and” from §127.53(d)(6)(B).*

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz and seconded by Ms. Childs to recommend that the State Board of Education amend §127.53(b) to read:*

"General requirements. This course is recommended for students in Grades 9-12. Prerequisite: at least one credit in a course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. This course satisfies the fine arts graduation requirement. Students shall be awarded one credit for successful completion of this course."

The motion failed.

VOTE: *A vote was taken on Mr. Maynard’s original motion to recommend that the State Board of Education adopt amendments to §127.53, Floral Design, as amended. The motion carried without objection.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.30(d)(8)(C) to read:*

"develop and test a hypothesis for the selected issue, question, or principle ~~topic~~;"

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.30(d)(8)(A) by moving the student expectation to new §127.30(d)(4)(E) and re-lettering the student expectations that follow appropriately.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.45(d)(3)(C) to read:*

"prepare a professional resume, ~~personal resumes~~, letters of interest, employment applications, and follow-up communications related to the hiring process; and"

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Mr. Hickman, and carried without objection to recommend that the State Board of Education amend §127.30(d)(4)(D) to read:*

"identify issues that may impact agriculture, food, and natural resources systems, including related domestic and global systems, in the future;"

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.30(d)(12)(B) to read:*

"identify emerging technologies and trends in domestic and global food production;"

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Pickren, and carried to recommend that the State Board of Education amend §§127.30(d)(1)(E), 127.45(d)(1)(E), 127.48(d)(1)(E), 127.49(d)(1)(E), 127.50(d)(1)(E), and 127.55(d)(1)(E) to read:*

"describe and demonstrate characteristics of good citizenship such as stewardship, ~~advocacy,~~ and community leadership and promotion of industry awareness and literacy; and"

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §127.45(d)(3)(D) to read:*

"explain the interpersonal skills needed to work cooperatively with others ~~from different cultures, genders, and backgrounds.~~"

MOTION AND VOTE: *It was moved by Ms. Childs, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.45(d)(6)(E) to read:*

"~~demonstrate an understanding of conduct or participate actively in a meeting using~~ parliamentary procedures by conducting or actively participating in a meeting."

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §127.47(d)(3)(A) to read:*

"identify past agricultural leaders, explain contributions made by these ~~the~~ leaders, and define the impact of their ~~the~~ contributions on the agricultural industry;"

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend §127.47(d)(3)(C) to read:*

"analyze and present the leadership skills of a ~~present-day~~ leader in the field of agriculture."

MOTION AND VOTE: *It was moved by Ms. Pickren, seconded by Dr. Young, and carried without objection to recommend that the State Board of Education amend §127.47(d)(9)(A) to read:*

"identify and research controversial areas of agriculture ~~such as property rights, water rights, high fencing, cloning, and growth supplements;~~"

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.48(d)(7)(F) to read:*

"discuss effective equine management strategies such as financial planning, complying with ~~managing~~ governmental regulations, and interpreting performance data; and"

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend §127.50(d)(5)(C) by inserting the word "historical" before the word "timeline."*

MOTION AND VOTE: *It was moved by Dr. Bell-Metereau, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend §127.50(d)(5)(C) by inserting the word "major" before the word "legislation."*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §127.52(d)(15)(C) to read:*

"research and evaluate the effectiveness of various strategies and campaigns ~~such as Beef: It's What's For Dinner, Certified Angus Beef, Pork: The Other White Meat, Got Milk?, Beef Check Off, Man's Best Friend, Cat Cafes, Goat Yoga, and Farm to Plate~~ to market animal products based on consumption patterns and consumer preferences; and"

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.30(d)(12)(E) to read:*

"identify and use tools, equipment, and personal protective equipment common to food products and processing systems."

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried without objection to recommend that the State Board of Education amend §127.86(d)(3)(A) to read:*

"analyze elements of a problem to develop creative and innovative solutions that are practical for in the agricultural workplace;"

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education add new §127.49(d)(8)(E) to read:*

"explain the use of technology such as aircraft, robotics, and smart irrigation in modern livestock and poultry production."

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried without objection to recommend that the State Board of Education amend §127.795(d)(11)(C) by replacing the word "wheel" with the word "wheels."*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §§127.30, 127.45-127.51, 127.53-127.57, 127.86, and 127.87 by adding a new knowledge and skills statement to read:*

"(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:"

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §§127.30, 127.45-127.51, 127.53-127.57, 127.86, and 127.87 by moving (d)(2)(C), (d)(2)(D), and (d)(2)(E) to the new knowledge and skills statement (3) and renumbering all knowledge and skills statements that follow appropriately.*

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.52 and §127.58 by adding a new knowledge and skills statement that reads:*

"(7) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:"

MOTION AND VOTE: *It was moved by Mr. Maynard, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.52 and §127.58 by moving (d)(6)(C), (d)(6)(D), and (d)(6)(E) to the new knowledge and skills statement (7) and renumbering all knowledge and skills statements that follow appropriately.*

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.795(b) to read:*

"General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit of Algebra I and one credit of chemistry, physics, or Integrated Physics and Chemistry (IPC) high school science. ~~Corequisite: one credit of high school science.~~ Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course."

MOTION AND VOTE: *It was moved by Dr. Bell-Metereau and seconded by Ms. Childs to recommend that the State Board of Education amend §127.30(d)(3)(B) to read:*

"identify regions of commodity production such as regions that produce livestock, corn, wheat, dairy products, and cotton and explain the correlation between the region, and the commodity, and the environmental impact of agricultural practices."

The motion failed.

VOTE: *A vote was taken on the main motion, to recommend that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920, as amended. The motion carried.*

5. Discussion of Pending Litigation

(Board agenda page I-75)

Matthew Tiffée, senior litigation attorney, provided the committee with an update on procedural matters related to the litigation of Book People, INC. VBK INC d/b/a Blue Willow Bookshop, American Booksellers Association, Association of American Publishers, Authors Guild, INC., Comic Book Legal Defense Fund v. Martha Wong in her official capacity as chair of the Texas State Library and Archives Commission, Keven Ellis in his official capacity as chair of the Texas Board of Education, Mike Morath in his official capacity as Commissioner of Education; in the United States District Court for the Western District of Texas, Case No. 1:23-cv-858.

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

(Board agenda page I-70)

Ms. Ramos provided an update on the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) review process. She stated that an ELPS work group would be convened in early March to finalize recommendations.

The committee discussed potential options for upcoming TEKS review and asked staff to share an example of what a potential timeline would look like for review of kindergarten-grade 12 mathematics at the April 2024 meeting.

Ms. Ramos provided an update on the upcoming process to develop recommendations for new engineering TEKS and explained that the board's new work group build process would be used for the engineering TEKS review. Jessica Snyder, director of special projects, curriculum standards and student support division, shared a proposal to use a survey platform for future approvals of work group applications. She provided a demonstration of the platform and suggested this new method begin with the upcoming engineering TEKS review. The committee indicated that they were in favor of the new process for approving applications.

DISCUSSION ITEMS

7. Discussion of Proposed Updates to the Texas State Plan for *Strengthening Career and Technical Education for the 21st Century Act (Perkins V)* (Board agenda page I-73)

Alexis Bauserman, director, college, career, and military preparation division, presented a proposal to make targeted updates to the Texas Perkins V State Plan that has been in effect since the 2021-2022 school year. Ms. Bauserman explained that for the upcoming state plan cycle, the United States Department of Education (USDE) provided two options for states when submitting a new four-year plan. One option would reflect minor updates to the current plan and the second option would include more substantive revisions. She explained that TEA staff recommended pursuing the second option and making the following updates:

- Incorporate clear measures of success
- Add language that reflects recently refreshed programs of study
- Embed the state's Tri-Agency Goals and Strategies and the vision defined in the new Texas Workforce Investment Council (TWIC) strategic plan
- Ensure the plan is forward looking
- Streamline and clarify the content for clarity and ease of use

Ms. Bauserman explained that the plan would be presented to the SBOE for approval in April and must be submitted to USDE in May 2024.

Chairman Kinsey adjourned the meeting at 11:14 p.m.

**Report of the State Board of Education
Committee on Instruction
Thursday, February 1, 2024**

The State Board of Education Committee on Instruction met at 9:27 a.m. on Thursday, February 1, 2024, in Room, #1-100, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Audrey Young, chair; Evelyn Brooks; Aicha Davis; Pam Little; and Melissa Ortega

Public Testimony

The Committee of the Full Board heard public testimony on agenda item #3. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee on Instruction considered items in the following order: Item number 3, 1, 2, 4.

ACTION ITEMS

1. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) (First Reading and Filing Authorization)**
(Board agenda page II-1)

Jessica Snyder, special projects director, curriculum standards and student support division, explained that the proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12.

MOTION AND VOTE: *It was moved by Dr. Ortega, seconded by Mrs. Brooks, and carried without objection to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).*

(Ms. Davis was absent for the vote.)

2. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (First Reading and Filing Authorization)**
(Board agenda page II-5)

Ms. Snyder explained that the proposed amendment would require that completion of instruction in the use of an AED be indicated on a student's academic achievement record (AAR) in addition to the existing requirement to indicate completion of instruction in cardiopulmonary resuscitation (CPR). She explained that this change would align requirements for the AAR with the AED instructional requirement added by House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023.

MOTION AND VOTE: *It was moved by Mrs. Brooks, seconded by Dr. Ortega, and carried without objection 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 amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript).

(Ms. Davis was absent for the vote.)

3. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.5, Students with Dyslexia and Related Disorders (First Reading and Filing Authorization)
(Board agenda page II-10)

Public testimony was provided by the following individuals:

NAME: Beckley Wilson

AFFILIATION: Self

NAME: Elizabeth Wilson

AFFILIATION: Self

NAME: Nicole May

AFFILIATION: Texas Dyslexia Coalition/Montgomery County (MOCO)
Dyslexia Partnership

NAME: Linda Whitman

AFFILIATION: Self

NAME: Jennifer Hyland

AFFILIATION: Self

NAME: Jackie Hahn

AFFILIATION: Self

NAME: Rebecca Holmes

AFFILIATION: Self

NAME: Cindy Connolly

AFFILIATION: Self

NAME: Lisa Blevins

AFFILIATION: Self

NAME: Aggie Gambino

AFFILIATION: Self

NAME: Jill Hyland

AFFILIATION: Self

NAME: Jessamyn Putnam
 AFFILIATION: Self

NAME: Misty Odenweller
 AFFILIATION: Self

NAME: Heather Stephens
 AFFILIATION: Self

NAME: Sara Furlich
 AFFILIATION: Self

NAME: Lisa Flores
 AFFILIATION: Easterseals

NAME: Steven Aleman
 AFFILIATION: Disability Rights Texas

Kristin McGuire, senior director, special education policy, programs, and reporting division, presented an overview of the proposed amendment including proposed revisions to *Figure: 19 TAC §74.28(c)* to address requirements of House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023. Ms. McGuire explained HB 3928 requires specific updates regarding the testing, screening, and treatments for dyslexia and explained how the proposed revisions to the dyslexia handbook meets those requirements.

MOTION: *It was moved by Mrs. Little and seconded by Mrs. Brooks to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders.*

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Mrs. Brooks, and carried without objection to substitute Figure: 19 TAC §74.28(c) shown in Attachment II of the agenda with the updated draft presented to the committee (Attachment A).*

VOTE: *A vote was taken on the original motion to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as amended. The motion carried without objection.*

4. Approval of Updates and Substitutions to Adopted Instructional Materials
 (Board agenda page II-78)

Amie Phillips, director, instructional materials review and approval, district operations, technology, and sustainability supports division, explained this item provides the opportunity for the committee and board to approve update and/or substitution requests received since the last board meeting. This specific request was related to the correction to the grade 6 science student expectation 11.A. The updated content has been reviewed by subject-area specialists and determined to address the pertinent student expectations in a manner equal to the content initially reviewed and approved by the state review panel.

MOTION AND VOTE: *It was moved by Mrs. Little, seconded by Dr. Ortega, and carried without objection to recommend that the State Board of Education approve requests from*

- McGraw Hill, McGraw Hill Texas Science Grade 6 and McGraw Hill Ciencias para Texas, Grado 6;
- Savvas Learning Company LLC, Texas Experience Science Grade 6 and Texas Experimenta las Ciencias Grade 6; and
- Summit K12 Holdings, Dynamic Science 6th Grade and Dynamic Science (Spanish) 6th Grade

to update content in their adopted instructional materials.

The meeting of the Committee on Instruction adjourned at 11:25 a.m.

THE DYSLEXIA HANDBOOK

~~2021~~ 2024 Update

Procedures Concerning
Dyslexia and Related
Disorders

TEXAS EDUCATION AGENCY • AUSTIN, TEXAS

~~SEPTEMBER 2021~~ [INSERT MONTH], 2024

THE DYSLEXIA HANDBOOK

Procedures Concerning Dyslexia and Related Disorders

~~2021~~ 2024 Update

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Foreword

Reading is the fundamental skill upon which all formal education depends. Research now shows that a child who doesn't learn the reading basics early is unlikely to learn them at all. Any child who doesn't learn to read early and well will not easily master other skills and knowledge and is unlikely to ever flourish in school or life.

—Moats. L.C. *Reading is Rocket Science: What Expert Teachers of Reading Should Know and be Able to Do*, 1999

Texas has a long history of supporting the fundamental skill of reading. This history includes a focus on early identification and intervention for children who experience reading difficulties. In support of dyslexia legislation passed by the Texas Legislature, the State Board of Education (SBOE) first approved the handbook, *Dyslexia and Related Disorders: An Overview of State and Federal Requirements* in January 1986.

The SBOE approved new guidelines called the *Revised Procedures Concerning Dyslexia and Related Disorders* in 1992, which were revised in 1998. The handbook was updated again in 2001 and was called *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*. The SBOE continued to stress the importance of using research-based strategies to prevent reading difficulties and provide appropriate instruction to struggling readers in November 2006 when *The Dyslexia Handbook Revised 2007: Procedures Concerning Dyslexia and Related Disorders* was approved. In the summer of 2010, the need arose for an update of the handbook to include new legislation and additional research.

Legislation passed in the 82nd and 83rd sessions of the Texas Legislature resulted in the need for revision of the handbook. Consequently, *The Dyslexia Handbook—Revised 2014: Procedures Concerning Dyslexia and Related Disorders* was approved by the SBOE in July 2014. The most recent version, *The Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* implements statutory requirements added by the 85th Texas Legislature. The *Dyslexia Handbook* provides guidelines for school districts to follow as they identify and provide services for students with dyslexia and related disorders. Additionally, the handbook provides school districts and parents/guardians with information regarding the state's dyslexia laws and their relation to these federal laws: the Rehabilitation Act of 1973, Section 504 as amended in 2008 (Section 504), the Americans with Disabilities Amendments Act and the Individuals with Disabilities Education Act (IDEA). This handbook replaces all previous handbooks and guidelines.

The Handbook was amended again effective February 10, 2022, to clarify that evaluations for dyslexia and related disorders must go through the process required by the Individuals with Disabilities Education Act (IDEA).

The 88th regular session of the Texas Legislature, through the passage of HB 3928, made additional changes to how dyslexia is evaluated and identified, as well as to dyslexia instruction requirements. 19 TAC 74.28 and the handbook are being revised as a result.

There are also designated consultants at each regional education service center (ESC) available to assist district stakeholders with implementing state law and SBOE rules and procedures regarding dyslexia. Appendix E of this handbook contains information for the 20 ESCs. Or visit

In addition to The *Dyslexia Handbook*, resources include a State Dyslexia Network, a State Dyslexia ~~Consultant~~Coordinator, and a helpline (1-800-232-3030) at regional Education Service Center (ESC) 10.

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8

Acknowledgments

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Dedication

~~The 2018 Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders
was dedicated in honor of Geraldine "Tincy" Miller in recognition of her tireless~~

~~work on behalf of all Texas children with dyslexia.~~

Preface

In the state of Texas, students who continue to struggle with reading, despite appropriate or intensified instruction, are provided organized systems of reading support. Some students struggle during early reading acquisition while others do not struggle until the later grades, even at the postsecondary level. Here they face more complex language demands, for example reading textbooks, academic texts, and other print materials. For many struggling readers, the difficulty may be due to dyslexia. Dyslexia is found in all student populations and languages. Some students with dyslexia may be ~~English Learners (ELs)~~ emergent bilingual (EB) who struggle with reading not only in English, but also in their native language. In Texas, evaluation for dyslexia is conducted from kindergarten through grade 12.

The purpose of The *Dyslexia Handbook* is to provide procedures for school districts, charter schools, campuses, teachers, students, and parents/guardians in early identification of, instruction for, and accommodations for students with dyslexia. This handbook will be used by school districts and charter schools as they develop their written procedures regarding students with dyslexia. It will also serve as a resource for educator preparation programs and other entities seeking guidance in serving students with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders, mandates screening and testing students for dyslexia and the provision of instruction for students with dyslexia and gives the State Board of Education (SBOE) authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Additionally, TEC 7.102(c)(28) charges the SBOE with approving a program for testing students with dyslexia and related disorders. HB 3928, passed during the 88th regular legislative session, requires the program, which is described in ~~Texas Education Code §7.028(b)~~ assigns the responsibility for school compliance with the requirements for state educational programs to the local district board of trustees. Title 19 of the Texas Administrative Code (TAC) §74.28 and this handbook, to not include a distinction between standard protocol dyslexia instruction, as this was included in the 2021 handbook version, and other types of direct dyslexia instruction, including specially designed instruction. ~~outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, two federal laws, the~~ The Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, Section 504, establishes assessment and evaluation standards and procedures for students (34 C.F.R. Part 300 (IDEA), ~~Part 104 (Section 504))~~.

~~This handbook reflects current law as well as legislative action from the 84th and 85th sessions of the Texas Legislature and replaces all previous handbook editions. Recent legislation includes the following:~~

- ~~• TEC §21.044(c)(2) outlines the curriculum requirement for teacher preparation programs to include the characteristics of dyslexia, identification of dyslexia, and multisensory strategies for teaching students with dyslexia.~~
- ~~• TEC §21.054(b) and 19 TAC §232.11(e) mandate continuing education requirements for educators who teach students with dyslexia.~~
- ~~• TEC §28.021(b) establishes guidelines for districts when measuring academic achievement or proficiency of students with dyslexia.~~
- ~~• TEC §38.003(a) requires students to be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE.~~

Screening must occur at the end of the school year of each student in kindergarten and each student in the first grade.

- ~~● TEC §38.0032 requires the Texas Education Agency (TEA) to annually develop a list of training opportunities regarding dyslexia that satisfy continuing education requirements for educators who teach students with dyslexia.~~
- ~~● TEC §38.0031 requires the agency to establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia.~~
- ~~● TEC §42.006(a-1) requires school districts and open enrollment charter schools to report through the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) the number of enrolled students who have been identified as having dyslexia.~~
- ~~● 19 TAC §230.23 requires TEA to provide accommodations for persons with dyslexia who take licensing examinations.~~

The following chapters are included in this handbook:

- I. Definitions and Characteristics of Dyslexia
- II. Screening
- III. Procedures for the Evaluation and Identification of Students with Dyslexia
- IV. Critical, Evidence-Based Components of Dyslexia Instruction
- V. Dysgraphia

The Dyslexia Handbook has ~~12~~ appendices 1 appendix:

- A. ~~Questions and Answers~~ Frequently Asked Questions
- B. ~~Sources of Laws and Rules for Dyslexia Identification and Instruction~~ Overview of Special Education For Parents
- ~~C. State Laws and Rules Related to Dyslexia~~
- ~~D. IDEA/Section 504 Side-by-Side Comparison~~
- ~~E. Contacts for Further Information~~
- ~~F. Associated Terms~~
- ~~G. Bibliography~~
- ~~H. Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities~~
- ~~I. 2015 U.S. Department of Education Dyslexia Guidance~~
- ~~J. Pathways for the Identification and Provision of Instruction for Students with Dyslexia~~
- ~~K. Addressing Concerns about Dyslexia Programs~~
- ~~L. History of Dyslexia Law~~

I. Definitions and Characteristics of Dyslexia

The student who struggles with reading and spelling often puzzles teachers and parents. The student displays the ability to learn in the absence of print and receives the same classroom instruction that benefits most children; however, the student continues to struggle with some or all of the many facets of reading and spelling. This student may be a student with dyslexia.

Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way:

“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.

“Related disorders” include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

TEC §38.003(d)(1)-(2) (1995)

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003>

The International Dyslexia Association defines “dyslexia” in the following way:

Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Adopted by the International Dyslexia Association Board of Directors,
November 12, 2002

Students identified as having dyslexia typically experience primary difficulties in phonological awareness, including phonemic awareness and manipulation, single-word reading, reading fluency, and spelling. Consequences may include difficulties in reading comprehension and/or written expression. These difficulties in phonological awareness are unexpected for the student’s age and educational level and are not primarily the result of language difference factors. Additionally, there is often a **family history** of similar difficulties.

The following are the primary reading/spelling characteristics of dyslexia:

- Difficulty reading words in isolation
- Difficulty accurately decoding unfamiliar words
- Difficulty with oral reading (slow, inaccurate, or labored without prosody)
- Difficulty spelling

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above.

The reading/spelling characteristics are most often associated with the following:

- Segmenting, blending, and manipulating sounds in words (phonemic awareness)
- Learning the names of letters and their associated sounds
- Holding information about sounds and words in memory (phonological memory)
- Rapidly recalling the names of familiar objects, colors, or letters of the alphabet (rapid naming)

Consequences of dyslexia may include the following:

- Variable difficulty with aspects of reading comprehension
- Variable difficulty with aspects of written language
- Limited vocabulary growth due to reduced reading experiences

Sources for Characteristics and Consequences of Dyslexia

Branum-Martin, L., Fletcher, J. M., & Stuebing, K. K. (2013). Classification and identification of reading and math disabilities: The special case of comorbidity. *Journal of Learning Disabilities, 12*, 906–915.

Fletcher, J. M., Lyon, G. R., Fuchs, L. S., & Barnes, M. A. (2018)~~(2007)~~. *Learning disabilities: From identification to intervention*. (2nd ed.) New York, NY: The Guilford Press.

The International Dyslexia Association. (2018). *Knowledge and practice standards for teachers of reading*, (2nd ed.). Retrieved from <https://app.box.com/s/21gdk2k1p3bnagdfz1xy0v98j5ytl1w>.

Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Evidence-based Core Reading Instruction (Tier I)

TEC §28.0062 requires each LEA to provide for the use of a phonics curriculum that uses systematic direct instruction, without the incorporation of three-cueing, in kindergarten through third grade to ensure all students obtain necessary early literacy skills. LEAs must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, LEAs must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. Schools must ensure that all students receive explicit systematic Tier 1 reading instruction. ~~House Bill 3, passed by the 86th Legislature, requires each school district and open-enrollment charter school to provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills. Districts and charter schools must ensure that all kindergarten, first, second, and third grade teachers attend a teacher literacy achievement academy to increase teacher knowledge and implementation of the science of teaching reading. Additionally, districts and charter schools must certify to the agency that they prioritize placement of highly effective teachers in kindergarten through second grade and have integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade. This handbook assumes that all students have received strong systematic reading instruction in Tier 1.~~

Connecting Research and Practice

Research in understanding dyslexia as a neurodevelopmental disorder is ongoing. Future research will assist in learning more about the phonological awareness deficit and how this deficit interacts with other risk

factors related to dyslexia. Research is now also focusing on the developmental cause of neural abnormalities and how these predict treatment response.

~~Pennington, B. F. (2009). *Diagnosing learning disorders: A neuropsychological framework* (2nd ed.). New York, NY: The Guilford Press.~~

Pennington, B. F. (2019). *Diagnosing Learning Disorders: From Science to Practice* (3rd ed.). New York, NY: The Guilford Press.

Peterson, R. L., & Pennington, B. F. (2012). Developmental dyslexia. *The Lancet*, 379(9830), 1997–2007.

Common Risk Factors Associated with Dyslexia

If the following behaviors are unexpected for an individual's age, educational level, or cognitive abilities, they may be risk factors associated with dyslexia. A student with dyslexia usually exhibits several of these behaviors that persist over time and interfere with his/her learning. A family history of dyslexia may be present; in fact, recent studies reveal that the whole spectrum of reading disabilities is strongly determined by genetic predispositions (inherited aptitudes) (Olson, Keenan, Byrne, & Samuelsson, 2014).

The following characteristics identify risk factors associated with dyslexia at different stages or grade levels.

Preschool

- Delay in learning to talk
- Difficulty with rhyming
- Difficulty pronouncing words (e.g., “pusgetti” for “spaghetti,” “mawn lower” for “lawn mower”)
- Poor auditory memory for nursery rhymes and chants
- Difficulty adding new vocabulary words
- Inability to recall the right word (word retrieval)
- Trouble learning and naming letters and numbers and remembering the letters in his/ her name
- Aversion to print (e.g., doesn't enjoy following along if a book is read aloud)

Kindergarten and First Grade

- Difficulty breaking words into smaller parts, or syllables (e.g., “baseball” can be pulled apart into “base” “ball” or “napkin” can be pulled apart into “nap” “kin”)
- Difficulty identifying and manipulating sounds in syllables (e.g., “man” sounded out as /m/ /ă/ /n/)
- Difficulty remembering the names of letters and recalling their corresponding sounds
- Difficulty decoding single words (reading single words in isolation)
- Difficulty spelling words the way they sound (phonetically) or remembering letter sequences in very common words seen often in print (e.g., “sed” for “said”)

Second Grade and Third Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty recognizing common sight words (e.g., “to,” “said,” “been”)
- Difficulty decoding single words
- Difficulty recalling the correct sounds for letters and letter patterns in reading
- Difficulty connecting speech sounds with appropriate letter or letter combinations and omitting letters in words for spelling (e.g., “after” spelled “eftr”)
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Reliance on picture clues, story theme, or guessing at words
- Difficulty with written expression

Fourth Grade through Sixth Grade

Many of the previously described behaviors remain problematic along with the following:

- Difficulty reading aloud (e.g., fear of reading aloud in front of classmates)
- Avoidance of reading (particularly for pleasure)
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Acquisition of less vocabulary due to reduced independent reading
- Use of less complicated words in writing that are easier to spell than more appropriate words (e.g., “big” instead of “enormous”)
- Reliance on listening rather than reading for comprehension

Middle School and High School

Many of the previously described behaviors remain problematic along with the following:

- Difficulty with the volume of reading and written work
- Frustration with the amount of time required and energy expended for reading
- Difficulty reading fluently (e.g., reading is slow, inaccurate, and/or without expression)
- Difficulty decoding unfamiliar words in sentences using knowledge of phonics
- Difficulty with written assignments
- Tendency to avoid reading (particularly for pleasure)
- Difficulty learning a foreign language

Postsecondary

Some students will not be identified as having dyslexia prior to entering college. The early years of reading difficulties evolve into slow, labored reading fluency. Many students will experience extreme frustration and fatigue due to the increasing demands of reading as the result of dyslexia. In making a diagnosis for dyslexia, a student’s reading history, familial/genetic predisposition, and assessment history are critical. Many of the previously described behaviors may remain problematic along with the following:

- Difficulty pronouncing names of people and places or parts of words
- Difficulty remembering names of people and places
- Difficulty with word retrieval
- Difficulty with spoken vocabulary
- Difficulty completing the reading demands for multiple course requirements
- Difficulty with notetaking
- Difficulty with written production
- Difficulty remembering sequences (e.g., mathematical and/or scientific formulas)

~~Appendix H, Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities has been included for additional information.~~

Since dyslexia is a neurobiological, language-based disability that persists over time and interferes with an individual’s learning, it is critical that identification and intervention occur as early as possible.

Associated Academic Difficulties and Other Conditions

The behaviors in the previous sections represent common difficulties that students with dyslexia may exhibit. In addition, students with dyslexia may have problems in written expression, reading comprehension, and mathematics as well as other complicating conditions and/or behaviors.

Besides academic struggles, some students with dyslexia may exhibit other complex conditions and/or behaviors. The most common co-occurring disorders with dyslexia are attention deficit hyperactivity disorder (ADHD) and specific developmental language disorders (Snowling & Stackhouse, 2006, pp. 8–9). Some, though not all, students with dyslexia may also experience symptoms such as anxiety, anger, depression, lack of motivation, or low self-esteem. In such instances, appropriate instructional/referral services need to be provided to ensure each student’s needs are met.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dyslexia. Motivation, in particular, has been shown to be critical to the success or failure of instructional practices. Regarding motivation, Torgesen states (as cited in Sedita, 2011), “even technically sound instructional techniques are unlikely to succeed unless we can ensure that, most of the time, students are engaged and motivated to understand what they read” (p. 532). Acknowledging that students with dyslexia must exert extra effort to meet grade-level expectations, all the factors that may affect learning must be considered when identifying and providing instruction for students with dyslexia. ADHD or symptoms of anxiety, anger, depression, or low self-esteem may lower a student’s engagement in learning. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.

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II. Screening

Overview of Chapter II

The purpose of Chapter II is to further clarify the following topics related to screening for dyslexia:

- The definition of universal screening
- Administration of screening instruments
- Interpretation of screening results
- Best practices for ongoing monitoring

Part A of Chapter II will cover the definition of universal screening as well as the local, state, and federal requirements related to dyslexia and related disorders, including the Child Find requirement imposed under the Individuals with Disabilities Education Act (IDEA).

Part B will address the administration of the required screening instruments for kindergarten and grade 1 students.

Part C will cover how the interpretation of the screening results affect the decisions that the school will make to determine when a student is at risk for reading difficulties, including dyslexia and related disorders.

Part D will address ongoing monitoring of students throughout their academic careers.

Part A: Universal Screening and State and Federal Requirements

The Importance of Early Screening

If the persistent achievement gap between dyslexic and typical readers is to be narrowed, or even closed, reading interventions must be implemented early, when children are still developing the basic foundation for reading acquisition. The persistent achievement gap poses serious consequences for dyslexic readers, including lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lowered college attainment. Implementing effective reading programs early, even in preschool and kindergarten, offers the potential to reduce and perhaps even close the achievement gap between dyslexic and typical readers and bring their trajectories closer over time.

—Ferrer, et al., Achievement Gap in Reading Is Present as Early as First Grade and Persists through Adolescence, 2015

The early identification of students with dyslexia along with corresponding early intervention programs for these students will have significant implications for their future academic success. In the book *Straight Talk about Reading*, Hall and Moats (1999) state the following:

- Early identification is critical because the earlier the intervention, the easier it is to remediate.
- Inexpensive screening measures identify at-risk children in mid-kindergarten with 85 percent accuracy.
- If intervention is not provided before the age of eight, the probability of reading difficulties continuing into high school is 75 percent (pp. 279–280).

Research continues to support the need for early identification and assessment (Birsh, 2018; Sousa, 2005; Nevills & Wolfe, 2009). The rapid growth of the brain and its responsiveness to instruction in the primary years make the time from birth to age eight a critical period for literacy development (Nevills & Wolfe, 2009). Characteristics associated with reading difficulties are connected to spoken language. Difficulties in young children can be assessed through screenings of phonemic awareness and other phonological skills (Sousa, 2005). Additionally, Eden (2015) points out that “when appropriate intervention is applied early, it is not only more effective in younger children, but also increases the chances of sparing a child from the negative secondary consequences associated with reading failure, such as decline in self-confidence and depression.”

Keeping the above information in mind, it is essential to screen students for dyslexia and related disorders early in their academic careers.

State Requirements

In 2017, the 85th Texas Legislature passed House Bill (HB) 1886, amending Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia,¹ to require that all kindergarten and first-grade public school students be screened for dyslexia and related disorders. Additionally, the law requires that all students beyond first grade be screened or tested as appropriate.

In response to the screening requirements of HB 1886, the SBOE amended its rule in 19 Texas Administrative Code (TAC) §74.28, Students with Dyslexia and Related Disorders. While this rule speaks primarily to evaluation and identification of a student with dyslexia or related disorders, it also requires that evaluations only be conducted by appropriately trained and qualified individuals. Guidelines regarding the required screening for kindergarten and first-grade students are discussed in Part B of this chapter.

A related state law adds an additional layer to screening requirements for public school students. Texas Education Code §28.006, Reading Diagnosis, requires each school district to administer to students in kindergarten, first grade, and second grade a reading instrument to diagnose student reading development and comprehension. This law also requires school districts to administer a reading instrument at the beginning of seventh grade to students who did not demonstrate reading proficiency on the sixth-grade state reading assessment. The law requires each school district to administer to kindergarten students a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The commissioner must adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. Districts are permitted to use reading instruments other than those adopted by the commissioner for first, second, and seventh grades only when a district-level committee adopts these additional instruments. Texas Education Code §28.006(d) requires each district to report the results of these reading instruments to the district’s board of trustees, TEA, and the parent or guardian of each student.

Further, a school district is required to notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined to be at risk for dyslexia or other reading difficulties based on the results of the reading instruments. In accordance with TEC §28.006(g), an accelerated reading instruction program must be provided to these students.

¹For the full text of the state laws and rules referenced in this chapter, please refer to Appendix C, State Laws and Rules Related to Dyslexia.

*Are the dyslexia screening under TEC §38.003
and the early reading diagnosis under TEC §28.006 the same?*

The answer to this question is not a simple one. School districts must meet the requirements of TEC §28.006 and §38.003, both of which deal, at least in part, with early screening for dyslexia. ***Should a district wish to use a single instrument to meet the requirements of both TEC §28.006 and §38.003, the district may, but is not required to do so.***

It is important to note that TEC §38.003 applies only to the screening of kindergarten and first-grade students for dyslexia and related disorders, whereas TEC §28.006 addresses general reading diagnoses for students in kindergarten and grades 1, 2, and 7. Districts that decide to use one instrument to meet the requirements of both the dyslexia screening and the early reading diagnosis for kindergarten and grade 1 must also continue to administer reading instruments to all second-grade students and to students in grade 7 who did not demonstrate proficiency on the state reading assessment for sixth grade.

The approved reading Instruments on the current list meet the requirements of TEC §28.006 and are available on the Texas Education Agency (TEA) website at <https://tea.texas.gov/academics/early-childhood-education/data-tool-selection-guidance> . The approved reading instruments include the required elements of a dyslexia screener. These instruments will meet the requirements of both the early reading diagnosis under TEC §28.006 and the dyslexia screening under TEC §38.003. This allows districts and charter schools to use an instrument from the approved list to satisfy both requirements should they choose to do so.

Should it be determined that funds are not available for the early reading instruments under TEC §28.006, districts are not required to notify parents/guardians of or implement the accelerated reading program. However, districts and charter schools **must** screen all students in kindergarten and grade 1 for dyslexia and related disorders regardless of the availability of funding.

While this chapter primarily addresses the screening required under TEC §38.003 for kindergarten and grade 1, the screening and ongoing monitoring of *all students* should be done regularly according to district, state, and federal laws and procedures.

Federal Requirements- Child Find

In addition to state and local requirements to screen and identify students who may be at risk for dyslexia, there are also overarching federal laws and regulations to identify students with disabilities, commonly referred to as Child Find. Child Find is a provision in the Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA.

Another federal law that applies to students with disabilities in public school is Section 504 of the Rehabilitation Act of 1973, commonly referred to as Section 504. Under Section 504, public schools must annually attempt to identify and locate every qualified student with a disability residing in its jurisdiction and notify them and/or their parents of the requirements of Section 504.

Dyslexia Screening

Universal Screening

For purposes of this chapter, screening is defined as a universal measure administered to **all** students by qualified personnel to determine which students are at risk for dyslexia or reading difficulties and/or a related disorder. Screening is not a formal evaluation.

Timing of Screening

Texas Education Code §38.003 mandates that kindergarten students be screened at the end of the school year. In scheduling the kindergarten screener, districts and charter schools should consider the questions in Figure 2.1 below.

Figure 2.1. Considerations for Local Scheduling of Dyslexia Screening
<ul style="list-style-type: none">• Has adequate time for instruction been provided during the school year?• Has adequate time been provided to compile data prior to the end of the school year?• How will the timing of the administration of the screener fit in with the timing of other required assessments?• Has sufficient time been provided to inform parents in writing of the results of the reading instrument and whether the student is at risk for dyslexia or other reading difficulties?• Has adequate time been provided for educators to offer appropriate interventions to the student?• Has sufficient time been provided for decision making regarding next steps in the screening process?

Texas Education Code §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (19 TAC §74.28), has determined that students in first grade must be screened no later than the middle of the school year. ~~Screening of first grade students can begin anytime in the fall as the teacher deems appropriate.~~ Grade 1 screening must conclude **no later than January 31 of each year**.

The timing of the grade 1 screening is designed to ensure that students are appropriately screened, and if necessary, evaluated further so that reading difficulties can be addressed in a timely manner. Because kindergarten is not mandatory in the State of Texas, some students will not have been enrolled in kindergarten and will therefore not have been screened prior to the first grade. Waiting too long in the first-grade year would delay critical early intervention for students at risk for dyslexia or reading difficulties. Screening of first grade students by the middle of the school year will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students. Conducting the grade 1 screening no later than the middle of the school year will allow districts and charter schools to complete the evaluation process with enough time for interventions to be provided to the student prior to the end of first grade.

Other Related Disorders

It is important to note that, while TEC §38.003 requires that all students in kindergarten and grade 1 be screened for dyslexia and related disorders, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. For more information, please see Chapter V: Dysgraphia.

Local District Requirements

Each district may have additional policies and procedures in place regarding screening and evaluating students for dyslexia and related disorders. Refer to your district’s website or administrative office for more information on local policies or search for information specific to your school district or charter school by accessing the *Legal Framework for the Child-Centered Special Education Process* at <http://framework.esc18.net/>.

Part B: Kindergarten-Grade 1 Universal Screening: Administration

Dyslexia screening is a tool for identifying children who are at risk for this learning disability, particularly in preschool, kindergarten, or first grade. This means that the screening does not “diagnose” dyslexia. Rather, it identifies “predictor variables” that raise red flags, so parents and teachers can intervene early and effectively.

—Richard Selznick, *Dyslexia Screening: Essential Concepts for Schools and Parents*, 2015

The importance of early interventions for students with reading difficulties cannot be overstated. In order for early interventions to be provided, a student must first be identified as at risk for dyslexia or another reading difficulty. While educators once delayed identification of reading difficulties until the middle elementary grades, recent research has encouraged the identification of children at risk for dyslexia and reading difficulties “prior to, or at the very least, the beginning of formal reading instruction” (Catts, 2017).

The requirement in TEC §38.003 that all kindergarten and first grade students be screened for dyslexia and related disorders is aligned with this shift to identify students at risk for dyslexia and reading difficulties when they are just beginning their formal education. Universal screeners generally measure reading or literacy-related skills such as sound-symbol recognition, letter knowledge, phonological awareness, and other skills. The International Dyslexia Association (2017) describes screening instruments as follows.

Screening measures, by definition, are typically brief assessments of a skill or ability that is highly predictive of a later outcome. Screening measures are designed to quickly differentiate students into one of two groups: 1) those who require intervention and 2) those who do not. A screening measure needs to focus on specific skills that are highly correlated with broader measures of reading achievement resulting in a highly accurate sorting of students.

—International Dyslexia Association, *Universal Screening: K-2 Reading*, 2017

Screening Instruments

While screening instruments can measure the skills and abilities of students at different grade levels, this section is dedicated to a discussion of instruments that may meet the dyslexia screening requirement for kindergarten and first grade students. As previously mentioned, at the time of the update to this handbook it was determined there are no grade-level appropriate screening instruments for dysgraphia and the other identified related disorders. As a result, the focus of this section is on screening instruments for dyslexia and reading difficulties.

It is important that screening instruments be accurate and comprehensive; however, they need not be as comprehensive as an extensive individualized evaluation. With this in mind, various types of instruments that meet the criteria below could be used to screen for dyslexia.

In developing the criteria for the kindergarten and grade 1 screening instruments for dyslexia and other reading difficulties, it was important to differentiate between the skills and behaviors appropriate at each grade level. Additionally, with a sizable ~~English Learner (EL)~~ English Learner (EL)/EB student population in Texas, it was essential that Spanish language screening instruments be addressed. Therefore, criteria for both English and Spanish speakers are included.

Screener Criteria

Regardless of the primary language of the student, instruments used to screen for dyslexia and other reading difficulties must address the skills in Figure 2.2 below.

Figure 2.2. Criteria for English and Spanish Screening Instruments	
Kindergarten	First Grade
<ul style="list-style-type: none"> • Letter Sounds Knowledge or Letter Naming Fluency • Phonological Awareness 	<ul style="list-style-type: none"> • Word Reading Accuracy or Fluency • Phonological Awareness

While the selected screening instrument will be expected to measure each of the skills identified above, it is important that individuals who administer the screening instrument document student behaviors observed during the administration of the instrument. A list of behaviors that may be observed during the administration of the screening and which should be documented are included in Figure 2.3 below.

Figure 2.3. Student Behaviors Observed During Screening
<ul style="list-style-type: none"> • Lack of automaticity • Difficulty sounding out words left to right • Guessing • Self-correcting • Inability to focus on reading • Avoidance behavior

Other Criteria

In addition to the measures of the skills identified in Figure 2.2 above, other criteria should be considered when selecting a screening instrument. Approved screening instruments must take only a brief time to administer and be cost effective. They must have established validity and reliability and standards. They must also include distinct indicators identifying students as either not at risk or at risk for dyslexia or reading difficulties. Screening instruments must also provide standardized directions for administration as well as clear guidance for the administrator regarding scoring and interpretation of indicators/results. Additionally, each screening instrument must include adequate training for educators on how to administer the instrument and interpret results.

Selecting an Appropriate Screening Instrument

Screening instruments must include a measure for each of the skills noted above. The commissioner of education is expected to periodically issue a request for English and Spanish screening instruments that meet the established criteria. Instruments that meet each of the criteria will be included on the Commissioner’s List of Reading Instruments. A district or charter school must select for use an instrument from the commissioner’s list. In determining which screening instrument to use, a district or charter school

must consider the primary language of the student and other factors as determined by the local district or school.

Administration of Screening Instruments

Who May Administer the Dyslexia Screener

A district or charter school must ensure that appropriately trained and qualified individuals administer and interpret the results of the selected screening instrument. Please note that an educational aide is not eligible to administer or interpret the dyslexia screening instrument. Individuals who administer and interpret the screening instrument must, at minimum, meet the following qualifications:

- An individual who is certified/licensed in dyslexia; or
- A classroom teacher who holds a valid certification for kindergarten and grade 1.
(For a list of current certifications for kindergarten and grade 1, see the State Board for Educator Certification Teacher Assignment Chart at https://tea.texas.gov/Texas_Educators/Certification/.)

BEST PRACTICE: Whenever possible, the student’s current classroom teacher should administer the screening instrument for dyslexia and reading difficulties. For an open enrollment charter school that is not required to have a certified teacher in kindergarten or grade 1, the teacher of record should administer the screener unless an individual who is certified/licensed in dyslexia is available.

Training

The individual who administers and interprets the screening instrument must receive training designed specifically for the selected instrument in the following:

- Characteristics of dyslexia and other reading difficulties
- Interpretation of screening results and at-risk indicators and decisions regarding placement/services

When to Administer the Dyslexia/Reading Screener

Districts and charter schools must implement a screening program that includes each of the following:

- Screening of **each** student in kindergarten at the end of the school year
- Screening of **each** student in the first grade no later than January 31

For more information on considerations regarding the scheduling of the mandated dyslexia screening, please refer to Part A, Dyslexia Screening, on p. 10.

Part C—Kindergarten-Grade 1 Universal Screening: Interpretation

The importance of early intervention cannot be overstated. Intervening early, before difficulties become intractable, offers the best hope for successful outcomes and prevention of long-term deficits. The purpose of screening is to help identify, as early as possible, the students at risk for dyslexia or other reading difficulties so that targeted intervention can be provided. Screening alone will never improve outcomes for students. The screening must lead to effective instruction for it to be useful. Therefore, once the screening has been administered the next steps are to analyze results, identify level of risk for each student, and make informed decisions. The next steps are broadly categorized as: refer for evaluation, implement targeted

intervention, and/or continue with core instruction.

There are several important factors to consider when interpreting screening results. First, it is important to remember that there is no definitive test score that invariably identifies dyslexia. Dyslexia is a neurobiological disorder that exists along a continuum of severity. Similar to diabetes or hypertension, dyslexia is identified based on how far an individual's condition departs from the average range. This makes the identification of dyslexia more challenging than identifying other forms of disability.

Second, it is important to keep the definition and goals of screening in mind. The purpose of screening is to differentiate a smaller set of individuals who may be at risk for dyslexia. Screening, by definition, should never be the final determination of whether a student has dyslexia. Therefore, screening tools must be brief, efficient, and cost effective. Subsequent consideration of other data and information with the smaller group is then used to determine next steps. However, it is key to remember that "screening" represents the initial step in the process. Dyslexia referral and identification under IDEA must be individualized and based on multiple pieces of information, including results of the screening.

As with any evaluation, it is important that schools administer and interpret the screening instrument with fidelity. Screening tools use criterion-referenced criteria to establish cut points derived by the publisher of the tool. Cut points are used to group students into categories (e.g., at risk or not at risk) based on the results of the screening tool. Districts and charter schools must adhere to the cut points established by the published screening instrument. LEAs cannot modify the publisher's established cut points, as these are used to determine next steps and those coded at-risk based on the publisher's established thresholds will be reported by the LEA through the Public Education Information Management System (PEIMS) for the dyslexia at-risk code.

In general, students scoring below the publisher-determined cut point are considered "at risk" for dyslexia, while those who score above the cut point are considered "not at risk" for dyslexia. However, it is important to realize that risk falls on a continuum and there will always be false positives (students who screen at risk when they are not) and false negatives (students who screen not at risk when they are). Consequently, continual progress monitoring and an ongoing review of data is important. Any student may be referred for a full individual and initial evaluation under IDEA, at any time, regardless of the results of the screening instrument.

Students falling well below the cut point have a much higher probability of being at risk for dyslexia while students scoring well above the cut point have lower probability of being at risk for dyslexia. The decision for what to do next is easiest for students whose scores fall at the extreme ends of the continuum. Students falling well above the cut point can be considered at low risk for dyslexia and are much less likely to need additional intervention or evaluation. Students scoring far below the cut point should be considered at high risk for dyslexia.

For students who are identified as at risk for dyslexia, the school should provide targeted intervention provided by the appropriate staff as determined by the district or charter school. The district or school should also continue the data collection and evaluation process outlined in Chapter III, Procedures for the Evaluation and Identification of Students with Dyslexia. It is important to note that the use of a tiered intervention process, such as Response to Intervention or RTI, must not be used to delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.

For students who score close to the cut point, more information will be needed to make an informed decision regarding referral for evaluation, implementation of targeted interventions with progress monitoring, or continuation of core instruction only. Data gathering will provide this additional information.

Screening Data Gathering

Both quantitative and qualitative information are critical components of the screening process. Examples of quantitative and qualitative information used in determining next steps are provided in Figure 2.4 below.

Figure 2.4. Sources and Examples of Screening Data	
Quantitative Information	Qualitative Information
<p>Results of—</p> <ul style="list-style-type: none"> • Current screening instruments • Previous screening instruments • Formal and informal classroom reading assessments • Additional brief and targeted skill assessments 	<ul style="list-style-type: none"> • Observations of student during screening (See Figure 2.3, Student Behaviors Observed During Screening) • Other observations of student progress • Teacher observations • Parent/guardian input (e.g., family history, early language skills) • Current student work samples • Work samples from earlier grade(s) • Intervention history

For students who fall close to the predetermined cut points, implementation of short-term, targeted intervention with regular progress monitoring is one way to determine if additional evaluation is needed. Teachers and administrators should also be mindful that screening for risk is an ongoing process. Decisions made based on a single-point-in-time screening instrument should always be reevaluated and altered as more information is obtained as instruction continues. See Part D of this chapter, Best Practices for Ongoing Monitoring, for additional information.

Screening data should always be shared in writing with parents. Screening data should also be used by teachers and school administrators to guide instruction at the classroom level. When large percentages of students fall below the cut point (are at risk for dyslexia), it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.

Interpretation of Data

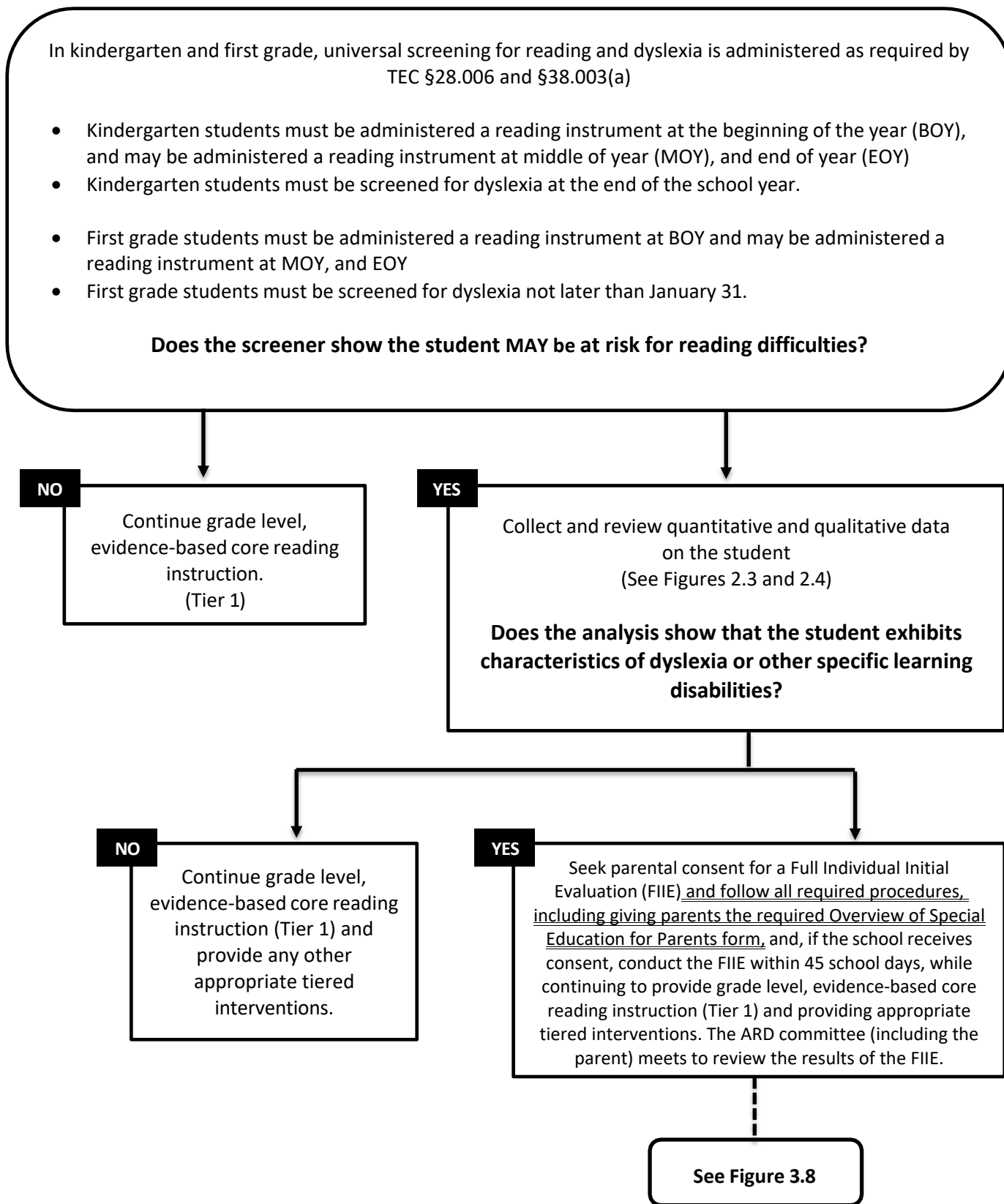
A qualified team is required to review all data to make informed decisions regarding whether a student exhibits characteristics of dyslexia. This team must consist of individuals who—

- have knowledge of the student;
- are appropriately trained in the administration of the screening tool;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- recognize characteristics of dyslexia.

The team may consist of the student’s classroom teacher, the dyslexia specialist, the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), and an administrator.

It is important to remember that at any point in the data review process a referral for a FIIE under the IDEA may be initiated. Parents also have the right to request a FIIE at any time. Regardless of the process in place for screening and data review, whenever accumulated data indicate that a student continues to struggle with one or more of the components of reading, despite the provision of adequate instruction and intervention, the student must be referred for a full individual and initial evaluation under the IDEA.

**Figure 2.5
Universal Screening and Data Review for
Reading Risk**



Part D: Best Practices for Ongoing Monitoring

Ongoing progress monitoring allows educators to assess student academic performance in order to evaluate student response to evidence-based instruction. Progress monitoring is also used to make diagnostic decisions regarding additional targeted instruction that may be necessary for the student.

While some kindergarten and first grade students may not initially appear to be at risk for dyslexia based on screening results, they may actually still be at risk. Students who have learned to compensate for lack of reading ability and twice-exceptional students are two groups who may not initially appear to be at risk for dyslexia based on the results of a screening instrument.

Compensation

Some older students may not appear at first to exhibit the characteristics of dyslexia. They may demonstrate relatively accurate, but not fluent, reading.

The consequence is that such dyslexic older children may appear to perform reasonably well on a test of word reading or decoding; on these tests, credit is given irrespective of how long it takes the individual to respond or if initial errors in reading are later corrected.

—Shaywitz, S.E., Morris, R., Shaywitz, B.A., *The Education of Dyslexic Children from Childhood to Young Adulthood*, 2008

Awareness of this developmental pattern is critically important for the diagnosis in older children, young adults, and beyond. According to Shaywitz, et al., examining reading fluency and reading rate would provide more accurate information for these students.

Twice Exceptionality

Twice-exceptional students may not initially appear to be at risk for dyslexia. Twice exceptional, or 2e, is a term used to describe students who are both intellectually gifted and learning disabled, which may include students with dyslexia. Parents and teachers may fail to notice either giftedness or dyslexia in a student as the dyslexia may mask giftedness or the giftedness may mask dyslexia.

The International Dyslexia Association's Gifted and Dyslexic: Identifying and Instructing the Twice Exceptional Student Fact Sheet (2013), identifies the following common characteristics of twice-exceptional students.

- Superior oral vocabulary
- Advanced ideas and opinions
- High levels of creativity and problem-solving ability
- Extremely curious, imaginative, and questioning
- Discrepant verbal and performance skills
- Clear peaks and valleys in cognitive test profile
- Wide range of interests not related to school
- Specific talent or consuming interest area
- Sophisticated sense of humor

For additional information on twice-exceptional students, see Chapter IV, Critical, Evidence-Based

Components of Dyslexia Instruction.

For a description of common risk factors of dyslexia that may be seen in older students, refer to Chapter I, Definitions & Characteristics of Dyslexia.

Best Practices in Progress Monitoring

It is essential that schools continue to monitor students for common risk factors for dyslexia in second grade and beyond. In accordance with TEC §38.003(a), school districts **MUST** evaluate for dyslexia at appropriate times. If regular progress monitoring reflects a difficulty with reading, decoding, and/or reading comprehension, it is appropriate to evaluate for dyslexia and/or other learning disabilities. ~~Free tools approved by the commissioner of education as of the 2021–2022 school year can assist districts in measuring student’s reading development at first and second grade. For more information on these tools, see the TEA Early Childhood Data Tool Selection Guidance.~~ Schools should be aware that a student may have reached middle school or high school without ever being screened, evaluated, or identified; however, the student may have dyslexia or a related disorder. One goal of ongoing monitoring is to identify these students regardless of their grade level.

Therefore, it is important to remember that a referral for a dyslexia evaluation can be considered at any time kindergarten–high school.

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III. Procedures for the Evaluation and Identification of Students with Dyslexia

Science has moved forward at a rapid pace so that we now possess the data to reliably define dyslexia, to know its prevalence, its cognitive basis, its symptoms and remarkably, where it lives in the brain and evidence-based interventions which can turn a sad, struggling child into not only a good reader, but one who sees herself as a student with self-esteem and a fulfilling future.

—Shaywitz, S.E. Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives, 2014

The evaluation and identification process for dyslexia can be multifaceted. The process involves both state and federal requirements that must be followed. The evaluation and identification process for students suspected of having dyslexia is guided by the Individuals with Disabilities Education Act (IDEA).²

In Texas and throughout the country, there is a focus on a Response to Intervention (RTI) or a Multi-Tiered System of Supports (MTSS) process as a vehicle for meeting the academic and behavioral needs of all students. ~~The components of the Student Success Initiative (SSI) and other state-level programs offer additional support.~~ Current federal legislation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), calls for the use of benchmark assessments for early identification of struggling students before they fail. In fact, state law requires the use of early reading assessments that are built on substantial evidence of best practices. Carefully chosen, these assessments can give crucial information about a student’s learning and can provide a basis for the tiered intervention model. Through the tiered intervention process, schools can document students’ learning difficulties, provide ongoing evaluation, and monitor reading achievement progress for students at risk for dyslexia or other reading difficulties.

Early intervention is further emphasized as the result of research using neuroimaging. Diehl, Frost, Mencl, and Pugh (2011) discuss the need to determine the role that deficits in phonological awareness and phonemic awareness play in reading acquisition, thus improving the methodology for early intervention. The authors note that future research will be enabled by longitudinal studies of phonology remediation using various treatments. “It will be especially important to take a multilevel analysis approach that incorporates genetics, neuroanatomy, neurochemistry, and neurocircuitry, and also to combine the strengths of the different neuroimaging techniques” (Diehl et al., 2011, p. 230). Evaluation followed by structured intervention that incorporates new scientific research must be embraced.

[State and Federal Law Regarding Early Identification and Intervention Prior to Formal Evaluation](#)

Both state and federal legislation emphasize early identification and intervention for students who may be

at risk for reading disabilities such as dyslexia. Those professionals responsible for working with students with reading difficulties should be familiar with the legislation listed in Figure 3.1 below.

Figure 3.1. State and Federal Laws
<p><i>TEC §28.006, Reading Diagnosis</i> This state statute requires schools to administer early reading instruments to all students in kindergarten and grades 1 and 2 to assess their reading development and comprehension. Additionally, the law requires a reading instrument from the commissioner’s approved list be administered at the beginning of grade 7 to any student who did not demonstrate proficiency on the sixth-grade reading assessment administered under TEC §39.023(a). If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia or other reading difficulties, the school must notify the students’ parents/guardians. According to TEC §28.006(g), the school must also implement an accelerated (intensive) reading program that appropriately addresses the students’ reading difficulties and enables them to catch up with their typically performing peers.</p>
<p><i>TEC §38.003, Screening and Treatment for Dyslexia</i> Texas state law requires that public school students be screened and tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program approved by the SBOE must include screening for each student at the end of the kindergarten year and then again during first grade.</p>
<p><i>Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act of 2015 (ESSA)</i> The services offered to students who are reported to be at risk for dyslexia or other reading difficulties should align to the requirements of ESSA, which requires schools to implement comprehensive literacy instruction featuring “age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension” (ESSA, 2015).</p>
<p><i>Equal Education Opportunity Act (EEOA)</i> This civil rights law ensures that all students are given equal access to educational services regardless of race, color, sex, religion, or national origin. Therefore, research-based interventions are to be provided to all students experiencing difficulties in reading, including ELs, regardless of their proficiency in English.</p>
<p><i>Individuals with Disabilities Education Act (IDEA)</i> The most recent reauthorization of this federal act is consistent with ESSA in emphasizing quality of instruction and documentation of student progress. A process based on the student’s response to scientific, research-based intervention is one of the criteria included in IDEA that individual states may use in determining whether a student has a specific learning disability, including dyslexia.</p>

As referenced in the 2011 letter from the Office of Special Education Programs (OSEP) to the State Directors of Special Education, states have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of the RTI process (Musgrove, 2011). For more information, please visit www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf.

The Referral Process for Dyslexia and Related Disorders

The determination to refer a student for an evaluation must always be made on a case-by-case basis and must be driven by data-based decisions. The referral process itself can be distilled into a basic framework as outlined below.

Data-Driven Meeting of Knowledgeable Persons

A team of persons with knowledge of the student, instructional practices, and instructional options meets to discuss data collected, including data obtained during kindergarten and/or first grade screening, and the implications of that data. These individuals include, but are not limited to, the classroom teacher, administrator, ~~dyslexia specialist~~, special education teacher, and/or ~~interventionist~~, provider of dyslexia instruction. This team may also include the parents and/or a diagnostician familiar with testing and interpreting evaluation results. This team may have different names in different districts and/or campuses. For example, the team may be called a student success team, student support team, student intervention team, or even something else. Unless the student is already served under IDEA or Section 504, this team of knowledgeable persons is not an Admission, Review, and Dismissal (ARD) committee or a Section 504 committee, although many of these individuals may be on a future committee if the student is referred for an evaluation.

When the Data Does Not Lead to Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team determines that the data does not give the members reason to suspect that a student has dyslexia, a related disorder, or other disability, the team may decide to provide the student with additional support in the classroom or through the RTI/MTSS process. The student should continue to receive grade level, evidence-based core reading instruction. (Tier 1) and any other appropriate tiered interventions. However, the student is not referred for an evaluation at this time.

When the Data Lead to a Suspicion of a Disability, Including Dyslexia or a Related Disorder

If the team suspects that the student has dyslexia, a related disorder, or another disability included within the IDEA, the team must refer the student for a full individual and initial evaluation (FIIE). In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a district or charter school receives parental consent. The student should continue to receive grade level, evidence-based core reading instruction (Tier 1) and any other appropriate tiered interventions while the school conducts the FIIE.

If an LEA suspects, or has reason to suspect, a student has dyslexia and may be a child with a disability under IDEA, the LEA must provide parents with a form developed by TEA explaining rights under IDEA that may be additional to rights under Section 504; comply with all federal and state requirements, including this handbook, regarding any evaluation; and if the student is to be evaluated for dyslexia, evaluate the student in all other areas of suspected disabilities. The form can be located on the SPEDTEX website at www.spedtex.org.

Parents/guardians always have the right to request a referral for a dyslexia evaluation at any time. Once a written parent request for dyslexia evaluation has been made to the appropriate administrator, the school district is obligated to review the student's data history (both formal and informal data) to determine whether there is reason to suspect the student has a disability and must respond within 15 school days. If a disability is suspected, the student needs to be evaluated following the guidelines outlined in this chapter. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, a copy of the Overview of Special Education for Parents form as mentioned above, and a copy of the *Notice of Procedural Safeguards*. Should the parent disagree with the school's refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including; mediation, state complaints, and due process hearings.

~~When an LEA completes an FIIE, and the parent disagrees with the evaluation, the parent may request an Independent Educational Evaluation (IEE) at public expense. Should the parent believe that their child is eligible for Section 504 aids, accommodations, and services the parent may request an evaluation under Section 504.~~

Procedures for Evaluation

As discussed in Chapter 2, Child Find is a provision in the federal Individuals with Disabilities Education Act (IDEA), a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, LEAs must follow procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA. For detailed information regarding Child Find see <https://tea.texas.gov/sites/default/files/Technical%20Assistance%20-%20Child%20Find%20and%20Evaluation%20-%20June%202020%20Revised%28v5%29.pdf>

As discussed in Chapter II, all public-school students are required to be screened for dyslexia while in kindergarten and ~~first grade, grade 1~~. Additionally, students enrolling in public schools in Texas must be assessed for dyslexia and related disorders “at appropriate times” (TEC §38.003(a)). The appropriate time depends upon multiple factors including the student’s reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teachers’ input; and input from parents/guardians. The appropriate time for assessing is early in a student’s school career (19 TAC §74.28). Texas Education Code §28.006, Reading Diagnosis, requires assessment of reading development and comprehension for students in kindergarten, first grade, second grade, and as applicable, seventh grade. While earlier is better, students should be recommended for evaluation for dyslexia even if the reading difficulties appear later in a student’s school career.

While schools must follow federal and state guidelines, they must also develop local procedures that address the needs of their student populations. Schools must recommend evaluation for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and spelling that is unexpected for the student’s age/grade
- Characteristics and risk factors of dyslexia indicated in Chapter I: Definitions & Characteristics of Dyslexia

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction are defined in Section 2221(b) of ESSA as explicit, systematic, and intentional instruction in the following:

- Phonological awareness
- Phonic coding
- Vocabulary

- Language structure
- Reading fluency
- Reading comprehension

When evaluating a student for dyslexia, the collection of various data, as indicated in Figure 3.2 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with reading and spelling.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dyslexia is not due to lack of appropriate instruction in reading. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 3.2.

Figure 3.2. Sources and Examples of Cumulative Data	
<ul style="list-style-type: none"> • Vision screening • Hearing screening • Teacher reports of classroom concerns • Classroom reading assessments • Accommodations or interventions provided • Academic progress reports (report cards) • Gifted/talented assessments • Samples of schoolwork • Parent conference notes • Results of kindergarten-grade 1 universal screening as required in TEC §38.003 • K–2 reading instrument results as required in TEC §28.006 (English and native language, if possible) 	<ul style="list-style-type: none"> • 7th-grade reading instrument results as required in TEC §28.006 • State student assessment program results as described in TEC §39.022 • Observations of instruction provided to the student • Previous evaluations • Outside evaluations • Speech and language assessment • School attendance • Curriculum-based assessment measures • Instructional strategies provided and student’s response to the instruction • Screening data • Parent survey

Environmental and Socioeconomic Factors

Information regarding a child's early literacy experiences, environmental factors, and socioeconomic status must be part of the data collected throughout the data gathering process. These data support the determination that difficulties in learning are not due to cultural factors or environmental or economic disadvantage. Studies that have examined language development and the effects of home experiences on young children indicate that home experiences and socioeconomic status have dramatic effects on cumulative vocabulary development (Hart & Risley, 1995). Having data related to these factors may help in determining whether the student’s struggles with reading are due to a lack of opportunity or a reading disability, including dyslexia.

Language Proficiency

Much diversity exists among ELs/EB students. A student’s language proficiency may be impacted by any of

the following: native language, English exposure, parent education, socioeconomic status of the family, amount of time in the United States, experience with formal schooling, immigration status, community demographics, and ethnic heritage (Bailey, Heritage, Butler, & Walqui, 2000). ELs-EB students may be students served in bilingual and English as a second language (ESL) programs as well as students designated Limited English Proficient (LEP) as EB whose parents have denied services. In addition to the information discussed in the previous section of this chapter, the Language Proficiency Assessment Committee (LPAC) maintains documentation (TAC §89.1220(g)-(i)) that is necessary to consider when identifying ELs-EB students with dyslexia. The LPAC is required to meet annually to review student placement and progress and consider instructional accommodations and interventions to address the student’s linguistic needs. Since the identification and service delivery process for dyslexia must be aligned to the student’s linguistic environment and educational background, involvement of the LPAC is required. Additional data sources for ELs-EB students are provided below in Figure 3.3.

Figure 3.3. Additional Data Sources for English Learners Emergent Bilingual Students
<ul style="list-style-type: none"> • Home Language Survey • Assessment related to identification for limited English proficiency (oral language proficiency test) and norm-referenced tests—all years available • Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing) • Instructional interventions provided to address language needs • Information regarding previous schooling inside and/or outside the United States • Type of language program model provided and language of instruction

Formal Evaluation

A formal evaluation is not a screening; rather, it is an individualized evaluation used to gather specific data about the student. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence that indicates dyslexia. Information collected from the parents/guardians also provides valuable insight into the student’s early years of language development. This history may help explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dyslexia will need to look beyond scores on standardized assessments alone and examine the student’s classroom reading performance, educational history, early language experiences, and, when warranted, academic potential to assist with determining reading, spelling, and writing abilities and difficulties. As part of the evaluation when dyslexia is suspected, in addition to the parent, ~~and team of qualified professionals required under IDEA, it is recommended that the multi-disciplinary evaluation team include members who have specific knowledge regarding the~~ multidisciplinary team (MDT) must include at least one member with specific knowledge regarding:

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC 29.0031(b) states this member must:

- (1) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;

(2) hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003; or

(3) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member's participation in the evaluation of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)-accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);
- register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

Notification and Permission

~~When formal evaluation is recommended, the school must complete the evaluation process as outlined in the IDEA. Procedural safeguards under IDEA must be followed. For more information on procedural safeguards, see TEA's Parent Guide to the Admission, Review, and Dismissal Process (Parent's Guide) and the Notice of Procedural Safeguards. When an FIIE is recommended parents are provided:~~

- Prior Written Notice (PWN)
- Notice of Procedural Safeguards
- Overview of Special Education for Parents form

Opportunity for parent to provide written consent to evaluate

- _____

Tests and Other Evaluation Materials

When formal evaluation is recommended, the school must complete the evaluation procedures as outlined in the IDEA.

Test instruments and other evaluation materials must meet the following criteria:

- Used for the purpose for which the evaluation or measures are valid or reliable
- Include material(s) tailored to assess specific areas of educational need and not merely material(s) that are designed to provide a single, general intelligence quotient
- Selected and administered to ensure that when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude, achievement level, or whatever other factor the test purports to measure rather than reflecting the student’s impaired sensory, manual, or speaking skills
- Selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student’s reading abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, results of informal reading inventories, classroom observations)
- Administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- Provided and administered in the student’s native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally unless it is clearly not feasible to provide or administer

Additional Considerations for ~~English Learners~~ EB Students

A professional involved in the evaluation, interpretation of evaluation results, and identification of ~~ELs~~ EB students with dyslexia must have the following training/knowledge:

- Knowledge of first and second language acquisition theory
- Knowledge of the written system of the first language: transparent (e.g., Spanish, Italian, German), syllabic (e.g., Japanese-kana), Semitic (e.g., Arabic, Hebrew), and morphosyllabic (e.g., Chinese-Kanji)
- Knowledge of the student’s literacy skills in native and second languages
- Knowledge of how to interpret results from a cross-linguistic perspective
- Knowledge of how to interpret TELPAS (Texas English Language Proficiency Assessment System) results
- Knowledge of how to interpret the results of the student’s oral language proficiency in two or more languages in relation to the results of the tests measuring academic achievement and cognitive processes as well as academic data gathered and economic and socioeconomic factors

Although data from previous formal testing of the student’s oral language proficiency may be available, as required by TEC §29.056, additional assessment of oral language proficiency should be completed for a dyslexia evaluation due to the importance of the information for—

- consideration in relation to academic challenges,
- planning the evaluation, and
- interpreting evaluation results.

If there is not a test in the native language of the student, informal measures of evaluation such as reading a list of words and listening comprehension in the native language may be used.

Domains to Assess Specific to Dyslexia

Academic Skills

The school administers measures that are related to the student’s educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student’s age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition.

Cognitive Processes

Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student’s ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses. Finally, various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability to formulate ideas into grammatical sentences, may also be factors affecting reading (Berninger & Wolf, 2009, pp. 134–135).

Based on the student’s academic difficulties, characteristics, and/or language acquisition, additional areas related to vocabulary, listening comprehension, oral language proficiency, written expression, and other cognitive abilities may need to be assessed. Areas for evaluation are provided below in Figure 3.4.

Figure 3.4. Areas for Evaluation		
Academic Skills	Cognitive Processes	Possible Additional Areas
<ul style="list-style-type: none">• Letter knowledge (name and associated sound)• Reading words in isolation• Decoding unfamiliar words accurately• Reading fluency (rate, accuracy, and prosody are assessed)• Reading comprehension• Spelling	<ul style="list-style-type: none">• Phonological/phonemic awareness• Rapid naming of symbols or objects	<ul style="list-style-type: none">• Vocabulary• Listening comprehension• Verbal expression• Written expression• Handwriting• Memory for letter or symbol sequences (orthographic processing)• Mathematical calculation/reasoning• Phonological memory• Verbal working memory• Processing speed

Review and Interpretation of Data and Evaluations

The MDT, which includes the parent/guardian, completes the FIIE and determines if the student demonstrates the characteristics of dyslexia, explains the impact of dyslexia on the student’s access and progress in the enrolled grade-level general curriculum. The next step is for the ARD committee, which includes the parent, to determine if a student

has dyslexia and the need for special education and related services. Eligibility is determined by federal and state law and regulations.

The ARD committee will review the FIEE and all available data to determine eligibility for special education and related services. When a student is determined to have dyslexia by the ARD committee and the data shows a need for specially designed instruction i.e., evidence-based dyslexia instruction, then the student meets the two prongs of special education eligibility. The student has a qualifying disability – as dyslexia is an SLD under the IDEA and state law – and demonstrates a need for specially designed instruction.

To appropriately **understand** evaluation data, the ARD committee must **interpret** test results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. When considering initial or continued eligibility for the condition of dyslexia, ~~in addition to required ARD committee members, the committee should also include members~~ the ARD committee must include at least one member who ~~have~~ has specific knowledge regarding—

- the reading process,
- dyslexia and related disorders, and
- dyslexia instruction.

TEC 29.0031(b) states this member must:

- (4) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;
- (5) hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections 7.102 and 38.003; or
- (6) if a person qualified under subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections 7.102 and 38.003.

This member must also sign a document describing the member’s participation in the individualized education program (IEP) of the student.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)-accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency’s (TEA’s) Texas Dyslexia Academies (TDAs);
- register and complete the TEA’s Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

A determination must first be made regarding whether a student’s difficulties in the areas of reading and spelling reflect a pattern of evidence for the primary characteristics of dyslexia with unexpectedly low performance for the student’s age and educational level in **some or all** of the following areas:

- Reading words in isolation
- Decoding unfamiliar words accurately and automatically
- Reading fluency for connected text (rate and/or accuracy and/or prosody)
- Spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia)

Another factor to consider when interpreting test results is the student’s linguistic background. The nature of the writing system of a language impacts the reading process. Thus, the identification guideposts of dyslexia in languages other than English may differ. For example, decoding in a language with a transparent written language (e.g., Spanish, German) may not be as decisive an indicator of dyslexia as reading rate. A transparent written language has a close letter/sound correspondence (Joshi & Aaron, 2006). Students with dyslexia who have or who are being taught to read and write a transparent language may be able to decode real and nonwords adequately but demonstrate serious difficulties in reading rate with concurrent deficiencies in phonological awareness and rapid automatized naming (RAN).

Figure 3.5. Dyslexia in Transparent and Opaque Orthographies	
Opaque	Transparent
Early and marked difficulty with word-level reading	Less difficulty with word-level reading
Fluency and comprehension often improve once decoding is mastered	More difficulty with fluency and comprehension

Figure 3.6. Characteristics of Dyslexia in English and Spanish	
English	Spanish
Phonological awareness	Phonological awareness—may be less pronounced
Rapid naming	Rapid naming
Regular/irregular decoding	Decoding—fewer “irregular words” in Spanish
Fluency	Fluency—often a key indicator
Spelling	Spelling—may show fewer errors than in English, but still more than students that do not have dyslexia
Reading comprehension may be a weakness in both English and Spanish.	

Findings support guidance in the interpretation of phonological awareness test scores.

There is evidence that blending skills develop sooner than analysis skills, and that students can have good blending skills and inadequate reading development. Only when both blending and analysis skills are mastered do we see benefits for reading development.

—Kilpatrick, D.A. *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*, 2015

With this in mind, when determining phonological awareness deficits, evaluation personnel should examine subtest scores, including discreet phonological awareness skills, instead of limiting interpretation to

composite scores since a deficit in even one skill will limit reading progress.

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weaknesses in reading and spelling, the committee will then examine the student's data to determine whether these difficulties are **unexpected** in relation to the student's other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, math reasoning, or verbal ability yet still have difficulty with reading and spelling.

Therefore, it is not one single indicator but a preponderance of data (both informal and formal) that provide the committee with evidence for whether these difficulties are unexpected.

Dyslexia Identification

If the student's difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dyslexia. For ELs/EB students, an LPAC representative must be included on the ARD committee. The list of questions in Figure 3.7 below must be ~~considered when making a determination regarding dyslexia~~ addressed by the MDT in the evaluation report to assist the ARD committee when determining whether dyslexia is present.

Figure 3.7. Questions to Determine the Identification of Dyslexia

- Do the data show the following characteristics of dyslexia?
 - Difficulty with accurate and/or fluent word reading
 - Poor spelling skills
 - Poor decoding ability
- Do these difficulties (typically) result from a deficit in the phonological component of language?
(Please be mindful that average phonological scores alone do not rule out dyslexia.)
- Are these difficulties **unexpected** for the student's age in relation to the student's other abilities and provision of effective classroom instruction?

If, through the evaluation process, it is established that the student has the condition of dyslexia, as described in Chapter 1, then the student meets the first prong of eligibility under the IDEA (identification of condition). In other words, the identification of dyslexia, using the process outlined in this chapter, meets the criterion for the condition of a specific learning disability ~~in basic reading and/or reading fluency.~~

Dyslexia is a specific learning disability and should be noted as the specific learning disability.

However, the presence of a disability condition alone, is not sufficient to determine if the student is a student with a disability under the IDEA. Eligibility under the IDEA consists of both identification of the condition and a corresponding need for specially designed instruction as a result of the disability.

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). Section 34 C.F.R. §300.8(c)(10) states the following:

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The term *SLD* does not apply to children who have learning difficulties that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

The IDEA evaluation requirements for SLD eligibility in 34 C.F.R. §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skills (dyslexia), reading fluency skills, and/or reading comprehension. However, for purposes of TEC 29.0031(a), because dyslexia is an example of and meets the definition of an SLD, dyslexia should be noted as the identified SLD and be included in the evaluation and any resulting IEP for a student.

The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under the IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms *dyslexia*, *dyscalculia*, and *dysgraphia* in the IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>.

A 2018 Letter to the Administrator Addressed from the Texas Education Agency regarding the provision of services for students with dyslexia and related disorders states that any time it is suspected that a student requires special education or related services to provide appropriate reading supports and interventions, a referral for an FIIE should be initiated. The letter further states that all students who are identified with dyslexia or a related disorder *and* who require special education services because of dyslexia or a related disorder are eligible under the IDEA for special education and related services as students with a specific learning disability. For more information, please visit [https://tea.texas.gov/About TEA/News and Multimedia/Correspondence/TAA Letters/Provision of Services for Students with Dyslexia and Related Disorders - Revised June 6, 2018/](https://tea.texas.gov/About%20TEA/News%20and%20Multimedia/Correspondence/TAA%20Letters/Provision%20of%20Services%20for%20Students%20with%20Dyslexia%20and%20Related%20Disorders%20-%20Revised%20June%206,%202018/)

Once the condition of dyslexia has been identified, a determination must be made regarding the most appropriate way to serve the student. If a student with dyslexia is found eligible for special education (i.e., student requires dyslexia instruction, which is specially designed instruction), the student's IEP must include appropriate reading instruction. Appropriate reading instruction includes the components and delivery of dyslexia instruction discussed in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. If a student has previously met special education eligibility and is later identified with dyslexia, the ARD committee should include in the IEP goals that reflect the need for dyslexia instruction and determine the least restrictive environment for delivering the student's dyslexia instruction.

If—based on the data—the student is identified with dyslexia, but is not eligible for special education because the student is determined to not need dyslexia instruction, the student may receive ~~dyslexia instruction and~~ accommodations under Section 504.

A student who is found not eligible under the IDEA, but who is identified with the condition of dyslexia through the FIIE process should not be referred for a second evaluation under Section 504. Instead, the Section 504 committee will use the FIIE and develop an appropriate plan for the student without delay.

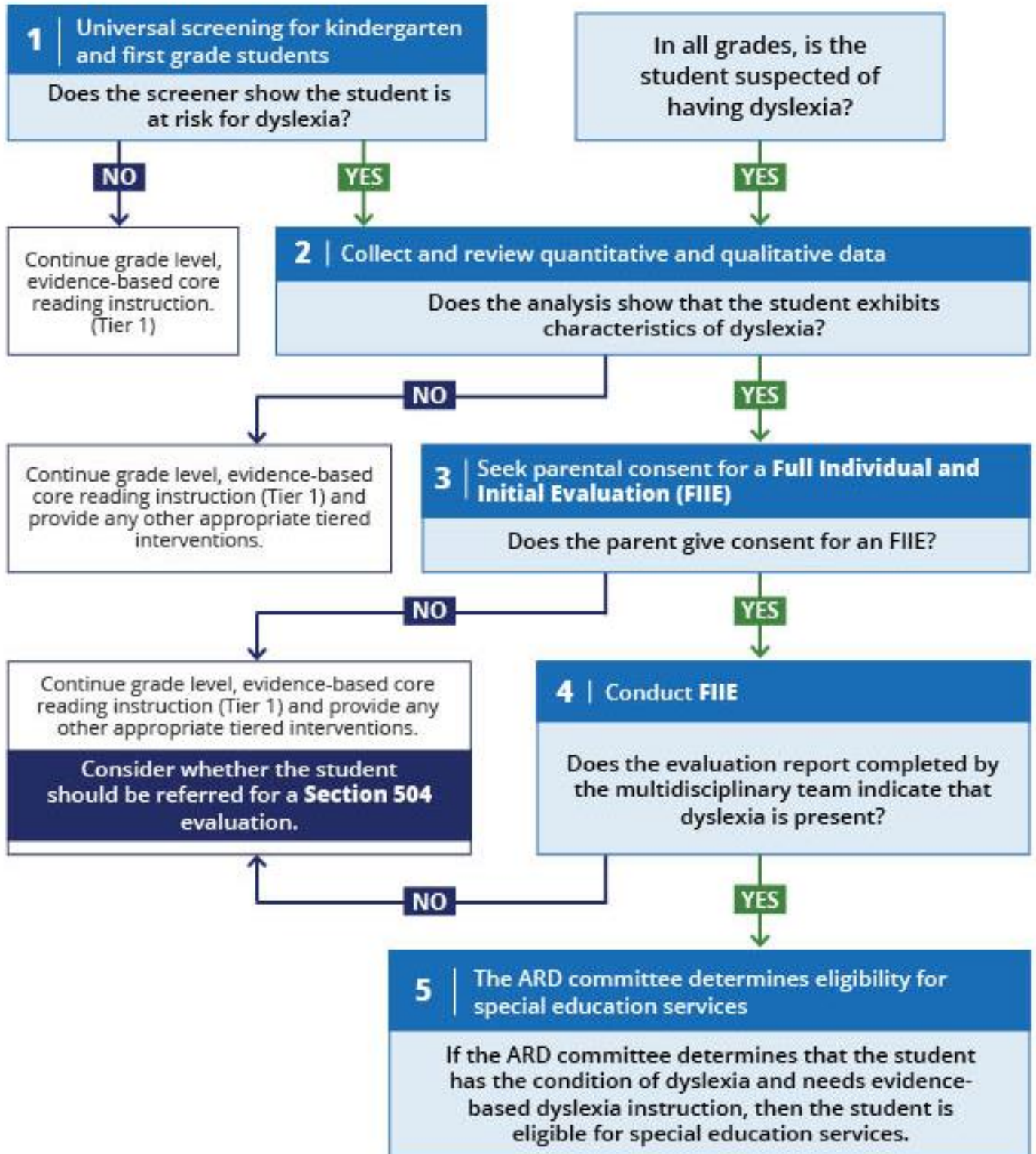
For students eligible for Section 504, a Section 504 committee will develop the student's Section 504 Plan, which must include appropriate reading instruction/instructional accommodations to meet the individual

needs of the student. A student identified with dyslexia and who needs dyslexia instruction would not be served under Section 504, as this is a specially designed instruction.

~~Appropriate reading instruction includes the components and delivery of standard protocol dyslexia instruction identified in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. Revision of the Section 504 Plan will occur as the student's response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).~~

Figure 3.8

Pathway for the Identification and Provision of Instruction for Students with Dyslexia



*See next page for additional detail.

~~Pathway to the Identification and Provision of Instruction for Students with Dyslexia~~

<p>A. Universal Screening for reading and dyslexia is administered to all students in kindergarten and first grade as required by TEC §28.006 and §38.003(a).</p>	
<p>B. If a student is at risk for reading difficulties or the student is suspected of having dyslexia or any other specific learning disability, collect and review quantitative and qualitative data on the student. See Figures 2.3 and 2.4 in Dyslexia Handbook for more information.</p>	
<p>C. If the analysis shows that the student exhibits characteristics of dyslexia or other specific learning disabilities, seek parental consent for a Full Individual and Initial Evaluation (FIE), while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>	
<p>D. For students suspected of having dyslexia, if the parent does not give consent for an FIE, seek parental consent for a Section 504 evaluation, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>	<p>E. If the parent gives consent for an FIE, conduct the FIE within 45 school days (subject to limited exceptions) of the date of receipt of parent consent, while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions. The ARD committee (including the parent) must meet to review the results of the FIE.</p>
<p>F. If the parent gives consent for a Section 504 evaluation, conduct an evaluation under Section 504 while continuing to provide grade level, evidence-based core reading instruction (Tier 1) and providing appropriate tiered interventions.</p>	<p>G. If a student has an IDEA-eligible condition such as dyslexia or a related disorder, the ARD committee determines if a need for special education services exists.</p>
<p>H. If the student's dyslexia or related disorder substantially limits one or more of life's major activities such as learning, reading, writing, or spelling, the student is eligible for Section 504, the 504 committee (parent participation is recommended) develops a Section 504 plan for the student to provide services including standard protocol dyslexia instruction, accommodations, and/or related aids specific to the student's disability.</p>	<p>I. If the student requires special education because of the identified IDEA-eligible condition, the student is eligible for special education. The ARD committee develops the IEP for the student to receive specially designed instruction which can include any appropriate special education and related services, and general education programs and services, including standard protocol dyslexia instruction. While an IEP is individualized to the student, the IEP should address critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. The determination of eligibility and the development of an IEP, if the student is eligible, must be done within 30 days (subject to limited exceptions) from the date that the written FIE evaluation report is completed. Obtain parental consent for special education services.</p>

	If the parent declines, the LEA must still provide all general education services including any protections available under Section 504.
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Reevaluation for Dyslexia Identification and Accommodations

Dyslexia is a lifelong condition. However, with proper help, many people with dyslexia can learn to read and write well. Early identification and treatment is the key to helping individuals with dyslexia achieve in school and in life.

—The International Dyslexia Association

<http://www.interdys.org/ewebeditpro5/upload/DyslexiaBasicsREVMay2012.pdf>

There are many initiatives, programs, evaluations, and data available for use in identification, placement, and program planning for students, including Emergent bilingual students, who struggle with dyslexia. Evaluation and ongoing progress monitoring are key components that must be considered by trained personnel.

A 2014 U.S. Department of Justice technical assistance document summarized regulations regarding testing accommodations for individuals with disabilities as follows.

The Americans with Disabilities Act (ADA) ensures that individuals with disabilities have the opportunity to fairly compete for and pursue such opportunities by requiring testing entities to offer exams in a manner accessible to persons with disabilities. When needed testing accommodations are provided, test-takers can demonstrate their true aptitude.

Sources for Procedures and Evaluation for Students Identified with Dyslexia

Berninger, V. W. & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

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Education and Rehabilitative Services. Washington, D.C.

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IV. Critical, Evidence-Based Components of Dyslexia Instruction

Although dyslexia affects individuals over the life span . . . reading skills can be increased with the right early intervention and prevention programs . . . It is clear from the consensus of scientifically based reading research that the nature of the educational intervention for individuals with reading disabilities and dyslexia is critical. (pp. 21–22)

— Birsh, J. R. Connecting Research and Practice, 2018

Effective literacy instruction is essential for all students and is especially critical for students identified with dyslexia. High-quality core classroom reading instruction can give students identified with dyslexia a foundation upon which intervention instruction can have a more significant impact.

Texas Education Code §38.003(b) states, “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.” ~~SBOE rules in 19 TAC §74.28 require that each school must provide an identified student access at his/her campus to an instructional program that meets the requirements in SBOE rule and to the services of a teacher trained in dyslexia and related disorders. The board must also adopt and implement a policy requiring the district to comply with all rules and standards adopted by the SBOE to implement the program, including this handbook and guidance published by the commissioner to assist the district in implementing the program. While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.~~

Standard Protocol Dyslexia Instruction Evidence-Based Dyslexia Instruction

While the components of instruction for students with dyslexia include good teaching principles for all teachers, the explicitness and intensity of the instruction, fidelity to program descriptors, grouping formats, and training and skill of the teachers are wholly different from core classroom instruction and must be considered when making individual placement decisions.

For the student who has not benefited from the research-based core reading instruction, the components of instruction will include additional focused intervention as appropriate for the reading needs of the student with dyslexia. ~~Standard protocol dyslexia instruction Evidence-based dyslexia instruction~~ provides evidence-based, multisensory structured literacy instruction for students with dyslexia. ~~A standard protocol This instruction dyslexia instructional program~~ must be explicit, systematic, and intentional in its approach. This instruction is designed ~~for all students with dyslexia and will often~~ to likely take place in a small group setting. ~~Standard protocol dyslexia instruction Evidence-based dyslexia instruction~~ must be—

- evidence-based and effective for students with dyslexia;
- taught by an appropriately trained instructor; and

- implemented with fidelity.

Evidence-based dyslexia programs and instruction are considered specially designed instruction (SDI) and therefore special education services, so the provision of those services must follow the IDEA requirements. This means that evidence-based dyslexia instruction is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services. LEAs must ensure that the provision of evidence-based dyslexia instruction addresses the critical, evidence-based components and methods of delivery described in this chapter.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements included in this handbook. Differentiation that does not compromise the fidelity of the program, such as adjusting the amount of information or pacing of the program, may be necessary to address students' unique needs and to promote progress among students receiving dyslexia instruction. An ARD committee must only consider deviations from the program's fidelity requirements when data collection, a student's present levels of academic achievement and functional performance (PLAAFP), and other areas of the student's IEP clearly indicate the need for more intensive or supplemental supports.

The ARD committee, when discussing how a student will access an LEA's evidence-based dyslexia program, must address the following:

- How the program addresses the required components of dyslexia instruction described in this handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented with a focus on one or more components;
- How the program addresses the required instructional delivery methods described the handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented to meet the student's needs;
- The fidelity statements/requirements that are included with the program, and how those will be delivered and/or intensified for the student; and
- Confirm that the provider of dyslexia instruction (PDI) is fully trained in the instructional materials to implement the program and how to differentiate the program, as determined by the ARD committee.

Evidence-based dyslexia instruction is not considered to be "regular" education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for evidence-based dyslexia instruction crosses over into a special education need. ~~Instructional decisions for a student with dyslexia must be made by a committee (Section 504 or ARD) that is knowledgeable about the instructional components and approaches for students with dyslexia. It is important to remember that while dyslexia instruction is most successful when provided as early as possible, older children with reading disabilities will also benefit from focused and intensive remedial instruction.~~

~~In accordance with 19 TAC §74.28(e), districts must purchase or develop an evidence-based reading program for students with dyslexia and related disorders that incorporates all the components of instruction and instructional~~

approaches described in the sections below. As is the case with any instructional program,

differentiation that does not compromise the fidelity of a program may be necessary to address different learning styles and ability levels and to promote progress among students receiving dyslexia instruction. While districts and charter schools must implement an evidence-based instructional program for students with dyslexia that meets each of the components described in this chapter, standard protocol dyslexia instruction provided to students may focus on components of the program that best meet the student's needs. For example, this may occur when a student with dyslexia who has participated in standard protocol dyslexia instruction in the past, but continues to need remediation in some, but not all of, the components (e.g. fluency, written expression).

Specialty Designed Instruction

For students with dyslexia who have been determined eligible for and who are receiving special education services, specialty designed instruction must also address the critical, evidence-based components described in this chapter. Specialty designed instruction differs from standard protocol dyslexia instruction in that it offers a more individualized program specifically designed to meet a student's unique needs. Note that participation in standard protocol dyslexia instruction must be considered for all students, including those receiving dyslexia instruction under the IDEA. Standard protocol dyslexia instruction could be part of the specialty designed instruction and services provided to meet the student's needs.

Critical, Evidence-Based Components of Dyslexia Instruction

- **Phonological awareness**—“Phonological awareness is the understanding of the internal sound structure of words. A phoneme is the smallest unit of sound in a given language that can be recognized as being distinct from other sounds. An important aspect of phonological awareness is the ability to segment spoken words into their component phonemes [phonemic awareness].” (Birsh, 2018, p. 26).
- **Sound-symbol association**—Sound-symbol association is the knowledge of the various speech sounds in any language to the corresponding letter or letter combinations that represent those speech sounds. The mastery of sound-symbol association (alphabetic principle) is the foundation for the ability to read (decode) and spell (encode) (Birsh, 2018, p. 26). “Explicit phonics refers to an organized program in which these sound symbol correspondences are taught systematically” (Berninger & Wolf, 2009, p. 53).
- **Syllabication**—“A syllable is a unit of oral or written language with one vowel sound. Instruction must include the six basic types of syllables in the English language; closed, open, vowel-consonant-e, r-controlled, vowel pair (or vowel team), and final stable syllable. Syllable division rules must be directly taught in relation to the word structure” (Birsh, 2018, p. 26).
- **Orthography**—Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge.
- **Morphology**—“Morphology is the study of how morphemes are combined to form words. A

morpheme is the smallest unit of meaning in the language” (Birsh, 2018, p. 26).

- **Syntax**—“Syntax is the set of principles that dictate sequence and function of words in a sentence in order to convey meaning. This includes grammar, sentence variation, and the mechanics of language” (Birsh, 2018, p. 26).
- **Reading comprehension**—Reading comprehension is the process of extracting and constructing meaning through the interaction of the reader with the text to be comprehended and the specific purpose for reading. The reader’s skill in reading comprehension depends upon the development of accurate and fluent word recognition, oral language development (especially vocabulary and listening comprehension), background knowledge, use of appropriate strategies to enhance comprehension and repair it if it breaks down, and the reader’s interest in what he or she is reading and motivation to comprehend its meaning (Birsh, 2018, p.14; Snow, 2002).
- **Reading fluency**—“Reading fluency is the ability to read text with sufficient speed and accuracy to support comprehension”(Moats & Dakin, 2008, p. 52). Fluency also includes prosody. Teachers can help promote fluency with several interventions that have proven successful in helping students with fluency (e.g., repeated readings, word lists, and choral reading of passages) (Henry, 2010, p. 104).

In addition, other areas of language processing skills, such as written expression, which require integration of skills, are often a struggle for students with dyslexia. Moats and Dakin (2008) posit the following:

The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Both the teacher of dyslexia and the provider of dyslexia instruction and the regular classroom teacher should provide multiple opportunities to support intervention and to strengthen these skills; therefore, responsibility for teaching reading and writing must be shared by classroom teachers, reading specialists, interventionists, and teachers of dyslexia programs.

Delivery of Dyslexia Instruction

While it is necessary that students are provided instruction in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices. Principles of effective intervention for students with dyslexia include **all** of the following:

- **Simultaneous, multisensory (VAKT)**—“Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic, tactile) simultaneously in order to enhance memory and learning”

(Birsh, 2018, p. 26). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).

- **Systematic and cumulative**—“Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 26).
- **Explicit instruction**—“Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity**—“The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual’s needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).
- **Synthetic instruction**—“Synthetic instruction presents the parts of the language and then teaches how the parts work together to form a whole” (Birsh, 2018, p. 27).
- **Analytic instruction**—“Analytic instruction presents the whole and teaches how this can be broken into its component parts” (Birsh, 2018, p. 27).

As appropriate intervention is provided, students with dyslexia make significant gains in reading. Effective instruction is highly-structured, systematic, and explicit, and it lasts for sufficient duration. With regard to explicit instruction, Torgesen (2004) states, “Explicit instruction is instruction that does not leave anything to chance and does not make assumptions about skills and knowledge that children will acquire on their own” (p. 353).

In addition, because effective intervention requires highly structured and systematic delivery, it is critical that those who provide intervention for students with dyslexia be trained in the program used and that the program is implemented with fidelity.

Student Progress Reports

Any student that is provided an evidence-based reading program must have a progress report prepared and communicated to a parent specifically on the student’s progress as a result of that program at least once per grading period. To the extent that an IEP goal progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report should be sent to

comply with TEC §29.0031(d), at least once per grading period (or more often if required in the IEP), the LEA must provide the parent/guardian of a student receiving dyslexia instruction. This includes a student receiving evidence-based dyslexia instruction through a Section 504 accommodation plan during the transition period, which ends beginning with the 2025-2026 school year.

Sources for Critical, Evidence-Based Components and Delivery of Dyslexia Instruction

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Moats, L. C., & Dakin, K. E. (2008). *Basic facts about dyslexia and other reading problems*. Baltimore, MD: The International Dyslexia Association.

Providers of Dyslexia Instruction

In order to provide effective intervention, school districts are encouraged to employ highly trained individuals to deliver dyslexia instruction. Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers, who provide dyslexia intervention for students are not required to hold a specific license or certification. However, these educators must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity. This includes training in critical, evidence-based components of dyslexia instruction such as phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency. In addition, they must deliver multisensory instruction that simultaneously uses all learning pathways to the brain, is systematic and cumulative, is explicitly taught, uses diagnostic teaching to automaticity, and includes both analytic and synthetic approaches. See pages 39 – 41 for a description of these components of instruction and delivery.

A provider of dyslexia instruction:

- must be fully trained in the LEA's adopted instructional materials for students with dyslexia; and
- is not required to be certified as a special educator when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction unless he or she is employed in a special education position that requires the certification.

The completion of a literacy achievement academy does not satisfy the training requirements.

Although Texas does not have a certification requirement specific to teachers providing intervention to

students with dyslexia, opportunities for those who provide dyslexia instruction to pursue a certification and/or license are available through several professional organizations as well as through the Texas Department of Licensing and Regulation. Certification and licensing options are outlined in Figure 4.1 below. More information concerning licensure in the State of Texas, may also be found in Texas Occupations Code, Chapter 403. (See Appendix C, State Laws and Rules Related to Dyslexia).

The effort to train professionals who work with students with dyslexia is also supported by The International Dyslexia Association (IDA) Position Statement: Dyslexia Treatment Programs (March, 2009), which states the following:

Professional practitioners, including teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs (pp. 1–2).

Providers of dyslexia instruction must be prepared to use the techniques, tools, and strategies outlined in the previous sections of this chapter. They may also serve as trainers and consultants in dyslexia and related disorders for regular, remedial, and special education teachers.

Figure 4.1. Training Requirements for Educators Providing Dyslexia Services

Dyslexia Certification/License	Licensing Body	Degree Required	Training Program	Course Contact Hours	Practicum Hours	Direct Observations	Certification Exam	Continuing Education Requirement
Educator certification* as appropriate	State Board for Educator Certification (SBEC)	Bachelors	Training which meets components of instruction and delivery	Varies with program	Varies with program	Varies with program	None	None
*Teachers, such as reading specialists, master reading teachers, general education classroom teachers, or special education teachers are not required to hold a specific license or certification to provide dyslexia intervention for students; however, they must at a minimum have additional documented dyslexia training aligned to 19 TAC §74.28(c) and must deliver the instruction with fidelity.								
Licensed Dyslexia Therapist (LDT)	Texas Department of Licensing and Regulation (TDLR)	Masters	IMSLEC Accredited or other MSLE Program	200	700	10	yes	20 hrs/2 yrs
Licensed Dyslexia Practitioner (LDP)	Texas Department of Licensing and Regulation (TDLR)	Bachelors	IMSLEC Accredited or other MSLE	45	60	5	yes	20 hrs/2 yrs
Certified Certified Academic Language Therapist (CALT)	Academic Language Therapy Association (ALTA)	Bachelors Masters	IMSLEC Accredited or other MSLE	200	700	10	yes	10 hrs/1 yr
Certified Academic Language Practitioner (CALP)	Academic Language Therapy Association (ALTA)	Bachelors	IMSLEC Accredited or other MSLE Program	45	60	5	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Specialist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	135	30	3	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Interventionist	Center for Effective Reading Instruction (CERI)	Bachelors	IDA Accredited	90	30	3	yes	10 hrs/1 yr
Wilson Level II Certification/Therapist	Wilson Language Training	Bachelors	IDA Accredited	200	215	11+	yes	50 hrs/5 yrs
Wilson Level I Certification/Practitioner	Wilson Language Training	Bachelors	IDA Accredited	105	65	5+	yes	50 hrs/5 yrs
AOGPE Fellow Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Masters	AOGPE	250	600	13	no	none
AOGPE Certified Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	160	300	10	no	none
AOGPE Associate Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	AOGPE	Option A - 60 Option B - 70	Option A - 100 1 to 1 hours Option B - 50 1 to 1 hours; & 50 group hours	10	no	none

Please note that certification and licensing requirements may change with time. For more complete and up-to-date information, contact the specific licensing body.

[Professional Development Relative to Dyslexia for All Teachers](#)

Research consistently confirms the impact that a knowledgeable teacher can have on the success or failure of even the best reading programs (Shaywitz, 2003). To ensure that teachers are knowledgeable about dyslexia, [TEC §21.054\(b\)](#) and [19 TAC §232.11\(e\)](#) require educators who teach students with dyslexia to be

trained in new research and practices related to dyslexia as a part of their continuing professional education (CPE) hours.

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm>

<http://ritter.tea.state.tx.us/sbecrules/tac/chapter232/ch232a.html#232.11>

Educator Preparation Programs

According to TEC §21.044(b), all candidates completing an educator preparation program must receive instruction in detection and education of students with dyslexia. This legislation ensures that newly certified teachers will have knowledge of dyslexia prior to entering the classroom.

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.21.htm#21.044>

Instructional Intervention Consideration for ~~English Learners~~ EB Students with Dyslexia

~~English Learners (ELs)~~ EB students receiving dyslexia services will have unique needs. Provision of dyslexia instruction should be in accordance with the program model the student is currently receiving (e.g., dual language, transitional bilingual, ESL). Interventionists working with ~~ELs~~ EB students should have additional training on the specialized needs of ~~ELs~~ EB students.

Learning to read, write, and spell in two languages can be facilitated by building on a student's native language knowledge and helping to transfer that knowledge to a second language. While direct, systematic instruction is still required for all aspects of reading, additional explicit instruction will be needed to address the similarities and differences in sounds, syllable structure, morphology, orthography, and syntax between the first and second languages.

For example, instructional considerations may include capitalizing on familiar sound-symbol correspondences. Direct and systematic instruction of the cross-linguistic correlations is beneficial for ~~ELs~~ EB students. Instruction can subsequently include those sound-symbol correlations that partially overlap or present a slight variation from the native language to the second language. Unfamiliar phonemes and graphemes then can be presented to ~~ELs~~ EB students. A systematic approach will enhance instruction and assist the bilingual student in transferring native language and literacy knowledge to second language and literacy acquisition.

For ~~ELs~~ EB students learning to read in English and not in their native language, progress in reading may be hindered due to limited vocabulary in English. Therefore, in addition to all the components of effective instruction previously discussed, intervention for ~~ELs~~ EB students also must emphasize oral language development (Cardenas- Hagan, 2018). Because the English language is derived from Anglo-Saxon, Latin, Greek, French, and other languages, ~~ELs~~ EB students can expand their oral language and vocabulary knowledge by understanding the cognates (baseball/béisbol or leader/lider) that exist in their native language and English. The similarities of words in the native language and English must be explicitly taught.

It is also necessary to incorporate ESL strategies during the intervention process and in all content areas. In Texas, school districts are required to implement the English Language Proficiency Standards (ELPS) as an integral part of each subject area in the required curriculum ([TAC §74.4\(a\)](#)). Dyslexia instruction for ~~ELs~~ EB

students must incorporate the ELPS. A few strategies to consider include the following:

- Establish routines so that ~~EL~~EB students understand what is expected of them
- Provide native language support when giving directions or when students do not understand the task
- Provide opportunities for repetition and rehearsal so that the new information can be learned to mastery
- Adjust the rate of speech and the complexity of the language used according to the second language proficiency level of each student
- Provide extra time for the ~~EL~~EB students to process the English language. This is especially necessary during the early stages of second language development
- Provide extra time for the ~~EL~~EB students to formulate oral and written responses
- Emphasize text that includes familiar content and explain the structure of the text

Source for Instructional Intervention Consideration for ~~English Learners (ELs)~~EB Students with Dyslexia

19 Texas Administrative Code §74.4, English Language Proficiency Standards. (2007).

Cardenas-Hagan, E. (2018). Language and literacy development among English language learners. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed.) (pp. 720–754). Baltimore, MD: Paul H. Brookes Publishing.

Research-Based Best Practices

It is important to note that in Texas, the approach to teaching students with dyslexia is founded on research-based best practices. The ideas upon which the state’s approach is based are summarized here.

- Gains in reading can be significant if students with reading problems are provided systematic, explicit, and intensive reading instruction of sufficient duration in phonemic awareness, phonics, fluency, vocabulary (e.g., the relationships among words and the relationships among word structure, origin, and meaning), reading comprehension strategies, and writing.
- A failure to learn to read impacts a person’s life significantly. The key to preventing this failure for students with dyslexia is early identification and early intervention.
- Instruction by a highly skilled and knowledgeable educator who has specific preparation in the remediation of dyslexia is necessary.

It is vital to start evidence-based interventions as soon as possible. Effective treatments for dyslexia should consist of explicit academic teaching of reading and spelling skills.

The following research reflects the essential components of dyslexia instruction discussed above and may serve as additional sources of information for those working with students identified with dyslexia. The similarities between the state’s approach and the research are noted in bold. Unless otherwise indicated, the following pages contain excerpts from the resources cited.

1. August and Shanahan (2006, pp. 3–5) state the following:
 - **Instruction that provides substantial coverage in the key components of reading—identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension**—has clear benefits for language-minority students.
 - **Instruction in the key components of reading** is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well, but student performance suggests that it is often overlooked in instruction.
 - Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.

August, D., & Shanahan, T. (Eds.). (2006). *Executive summary: Developing literacy in second-language learners: Report of the National Literacy Panel on language-minority children and youth*. Mahwah, NJ: Lawrence Erlbaum.

2. Berninger and Wolf (2009, p. 49–50) state the following:

Until children are reading without effort, each reading lesson should consist of **teacher-directed, explicit, systematic instruction** in 1) phonological awareness; 2) applying phonics (alphabetic principle) and morphology to decoding; 3) applying background knowledge already learned to unfamiliar words or concepts in material to be read (activating prior knowledge); 4) both oral reading and silent reading, with appropriate instructional materials; 5) activities to develop oral reading fluency; and 6) reading comprehension.

Berninger, V. W., & Wolf, B. J. (2009). *Teaching students with dyslexia and dysgraphia: Lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

3. Birsh (2018, p. 3) states the following:

Teachers need to undergo extensive **preparation in the disciplines inherent in literacy**, which include the following:

- Language development
- **Phonology and phonemic awareness**
- Alphabetic knowledge
- Handwriting
- **Decoding (reading)**
- **Spelling (encoding)**
- **Fluency**
- **Vocabulary**
- **Comprehension**
- Composition

- Testing and assessment
- Lesson planning
- Behavior management
- Study skills
- History of the English language
- Technology
- Needs of older struggling students

Birsh, J. R. (2018). Connecting research and practice. In J. R. Birsh, *Multisensory teaching of basic language skills* (4th ed., pp. 2–34). Baltimore, MD: Paul H. Brookes Publishing.

4. Clark and Uhry (2004, pp. 89–92) state the following:

- Children with dyslexia need the following:
 - **Direct, intensive, and systematic** input from and interaction with the teacher
 - Immediate feedback from the teacher
 - Careful pacing of instruction
 - **Systematic** structured progression from the simple to the complex
- Other components of instruction include the following:
 - Learning to mastery
 - Multisensory instruction

Clark, D., & Uhry, J. (Eds.). (2004). *Dyslexia: Theory and practice of instruction* (3rd ed.). Austin, TX: Pro-Ed.

5. Henry (2010, p. 21) states the following:

By teaching the concepts inherent in the word origin and word structure model across a decoding-spelling continuum from the early grades through at least eighth grade, and by using technology when it serves to reinforce these concepts, teachers ensure that students have strategies to decode and spell most words in the English language. This framework and continuum readily organize a large body of information for teachers and their students. Not only do students gain a better understanding of English word structure, but they also become better readers and spellers.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

6. Mather and Wendling (2012, p. 171) state the following:

Individuals with dyslexia need to

- understand how phonemes (sounds) are represented with graphemes (letters);
- learn how to blend and segment phonemes to pronounce and spell words;
- learn how to break words into smaller units, such as syllables, to make them easier to pronounce;
- learn to recognize and spell common orthographic graphic patterns (e.g., -tion);
- learn how to read and spell words with irregular elements (e.g., ocean); and
- spend time engaged in meaningful reading and writing activities.

Mather, N. M., & Wendling, B. J. (2012). *Essentials of dyslexia assessment and intervention*. Hoboken, NJ: John Wiley & Sons.

7. Moats (1999, pp. 7–8) states that

Well designed, controlled comparisons of instructional approaches have consistently supported these components and practices in reading instruction:

- **direct teaching** of decoding, comprehension, and literature appreciation;
- **phoneme awareness** instruction;
- **systematic and explicit instruction** in the code system of written English;
- daily exposure to a variety of texts, as well as incentives for children to read independently and with others;
- **vocabulary** instruction that includes a variety of complementary methods designed to explore the relationships among words and the relationships among word structure, origin, and meaning;
- **comprehension** strategies that include prediction of outcomes, summarizing, clarification, questioning, and visualization; and
- frequent **writing** of prose to enable a deeper understanding of what is read.

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

8. Moats (1999, pp. 7– 20) states the following:

The **knowledge and skills needed to teach reading** include the following:

- The psychology of reading and reading development
 - Basic facts about reading
 - Characteristics of poor and novice readers
 - Environmental and physiological factors in reading development
 - How reading and spelling develop

- Knowledge of the language structure
 - **Phonology**
 - **Phonetics**
 - **Morphology**
 - **Orthography**
 - **Semantics**
 - **Syntax and text structure**
- Practical skills of instruction—use of validated instructional practices
- Assessment of classroom reading and writing skills

Moats, L. C. (1999). *Teaching reading is rocket science: What expert teachers of reading should know and be able to do* (Item No. 39-0372). Washington, DC: American Federation of Teachers.

9. The National Reading Panel's (2000) *Report of the National Reading Panel* highlights the following:

Emphasis is placed on the importance of **identifying early** which children are at risk for reading failure and **intervening quickly** to help them.

How reading is taught matters—reading instruction is most effective when it is taught **comprehensively, systematically, and explicitly**.

National Reading Panel. (2000). *Report of the National Reading Panel: Teaching children to read: An evidence-based assessment of the scientific research literature on reading and its implications for reading instruction*. Washington, DC: National Institute of Child Health and Human Development.

10. Shaywitz (2005, pp. 257–262) outlines the following essentials for a successful reading intervention and effective early intervention program:

Essentials of a successful reading intervention include the following:

- **Early intervention**—The best intervention begins in kindergarten with remediation beginning in first grade.
- **Intense instruction**—Reading instruction must be delivered with great intensity. Optimally, a child who is struggling to read should be given instruction in a group of three and no larger than four students, and the child should receive this focused reading instruction at least four, and preferably five, days a week.
- **High-quality instruction**—High-quality instruction is provided by a highly qualified teacher. Recent studies highlight the difference that a teacher can make in the overall success or failure of a reading program.
- **Sufficient duration**—One of the most common errors in teaching a student with dyslexia to read is to withdraw prematurely the instruction that seems to be working. A child who is reading accurately but not fluently at grade level still requires intensive reading instruction.

Essentials of an effective **early intervention** program include the following:

- Systematic and direct instruction in the following:
 - **Phonemic awareness**—noticing, identifying, and manipulating the sounds of spoken language
 - **Phonics**—how letters and letter groups represent the sounds [of] spoken language
 - Sounding out words (decoding)
 - Spelling
 - Reading sight words
 - **Vocabulary** and concepts
 - **Reading comprehension** strategies
- Practice in applying the above skills in reading and in writing
- **Fluency** training
- Enriched language experiences: listening to, talking about, and telling stories

Shaywitz, S. (2003). *Overcoming dyslexia: A new and complete science-based program for reading problems at any level*. New York, NY: Alfred A. Knopf.

11. Torgesen (2004, p. 376) states the following:

The first implication for practice and educational policy is that schools must work to provide **preventive interventions** to eliminate the enormous reading practice deficits that result from prolonged reading failure. The second implication is that schools must find a way to provide interventions for older children with reading disabilities that are appropriately focused and sufficiently intensive.

Torgesen, J. K. (2004). Lessons learned from research on interventions for students who have difficulty learning to read. In P. McCardle, & V. Chhabra (Eds.), *The voice of evidence in reading research* (pp. 355–382). Baltimore, MD: Paul H. Brookes Publishing.

12. Vaughn and Linan-Thompson (2003, pp. 299–320) state the following:

- Mounting evidence suggests that most students with reading problems can make significant gains in reading if provided **systematic, explicit, and intensive** reading instruction based on critical elements associated with improved reading such as **phonemic awareness, phonics, fluency in word recognition and text reading, and comprehension**.
- There were no statistically significant differences between students receiving intervention instruction in a teacher-to-student ratio of 1:1 or 1:3 though both groups outperformed students in a 1:10 teacher to student ratio.
- Student progress determined the length of intervention.

Vaughn, S., & Linan-Thompson, S. (2003). Group size and time allotted to intervention. In B. Foorman (Ed.), *Preventing and remediating reading difficulties* (pp. 275–320). Parkton, MD: York Press.

13. The International Dyslexia Association (2009, pp. 1–2) states the following:

Professional practitioners, including **teachers or therapists, should have had specific preparation in the prevention and remediation of language-based reading and writing difficulties**. Teachers and therapists should be able to state and provide documentation of their credentials in the prevention and remediation of language-based reading and writing difficulties, including program-specific training recommended for the use of specific programs.

The International Dyslexia Association. (2009, March). *Position statement: Dyslexia treatment programs*.

14. The International Dyslexia Association's *Knowledge and Practice Standards for Teachers of Reading* provides **standards for teachers** of students with dyslexia.

The International Dyslexia Association. (2010). *Knowledge and practice standards for teachers of reading*.

15. The International Multisensory Structured Language Education Council (IMSLEC) provides accreditation in quality training courses for the professional preparation of multisensory **structured language education specialists**.

International Multisensory Structured Language Education Council (IMSLEC): <http://www.imslec.org>

Ineffective Treatment for Dyslexia

Interventions that claim to treat dyslexia in the absence of print are generally ineffective. Claims of ineffective treatments for dyslexia may use terms or techniques described as “brain training,” “crossing the midline,” “balance therapy,” and others. While some treatments may ameliorate conditions other than dyslexia, their use for students with dyslexia has not been proven effective. Figure 4.2 addresses some commonly advertised interventions that may be purported to treat dyslexia, but scientific, peer-reviewed research has demonstrated ineffective results for students with dyslexia.

Figure 4.2. Treatments Ineffective for Dyslexia

Examples	What Research Has Found	Citation
Colored Overlays and Colored Lenses	“Consistent with previous reviews and advice from several professional bodies, we conclude that the use of coloured <u>colored</u> overlays to ameliorate reading difficulties cannot be endorsed and that any benefits reported in clinical settings are likely to be the result of placebo, practice, or Hawthorne effects.”	Griffiths, P.G., Taylor, R.H., Henderson, L.M., & Barrett, B.T. (2016). The effect of coloured overlays and lenses on reading: a systematic review of the literature. <i>Ophthalmic & Physiological Optics</i> , 36, 519–544. https://doi.org/10.1111/opo.12316
Specialized fonts designed for people with dyslexia	“Dyslexie font did not lead to improved reading compared to normal ‘Arial’ font, nor was it preferred by most students.”	Kuster, S. M., van Weerdenburg, M., Gompel, M., & Bosman, A. M. (2018). Dyslexie font does not benefit reading in children with or without dyslexia. <i>Annals of Dyslexia</i> , 68, 25-42. https://doi.org/10.1007/s11881-017-0154-6
Vision Therapy	“Scientific evidence does not support the claims that visual training, muscle exercises, ocular pursuit-and-tracking exercises, behavioral/perceptual vision therapy, ‘training’ glasses, prisms, and colored lenses and filters are effective direct or indirect treatments for learning disabilities. There is no valid evidence that children who participate in vision therapy are more responsive to educational instruction than children who do not participate.”	Handler, S.M., Fierson, W.M., et al. (2011). Joint technical report - learning disabilities, dyslexia, and vision. <i>Pediatrics</i> , 127, e818-56. https://doi.org/10.1542/peds.2010-3670
Specific Working Memory Training Programs	“The authors conclude that working memory training programs appear to produce short-term, specific training effects that do not generalize to measures of ‘real-world’ cognitive skills. These results seriously question the practical and theoretical importance of current computerized working memory programs as methods of training working memory skills.”	Melby-Lervåg, M., Redick, T. & Hulme, C. (2016). Working memory training does not improve performance on measures of intelligence or other measures of “far transfer”: Evidence from a meta-analytic review. <i>Perspectives on Psychological Science</i> , 11, 512-534. https://DOI:10.1177/1745691616635612

Instructional Accommodations for Students with Disabilities

Students with dyslexia who receive dyslexia instruction that contains the components described in this chapter will be better equipped to meet the demands of grade-level or course instruction. In addition to dyslexia instruction, accommodations provide the student with dyslexia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not one size fits all; rather, the impact of dyslexia on each individual student determines the necessary accommodation.**

Listed below are **examples** of reasonable classroom accommodations:

- Copies of notes (e.g., teacher- or peer-provided)
- Note-taking assistance
- Additional time on class assignments and tests
- Reduced/shortened assignments (e.g., chunking assignments into manageable units, fewer items given on a classroom test or homework assignment without eliminating concepts, or student planner to assist with assignments)
- Alternative test location that provides a quiet environment and reduces distractions
- Priority seating assignment
- Oral reading of directions or written material
- Word banks
- Audiobooks
- Text to speech
- Speech to text
- Electronic spellers
- Electronic dictionaries
- Formula charts
- Adaptive learning tools and features in software programs

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year and over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dyslexia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas

Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [Accommodations for students with Disabilities](https://dyslexiaida.org/accommodations-for-students-with-dyslexia/) available at <https://dyslexiaida.org/accommodations-for-students-with-dyslexia/>.

Access to Instructional Materials for Students with Disabilities

Accessible instructional materials (AIM) are textbooks and related core instructional materials that have been converted into specialized formats (e.g., Braille, audio, digital text, or large print) for students who are blind or have low vision, have a physical disability, or have a reading disability such as dyslexia. Digital books or text-to-speech functions on computers and mobile devices provide access to general education curriculum for students with dyslexia. **Bookshare** and **Learning Ally** provide electronic access to digitally recorded materials for students with print disabilities. TEA provides links to these resources as well as other accessible instructional materials for students with disabilities at <http://www.tea.state.tx.us/index2.aspx?id=2147487109>.

Texas State Student Assessment Program Accommodations for Students with Disabilities

Educators, parents, and students must understand that accommodations provided during classroom instruction and testing might differ from accommodations allowed for use on state assessments. The state assessment is a standardized tool for measuring every student's learning in a reliable, valid, and secure manner. An accommodation used in the classroom for learning may invalidate or compromise the security and integrity of the state assessment; therefore, not all accommodations suitable for instruction are allowed during the state assessments. It is important to keep in mind that the policies for accommodation use on state assessments **should not** limit an educator's ability to develop individualized materials and techniques to facilitate student learning. **Instruction comes first** and can be customized to meet the needs of each student.

For the purposes of the statewide assessments, students needing accommodations due to a disability include the following:

- Students with an identified disability who receive special education services and meet established eligibility criteria for certain accommodations
- Students with an identified disability who receive Section 504 services and meet established eligibility criteria for certain accommodations
- Students with a disabling condition who do not receive special education or Section 504 services but meet established eligibility criteria for certain accommodations

For students who receive special education or Section 504 services, the decision for student use of accommodations during the statewide assessments is made by the ARD or Section 504 committee. In those rare instances where a student does not receive services but meets the eligibility criteria due to a disabling

condition, the decision about using accommodations on the statewide assessments is made by the appropriate team of people at the campus level, such as the RTI team or student assistance team. For more information about accommodations on statewide assessments, visit <https://tea.texas.gov/accommodations/>.

Enrollment in Gifted/Talented and Advanced Academic Programs

A student who has been identified with dyslexia can also be a gifted learner, or a twice-exceptional learner. A twice-exceptional learner is a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high-performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria. Disability criteria may include the following:

- Learning disabilities
- Speech and language disorders
- Emotional/behavioral disorders
- Physical disabilities
- Traumatic brain injury
- Autism spectrum disorder
- Sensory disabilities (hearing impaired, visually impaired, blind-deaf)
- Other health impairments that limit strength, vitality, or alertness (such as ADHD)

Twice-exceptional students make up a highly diverse group of learners. While they do not form a simple, homogenous group, there are indicators that tend to be typical of many children who are both gifted and who also have a disability. Cognitive and affective indicators may include strengths such as extreme curiosity and questioning, high levels of problem-solving and reasoning skills, and advanced ideas/opinions which they are uninhibited about expressing. Cognitive and affective challenges twice-exceptional learners may exhibit include discrepant verbal and performance abilities, deficient or extremely uneven academic skills, and auditory and/or visual processing problems which may cause them to respond or work slowly or appear to think slowly. For more information regarding general characteristics of twice-exceptional learners, please see www.gtequity.org/twice/docs/generalcharacteristics.pdf on TEA's Equity in G/T Education website.

Due to the diversity of twice-exceptional students, the identification of twice-exceptional learners can be challenging. Evaluation and identification require those vested in the education of these learners to be knowledgeable of the unique characteristics and behaviors demonstrated by twice-exceptional learners. Often the disability masks the giftedness, emphasizing barriers to learning instead of the potential that the learner has as a result of the gifted attributes. Conversely, the giftedness may mask the disability, which may result in the student experiencing gaps in learning compounded by the disability, thus affecting how the learner perceives his or her abilities.

Twice-exceptional students must be provided access to all service and course options available to other students. Section 504 and Title II of the Americans with Disabilities Act (ADA), require that qualified students with disabilities be given the same opportunities to compete for and benefit from accelerated programs and

classes as are given to students without disabilities [34 C.F.R. §104.4(b)(1)(ii) and 28 C.F.R. §35.130(b)(1)(ii)]. **A student with a disability such as dyslexia or a related disorder may not be denied admission to an accelerated or advanced class or program solely because of the student’s need for special education or related aids or services or because the student has an IEP or Section 504 Plan.**

Additionally, a student with a disability may not be prohibited from using special education or related aids as a condition of participating in an accelerated or advanced class or program. Participation by a student with a disability in an accelerated or advanced class or program generally would be considered part of the regular education referenced in IDEA and Section 504 regulations. Thus, if a qualified student with a disability requires related aids and services to participate in a regular education class or program, the school cannot deny that student the needed related aids and services in an accelerated or advanced class or program. It is important to note that a district or school does not have to provide a student with an accommodation or modification “that fundamentally alters the nature of” an accelerated or advanced course or program. Rather, a district or school “must consider a student’s ability to participate in the program with reasonable accommodations.” (*G.B.L. v. Bellevue School District #405*).

In determining the appropriate courses and programs, the following questions should be considered by a twice-exceptional learner’s ARD or Section 504 committee:

- Does the student meet the basic eligibility or admission requirements applied to ALL students?
- Does the student need special education or related aids and services to receive FAPE?
- Do the academic accommodations or related aids and services constitute a fundamental alteration of the program?

The U.S. Department of Education’s Office for Civil Rights offers information for addressing students with disabilities seeking enrollment in advanced academic programs such as Advanced Placement and International Baccalaureate courses. For more information, see the Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

Additional support, information, and resources are available through the Equity in Gifted/Talented (G/T) Education website at www.gtequity.org/index.php. The *Texas State Plan for the Education of Gifted/Talented Students*, available at www.tea.state.tx.us/index2.aspx?id=6420, mandates that once any student is identified as gifted, he/she must be provided gifted/talented services that are commensurate with his/her abilities (1.4C, 1.6C, 2.1C, and 3.3C). Additionally, due to the disability, twice-exceptional learners should have an IEP through special education services or a Section 504 Plan through general education. Additional support for districts serving twice-exceptional students is available at www.gtequity.org/twice.php.

Sources for Enrollment in Gifted/Talented and Advanced Academic Programs

G.B.L. v. Bellevue Sch. Dist. #405. IDELR 186. No. 2:2012cv00427. (U.S. District Court, W.D. Washington, 2013).

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V. Dysgraphia

Texas state law requires districts and charter schools to identify students who have dyslexia and related disorders. Texas Education Code §38.003 identifies the following examples of related disorders: developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability. Recent research in the field of dysgraphia has prompted the addition of the following guidance regarding the evaluation, identification, and provision of services for students with dysgraphia.

Definition and Characteristics of Dysgraphia

Difficulty with handwriting frequently occurs in children with dyslexia. When Texas passed dyslexia legislation, the co-existence of poor handwriting with dyslexia was one reason why dysgraphia was called a related disorder. Subsequently, dyslexia and dysgraphia have been found to have diverse co-morbidities, including phonological awareness (Döhla and Heim, 2016). However, dyslexia and dysgraphia are now recognized to be distinct disorders that can exist concurrently or separately. They have different brain mechanisms and identifiable characteristics.

Dysgraphia is related to dyslexia as both are language-based disorders. In dyslexia, the impairment is with word-level skills (decoding, word identification, spelling). Dysgraphia is a written language disorder in serial production of strokes to form a handwritten letter. This involves not only motor skills but also language skills—finding, retrieving and producing letters, which is a subword-level language skill. The impaired handwriting may interfere with spelling and/or composing, but individuals with only dysgraphia do not have difficulty with reading (Berninger, Richards, & Abbott, 2015).

A review of recent evidence indicates that dysgraphia is best defined as a neurodevelopmental disorder manifested by illegible and/or inefficient handwriting due to difficulty with letter formation. This difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms) (Berninger, 2015). Secondary consequences may include problems with spelling and written expression. The difficulty is not solely due to lack of instruction and is not associated with other developmental or neurological conditions that involve motor impairment.

The characteristics of dysgraphia include the following:

- Variably shaped and poorly formed letters
- Excessive erasures and cross-outs
- Poor spacing between letters and words
- Letter and number reversals beyond early stages of writing
- Awkward, inconsistent pencil grip
- Heavy pressure and hand fatigue
- Slow writing and copying with legible or illegible handwriting (Andrews & Lombardino, 2014)

Additional consequences of dysgraphia may also include:

- Difficulty with unedited written spelling
- Low volume of written output as well as problems with other aspects of written expression

Dysgraphia is not:

- Evidence of a damaged motor nervous system
- Part of a developmental disability that has fine motor deficits (e.g., intellectual disability, autism, cerebral palsy)
- Secondary to a medical condition (e.g., meningitis, significant head trauma, brain trauma)
- Association with generalized developmental motor or coordination difficulties (Developmental Coordination Disorder)
- Impaired spelling or written expression with typical handwriting (legibility and rate) (Berninger, 2004)

Dysgraphia can be due to:

- Impaired feedback the brain is receiving from the fingers
- Weaknesses using visual processing to coordinate hand movement and organize the use of space
- Problems with motor planning and sequencing
- Difficulty with storage and retrieval of letter forms (Levine, 1999)

Despite the widespread beliefs that handwriting is purely a motor skill or that only multisensory methods are needed to teach handwriting, multiple language processes are also involved in handwriting. Handwriting draws on language by hand (letter production), language by ear (listening to letter names when writing dictated letters), language by mouth (saying letter names), and language by eye (viewing the letters to be copied or reviewing for accuracy the letters that are produced from memory) (Berninger & Wolf, 2016).

Sources for Definition and Characteristics of Dysgraphia

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Levine, M.D. (1999). *Developmental Variation and Learning Disorders*. Cambridge, MA: Educators Publishing Service, Inc.

Procedures for Identification

The process of identifying dysgraphia will follow Child Find procedures for conducting a full individual and initial evaluation (FIE) under the IDEA. These procedural processes require coordination among the teacher, campus administrators, diagnosticians, and other professionals as appropriate when factors such as a student's English language acquisition, previously identified disability, or other special needs are present.

The first step in the evaluation process, data gathering, should be an integral part of the district's or charter school's process for any student exhibiting learning difficulties. Documentation of the following characteristics of dysgraphia could be collected during the data gathering phase:

- Slow or labored written work
- Poor formation of letters
- Improper letter slant
- Poor pencil grip
- Inadequate pressure during handwriting (too hard or too soft)
- Excessive erasures
- Poor spacing between words
- Poor spacing inside words
- Inability to recall accurate orthographic patterns for words
- "b" and "d" reversals beyond developmentally appropriate time
- Inability to copy words accurately
- Inability of student to read what was previously written
- Overuse of short familiar words such as "big"
- Avoidance of written tasks
- Difficulty with visual-motor integrated sports or activities

While schools must follow federal and state guidelines, they must also develop procedures that address the needs of their student populations. Schools shall recommend evaluation for dysgraphia if the student demonstrates the following:

- Impaired or illegible handwriting that is unexpected for the student's age/grade
- Impaired handwriting that interferes with spelling, written expression, or both that is unexpected for the student's age/grade

1. Data Gathering

Schools collect data on all students to ensure that instruction is appropriate and scientifically based. Essential components of comprehensive literacy instruction, including writing, are defined in Section 2221(b) of ESSA as explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff.

Any time from kindergarten through grade 12 a student continues to struggle with one or more components of writing, schools must collect additional information about the student. Schools should use previously collected as well as current information to evaluate the student's academic progress and determine what

actions are needed to ensure the student’s improved academic performance. The collection of various data, as indicated in Figure 5.1 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with handwriting, spelling, and written expression.

Cumulative Data

The academic history of each student will provide the school with the cumulative data needed to ensure that underachievement in a student suspected of having dysgraphia is not due to lack of appropriate instruction in handwriting, spelling, and written expression. This information should include data that demonstrate that the student was provided appropriate instruction and include data-based documentation of repeated evaluations of achievement at reasonable intervals (progress monitoring), reflecting formal evaluation of student progress during instruction. This cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure 5.1.

Figure 5.1. Sources and Examples of Cumulative Data	
<ul style="list-style-type: none"> • <u>Vision screening</u> • <u>Hearing screening</u> • Teacher reports of classroom concerns • Parent reports of concerns about handwriting, spelling, or written expression • Classroom handwriting assessments • Classroom spelling assessments • Samples of written work (e.g., journal, story responses, writing samples, etc.) • Accommodations or interventions provided • Academic progress reports (report cards) • Gifted/talented assessments • Samples of written schoolwork (both timed and untimed) 	<ul style="list-style-type: none"> • State student assessment program results as described in TEC §39.022 • Observations of instruction provided to the student • Full Individual and Initial Evaluation • Outside evaluations • Speech and language assessment • School attendance • Curriculum-based assessment measures • Instructional strategies provided and student’s response to the instruction • Universal screening • Parent survey

2. Formal Evaluation

After data gathering, the next step in the process is formal evaluation. This is not a screening; rather, it is an individualized evaluation used to gather evaluation data. Formal evaluation includes both formal and informal data. All data will be used to determine whether the student demonstrates a pattern of evidence for dysgraphia. Information collected from the parents/guardians also provides valuable insight into the student’s early years of written language development. This history may help to explain why students come to the evaluation with many different strengths and weaknesses; therefore, findings from the formal evaluation will be different for each child. Professionals conducting evaluations for the identification of dysgraphia will need to look beyond scores on standardized assessments alone and examine the student’s classroom writing performance, educational history, and early language experiences to assist with determining handwriting, spelling, and written expression abilities and difficulties.

Notification and Permission

When formal evaluation is recommended, the school completes the evaluation process as outlined in IDEA. Procedural safeguards under the IDEA must be followed. [The Overview of Special Education for Parents form](#) must also be distributed to the parent. For more information on procedural safeguards, ~~see Appendix D, IDEA/Section 504 Side-by-Side Comparison, and~~ TEA's [Parent Guide to the Admission, Review, and Dismissal Process \(Parent's Guide\)](#) and [Notice of Procedural Safeguards](#)

Tests and Other Evaluation Materials

Test instruments and other evaluation materials must meet the following criteria:

- Be used for the purpose for which the evaluation or measures are valid or reliable
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient
- Be selected and administered to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills
- Be selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student's writing abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion-referenced evaluations, samples of written work, classroom observations)
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- Be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer

Domains to Assess

Academic Skills

The school administers measures that are related to the student's educational needs. Difficulties in the areas of letter formation, orthographic awareness, and general handwriting skills may be evident dependent on the student's age and writing development. Additionally, many students with dysgraphia may have difficulty with spelling and written expression.

Cognitive Processes

The process of handwriting requires the student to rely on memory for letters or symbol sequences, also known as orthographic processing. Memory for letter patterns, letter sequences, and the letters in whole words may be selectively impaired or may coexist with phonological processing weaknesses. When spelling, a student must not only process both phonological and orthographic information, but also apply their knowledge of morphology and syntax (Berninger & Wolf, 2009).

Figure 5.2. Areas for Evaluation of Dysgraphia		
<u>Academic Skills</u>	<u>Cognitive Processes</u>	<u>Possible Additional Areas</u>

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • Letter formation • Handwriting • Word/sentence dictation (timed and untimed) • Copying of text • Written expression • Spelling • Writing fluency (both accuracy and fluency) | <ul style="list-style-type: none"> • Memory for letter or symbol sequences (orthographic processing) | <ul style="list-style-type: none"> • Phonological awareness • Phonological memory • Working memory • Letter retrieval • Letter matching |
|--|---|--|

Berninger, V. W., & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

To make an informed determination the ARD, committee must include members who are knowledgeable about the following:

- Student being assessed
- Evaluation instruments being used
- Interpretation of the data being collected

Additionally, the committee members should have knowledge regarding

- the handwriting process;
- dysgraphia and related disorders;
- dysgraphia instruction, and;
- district or charter school, state, and federal guidelines for evaluation.

There likely may be a need for an occupational therapist on the committee to assist in addressing all required areas of evaluation for dysgraphia.

Review and Interpretation of Data and Evaluation

To appropriately understand evaluation data, the ARD committee must interpret tests results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

A determination must first be made regarding whether a student's difficulties in the areas of writing and spelling reflect a pattern of evidence for the primary characteristics of dysgraphia with unexpectedly low performance for the student's age and educational level in some or all of the following areas:

- Handwriting
- Writing fluency (accuracy and rate)
- Written Expression
- Spelling

Based on the above information and guidelines, should the ARD committee determine that the student exhibits weakness in writing and spelling, the committee will then examine the student's data to determine

whether these difficulties are unexpected in relation to the student’s other abilities, sociocultural factors, language differences, irregular attendance, or lack of appropriate and effective instruction. For example, the student may exhibit strengths in areas such as reading comprehension, listening comprehension, oral verbal ability, or math reasoning yet still have difficulty with writing and spelling.

Therefore, it is not one single indicator, but a preponderance of informal and formal data that provide the committee with evidence for whether these difficulties are unexpected.

Dysgraphia Identification

If the student’s difficulties are unexpected in relation to other abilities, the ARD committee must then determine if the student has dysgraphia. The list of questions in Figure 5.3 below must be considered when making a determination regarding dysgraphia.

Figure 5.3. Questions to Determine the Identification of Dysgraphia
<ul style="list-style-type: none">• Do the data show the following characteristics and consequences of dysgraphia?<ul style="list-style-type: none">• Illegible and/or inefficient handwriting with variably shaped and poorly formed letters Difficulty with unedited written spelling• Low volume of written output as well as problems with other aspects of written expression• Do these difficulties (typically) result from a deficit in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms)?• Are these difficulties unexpected for the student’s age in relation to the student’s other abilities and the provision of effective classroom instruction?

Once dysgraphia has been identified, a determination must be made regarding the most appropriate way to serve the student.

The ARD committee will determine whether the student who has dysgraphia is eligible under IDEA as a student with a specific learning disability. The student is eligible for services under IDEA if he/she has dysgraphia and, because of the dysgraphia needs special education services. The October 23, 2015 letter from the Office of Special Education and Rehabilitative Services (OSERS) (Dear Colleague: Dyslexia Guidance) states that dyslexia, dyscalculia, and dysgraphia are conditions that could qualify a child as a child with a specific learning disability under IDEA. The letter further states that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents. For more information, please visit <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>.

If the student with dysgraphia is found eligible for special education, the student’s IEP must include appropriate writing instruction, which might include instruction from a related services provider.

If the student is identified with dysgraphia but is not considered a student with a disability under the IDEA (because the student does not need specially designed instruction), then the student may receive appropriate accommodations and services under Section 504. Students are protected under Section 504 if the physical or mental impairment (dysgraphia) substantially limits one or more major life activities, such as the specific activity of writing. Additionally, the Section 504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity (writing), must not consider the

ameliorating effects of any mitigating measures that student is using.

Revision of the Section 504 Plan will occur as the student’s response to instruction and to the use of accommodations, if any, is observed. Changes in instruction and/or accommodations must be supported by current data (e.g., classroom performance and dyslexia program monitoring).

Instruction for Students with Dysgraphia

“ . . . Done right, early handwriting instruction improves students’ writing. Not just its legibility, but its *quantity and quality.*” (p. 49)

—S. Graham, *Want to Improve Children’s Writing? Don’t Neglect Their Handwriting*, *American Educator*, 2010

Graham and his colleagues describe two reasons for teaching handwriting effectively. The first reason is what they call the Presentation Effect. Research demonstrates that, in general, a reader’s evaluation of a composition’s quality is influenced by how neatly it is written (Graham, Harris, & Hebert, 2011). The second reason that educational scientists give for teaching handwriting effectively is called the Writer Effect. Research demonstrates that handwriting difficulties interfere with other writing processes such as expression of ideas and organization. In fact, a 2016 meta-analysis showed that handwriting instruction improved students’ writing fluency, quantity, and quality. The findings of this research report were dramatic, showing moderate effects on writing fluency and very large effects on the number of words students wrote and the quality of their compositions (Santangelo & Graham, 2016).

Handwriting interferes with other writing processes or consumes an inordinate amount of cognitive resources, at least until handwriting becomes automatic and fluent ... Handwriting-instructed students made greater gains than peers who did not receive handwriting instruction in the quality of their writing, how much they wrote, and writing fluency. (p. 226)

—Santangelo & Graham, *A Comprehensive Meta-Analysis of Handwriting Instruction*, 2016

Supporting Students Struggling with Handwriting

Between 10% and 30% of students struggle with handwriting. Early difficulties in this area are significantly correlated with poorer performance on composition tasks. The following are research-based elements of effective handwriting instruction. These elements, which apply to both manuscript and cursive handwriting, may not necessarily apply to an entire class but instead may be used to support instructional methods delivered in small groups with students whose penmanship is illegible or dysfluent.

1. Show students how to hold a pencil.
2. Model efficient and legible letter formation.
3. Provide multiple opportunities for students to practice effective letter formation.
4. Use scaffolds, such as letters with numbered arrows showing the order and direction of strokes.
5. Have students practice writing letters from memory.
6. Provide handwriting fluency practice to build students’ automaticity.

7. Practice handwriting in short sessions.

—Adapted from Berninger et al., 1997; Berninger et al., 2006; Denton, Cope, & Moser, 2006; Graham et al., 2012; Graham, Harris, & Fink, 2000; Graham & Weintrub, 1996.

Some students who struggle with handwriting may actually have dysgraphia. Dysgraphia may occur alone, or with dyslexia. An assessment for dysgraphia, as it relates to dyslexia, is important in order to determine whether children need additional explicit, systematic instruction in handwriting only; handwriting and spelling; or handwriting, spelling, and written expression along with word reading and decoding (IDA, 2012).

Texas Education Code §38.003(b) states, “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.”

While it is important for students with dysgraphia to receive the research-based elements of handwriting, spelling, and written language instruction as part of the core curriculum, for those students who require additional supports and services for dysgraphia, instructional decisions must be made by a committee (either Section 504 or ARD) that is knowledgeable about the instructional elements and delivery of instruction that is consistent with research-based practice.

Handwriting

The research-based elements for effective instruction of handwriting as stated above for all students are the same for students with dysgraphia. However, the intensity, frequency, and delivery of instruction may need to be adjusted to meet specific student need as determined by the Section 504 or ARD committee. Figure 5.4 below provides a hierarchy of instruction for handwriting as a reference to best practice:

Figure 5.4. Handwriting Hierarchy of Instruction	
Posture	Also known as “Watch Our Writing” (W.O.W) <ul style="list-style-type: none">• Feet are flat on the floor• Back is straight• Paper slanted so that the edge of the paper is parallel to the writing arm• Paper anchored with non-writing hand• Pencil grip and position correct
Grip	Normal tripod grip with pencil resting on first joint of middle finger with the thumb and index fingers holding the pencil in place at a 45° angle.
Letter Formation	Emphasis placed in the following order: <ul style="list-style-type: none">• Shape• Proportion• Size• Rhythm/fluency• Slant

Sequence	<ul style="list-style-type: none"> • Lower case letters first; Capitals as needed beginning with first letters of student name • Manuscript – group by stroke formation • Cursive – group by beginning approach stroke • Letters • Syllables • Words • Phrases • Sentences • Paragraphs
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Spelling

Handwriting supports spelling, a complex process of translating a phoneme (spoken sound) to the corresponding grapheme (orthographic representation) in order to generate written text to express an idea. Orthography is the written spelling patterns and rules in a given language. Students must be taught the regularity and irregularity of the orthographic patterns of a language in an explicit and systematic manner. The instruction should be integrated with phonology and sound-symbol knowledge. Because spelling is meaning driven and draws upon the phonological, orthographic, and morphological aspects of words, students will benefit from systematic, explicit instruction based on the following guiding principles:

- Phoneme-grapheme correspondence
- Letter order and sequence patterns, or orthographic conventions:
 - syllable types
 - orthographic rules
 - irregular words
- Position of a phoneme or grapheme in a word
- Meaning (morphology) and part of speech
- Language of origin (Moats, 2005)

Writing

A potential secondary consequence of dysgraphia is difficulty with students expressing themselves in written text. This difficulty may be attributed to deficits in handwriting, spelling, language processing, or the integration of each of those skills. In Chapter IV of this handbook, Moats and Dakin (2008) are quoted as stating:

The ability to compose and transcribe conventional English with accuracy, fluency, and clarity of expression is known as basic writing skills. Writing is dependent on many language skills and processes and is often even more problematic for children than reading. Writing is a language discipline with many component skills that must be directly taught. Because writing demands using different skills at the same time, such as generating language, spelling, handwriting, and using capitalization and punctuation, it puts a significant demand on working memory and attention. Thus, a student may demonstrate mastery of these

individual skills, but when asked to integrate them all at once, mastery of an individual skill, such as handwriting, often deteriorates. To write on demand, a student has to have mastered, to the point of being automatic, each skill involved (p. 55).

Students with written expression difficulties because of dysgraphia would benefit from being taught explicit strategies for composing including planning, generating, reviewing/evaluating, and revising different genre including narrative, informational, compare and contrast, and persuasive compositions (IDA, 2012).

Delivery of Intervention

The way the content is delivered should be consistent with the principles of effective intervention for students with dysgraphia including the following:

- **Simultaneous, multisensory (VAKT)** — “Teaching is done using all learning pathways in the brain (visual, auditory, kinesthetic-tactile) simultaneously in order to enhance memory and learning” (Birsh, 2018, p. 19). “Children are actively engaged in learning language concepts and other information, often by using their hands, arms, mouths, eyes, and whole bodies while learning” (Moats & Dakin, 2008, p. 58).
- **Systematic and cumulative** — “Multisensory language instruction requires that the organization of material follow order of the language. The sequence must begin with the easiest concepts and most basic elements and progress methodically to more difficult material. Each step must also be based on [elements] already learned. Concepts taught must be systematically reviewed to strengthen memory” (Birsh, 2018, p. 19).
- **Explicit instruction** — “Explicit instruction is explained and demonstrated by the teacher one language and print concept at a time, rather than left to discovery through incidental encounters with information. Poor readers do not learn that print represents speech simply from exposure to books or print” (Moats & Dakin, 2008, p. 58). Explicit Instruction is “an approach that involves direct instruction: The teacher demonstrates the task and provides guided practice with immediate corrective feedback before the student attempts the task independently” (Mather & Wendling, 2012, p. 326).
- **Diagnostic teaching to automaticity** — “The teacher must be adept at prescriptive or individualized teaching. The teaching plan is based on careful and [continual] assessment of the individual's needs. The content presented must be mastered to the degree of automaticity” (Birsh, 2018, p. 27). “This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student” (Moats & Dakin, 2008, p. 58). “When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner” (Berninger & Wolf, 2009, p. 70).

Sources for Critical, Evidence-Based Components and Delivery of Dysgraphia Instruction

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Instructional Accommodations for the Student with Dysgraphia

By receiving instruction based on the elements described in this chapter, a student with dysgraphia is better equipped to meet the demands of grade-level or course instruction. In addition to targeted instruction, accommodations provide the student with dysgraphia effective and equitable access to grade-level or course instruction in the general education classroom. **Accommodations are not a one size fits all; rather, the impact of dysgraphia on each individual student determines the accommodation.** When considering accommodations for the student with dysgraphia, consider the following:

- The rate of producing written work
- The volume of the work to be produced
- The complexity of the writing task
- The tools used to produce the written product

- The format of the product (Texas Scottish Rite Hospital for Children, 2018, p. 5).

Listed below are **examples** of reasonable classroom accommodations for a student with dysgraphia based on the above considerations:

- Allow more time for written tasks including note taking, copying, and tests
- Reduce the length requirements of written assignments
- Provide copies of notes or assign a note taking buddy to assist with filling in missing information
- Allow the student to audio record important assignments and/or take oral tests
- Assist student with developing logical steps to complete a writing assignment instead of all at once
- Allow the use of technology (e.g., speech to text software, etc.)
- Allow the student to use cursive or manuscript, whichever is most legible and efficient
- Allow the student to use graph paper for math, or to turn lined paper sideways, to help with lining up columns of numbers
- Offer an alternative to a written project such as an oral report, dramatic presentation, or visual media project

Accommodations are changes to materials, actions, or techniques, including the use of technology, that enable students with disabilities to participate meaningfully in grade-level or course instruction. The use of accommodations occurs primarily during classroom instruction as educators use various instructional strategies to meet the needs of each student. A student may need an accommodation only temporarily while learning a new skill, or a student might require the accommodation throughout the school year or over several years including beyond graduation.

Decisions about which accommodations to use are very individualized and should be made for each student by that student's ARD or Section 504 committee, as appropriate. Students can, and should, play a significant role in choosing and using accommodations. Students need to know what accommodations are possible, and then, based on knowledge of their personal strengths and limitations, they select and try accommodations that might be useful for them. The more input students have in their own accommodation choices, the more likely it is that they will use and benefit from the accommodations.

When making decisions about accommodations, instruction is always the foremost priority. Not all accommodations used in the classroom are allowed during a state assessment. However, an educator's ability to meet the individual needs of a student with dysgraphia or provide support for the use of an accommodation should not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators should have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators should also collect and analyze data pertaining to the use and effectiveness of accommodations (e.g., assignment/test scores with and without the accommodation, observational reports from parents and teachers) so that informed educational decisions can

be made for each student. By analyzing data, an educator can determine if the accommodation becomes inappropriate or unnecessary over time due to the student's changing needs. Likewise, data can confirm for the educator that the student still struggles in certain areas and should continue to use the accommodation.

For more information about accommodations, see [At a Glance: Classroom Accommodations for Dysgraphia](https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia), available at <https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/at-a-glance-classroom-accommodations-for-dysgraphia>

Technology Tools

There are many technology resources to assist a student with dysgraphia. The *Technology Integration for Students with Dyslexia* online tool (TEC §38.0031) is a resource developed to support school districts and charter schools in making instructional decisions regarding technology that benefit students with dyslexia and related disorders. For more information and to view this source, visit [Dyslexia and Related Disorders | Texas Education Agency](https://www.region10.org/programs/dyslexia/techplan/).
~~<https://www.region10.org/programs/dyslexia/techplan/>~~

Appendix A: Frequently Asked Questions (FAQ)

While this is included in the Dyslexia and Related Disorders Handbook, which can only be amended by the State Board of Education through their authority at Texas Education Code (TEC) 7.102(c)(28) and 38.003, this Appendix is considered to be Texas Education Agency (TEA) guidance on the implementation of the Handbook. TEA has authority to update this Appendix as new or revised guidance prompts such updating. TEA will indicate the month and the year on which updates occur within this document.

Dyslexia Evaluation, Identification, and Instruction

Visit the TEA Dyslexia and Related Disorders website for additional information.

Definitions

It is important to provide certain definitions for terms used in this FAQ. Those are:

Child with a disability - The Individuals with Disabilities Education Act (IDEA) defines a child with a disability as a child evaluated as having at least one of 13 disabilities, and by reason thereof, needs special education and related services. Therefore, in this document, the use of this term means both the presence of an eligible disability and the need for special education and related services. The need for special education and related services includes the need for evidence-based dyslexia instruction based on the identified disability of dyslexia.

Dyslexia Handbook – This is one component of how the SBOE complies with its statutory authority to adopt rules and standards for screening, testing, and serving students with dyslexia. Sometimes referred to as simply “the Handbook” throughout this FAQ, it is officially the 2021 update adopted by reference in SBOE rule at 19 Texas Administrative Code (TAC) §74.28. All LEAs are required to follow the Handbook.

Evidence-based dyslexia program – This term refers to the provision of evidence-based dyslexia instruction by using one or more evidence-based reading programs for dyslexia or curriculums purchased or developed by an LEA that is/are aligned with all instructional methods and components for dyslexia instruction as described in the Dyslexia Handbook. Evidence-based dyslexia programs include instructional methods that are simultaneous and multisensory (visual, auditory, kinesthetic, and tactile); systematic and cumulative; explicit; diagnostic and taught to automaticity; synthetic; and analytic [pages 42-43 of the Dyslexia Handbook]. In addition, evidence-based dyslexia programs must address all of the required critical, evidence-based components of dyslexia instruction (phonological awareness, sound-symbol association, syllabication, orthography, morphology, syntax, reading comprehension, and reading fluency) [pages 40-42 of the Dyslexia Handbook].

Evidence-based dyslexia programs are considered specially designed instruction (SDI) (i.e., a special education service). An admission, review, and dismissal (ARD) committee will ensure, for a student with dyslexia eligible under IDEA, that the SDI contains all elements of an evidence-based dyslexia program as outlined in the Handbook. Accommodations (e.g., additional practice, smaller groups or individual instruction, longer time to progress) may be listed in the student’s individualized education program (IEP) and provided based on student need. An ARD committee should only consider deviations from the program if clearly indicated by data collection, a student’s present levels of academic achievement and functional performance (PLAAFP), and other areas of the student’s IEP. For instance, a student who has dyslexia and a sensory impairment (e.g., blind or visually impaired, deaf or hard of hearing, deafblind) may need modifications to access the program.

The term “evidence-based dyslexia program” can be interpreted as being synonymous with “standard protocol dyslexia instruction,” as that term was used in the Dyslexia Handbook, 2021 update.

Local educational agency (LEA) – This term applies to both school districts and open enrollment charter schools. Where questions and answers in this document do not pertain to open enrollment charter schools, the item will specifically refer to school districts.

Parent – This term generally means a child’s biological or adoptive parent but may also include another person who is included in the definition of the term “parent” under IDEA at 34 C.F.R. §300.30.

Provider of dyslexia instruction (PDI) – This person must be fully trained in the LEA’s adopted instructional materials for students with dyslexia, as required by Texas Education Code (TEC) §29.0032. This means that a PDI must be fully trained in the LEA’s evidence-based dyslexia program and able to use individualized, intensive, multisensory, phonetic methods, and a variety of writing and spelling components described in the Dyslexia Handbook. While there is no required certification or license required for a PDI, LEAs are encouraged to seek out individuals who have specific licenses and certifications that focus on dyslexia identification and instruction, such as licensed dyslexia therapists (LDTs), licensed dyslexia practitioners (LDPs), certified academic language therapists (CALTs), certified academic language practitioners (CALPs), and those with structured literacy certifications. A PDI does not have to be a certified special education teacher, unless the LEA employs the PDI in a position that requires the certification. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

Specially designed instruction (SDI) – As an element of the term special education, IDEA defines SDI as adapting, as appropriate to the needs of an eligible child with a disability, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum. [34 C.F.R. 300.39(b)(3)] In addition to the identification of a disability, the need for SDI is an area that an ARD committee considers when determining initial and continued eligibility for special education and related services.

Standard protocol dyslexia instruction (SPDI) – This term, as used in the Dyslexia Handbook, 2021 Update, was defined on as evidence-based, multisensory structured literacy instruction for students with dyslexia. This term should be interpreted as being synonymous with “evidence-based dyslexia instruction,” and “evidence-based dyslexia program,” and there is no distinction between this and other types of dyslexia instruction, including SDI.

Child Find and the Initial Evaluation Process

(1) How did HB 3928 impact an LEA’s Child Find process?

Distribution of a form on rights under IDEA that may be additional to those under Section 504 of the Rehabilitation Act of 1973. If a student is suspected of having dyslexia and may be a child with a disability, including when data supports a suspicion after the reading diagnostic assessments under TEC §28.006 or screening under TEC §38.003, LEAs must distribute to parents a form, developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504. The Notice of Procedural Safeguards (NPS) meets the federally required notice of IDEA rights and is part of the process of seeking informed parental consent for evaluation, but the state requirement resulting from this bill is a specific form summarizing the rights that might be additional to those offered under Section 504. The Overview of Special Education for Parents form is available in English and in multiple languages.

In regard to the form, LEA responsibilities include the following when an initial special education evaluation has been requested by a parent, or the LEA has referred the student for an initial evaluation:

- When dyslexia is suspected, the LEA must distribute the form when the LEA issues to parents the prior written notice of its proposal to conduct an evaluation, a copy of the NPS, and the opportunity to consent to the evaluation [19 TAC §89.1011(b)(1)], or when the LEA issues to parents the prior written notice of its refusal to conduct an evaluation and a copy of the NPS [19 TAC §89.1011(b)(2)];

- Parents need to be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA will need to retain evidence of the parent’s signature or documentation that the parent refused to provide a signature.

(2) What are the unique requirements specific to the evaluation and identification process for dyslexia?

Required Multidisciplinary Team (MDT) Member. TEC §29.0031 specifies that someone with specific knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA’s MDT when dyslexia is the suspected disability. This is a team of qualified professionals who conduct the evaluation for a student. [See **Required Member of the Multidisciplinary Team and the ARD Committee** for more specific information about requirements for this person’s qualifications and participation in the evaluation and ARD committee meeting.]

Dyslexia is a specific learning disability (SLD). TEC §29.0031 states dyslexia is an example of and meets the definition of a SLD under IDEA. This is in conformity with IDEA’s federal regulations at 34 C.F.R. §300.8(c)(10), which specifically lists dyslexia as an example of an SLD. TEA provides the following guidance associated with an evaluation for dyslexia:

- The condition of dyslexia, if identified, must be documented and used in a student’s evaluation and any resulting IEP. However, for purposes of the Public Education Information Management System (PEIMS), 34 C.F.R. §300.311 requires specific documentation of a child’s eligibility determination as a child with an SLD. Thus, for the purpose of data reporting, an LEA would indicate the eligibility category for a student identified with dyslexia as SLD. As a result of the bill, TEA anticipates that each software vendor that contracts with LEAs for IEP development and implementation will add dyslexia to the list of SLD areas. In other words, dyslexia would be added to the existing list of SLD areas (e.g., basic reading skill, math calculations, reading fluency, written expression) so that ARD committees can simply select “dyslexia” to indicate the type of SLD identified. OSERS’s October 23, 2015 Dear Colleague letter on dyslexia clarifies that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluations, eligibility determinations, or IEP documents.
- There are specific evaluation domains and questions outlined in the Handbook that must be used when determining the presence of dyslexia. **There is no single instrument, score, or formula that will automatically rule in or rule out dyslexia. It is not required that a student demonstrate a specific cognitive weakness that correlates with an academic achievement weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia.** Dyslexia identification is based on the preponderance of evidence. The ARD committee must interpret evaluation test results in light of the student’s educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning. The team must first look for a pattern of evidence reflective of the primary characteristics of dyslexia, i.e., unexpectedly low performance in some or all of the following areas:
 - reading words in isolation,
 - decoding unfamiliar words accurately and automatically,
 - reading fluency for connected text (rate and/or accuracy and/or prosody), and
 - spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia).

Teams should keep in mind that a deficit in one area of phonological awareness can limit reading progress and consider discreet skills (vs. composite scores), when drawing conclusions. Teams should also keep in mind that the presence of a sensory impairment, such as visual impairment, deaf-blindness, or being deaf or hard of hearing does not rule out the possibility of the presence of an SLD, including dyslexia. If the ARD committee determines that the student exhibits weaknesses in reading and spelling, the committee will then examine the student’s data to determine whether these difficulties are unexpected in relation to the student’s other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. It is not one single indicator but a preponderance of data (both informal and formal) that provides the

committee with evidence for whether these difficulties are unexpected. In other words, the following questions must be considered when making a determination regarding dyslexia:

- Do the data show the following characteristics of dyslexia?
 - Difficulty with accurate and/or fluent word reading
 - Poor spelling skills
 - Poor decoding ability
- Do these difficulties (typically) result from a deficit in the phonological component of language? (Be mindful that average phonological scores alone do not rule out dyslexia.)
- Are these difficulties unexpected for the student's age in relation to the student's other abilities and provision of effective classroom instruction?

Teams must also remember that evaluations for dyslexia and all other specific learning disabilities must meet the criteria in 19 TAC 89.1040. Note that eligibility for SLD, including dyslexia, may be identified through a Response to Intervention (RTI) method or a pattern of strengths and weaknesses (PSW) model. Note that a PSW model is NOT the same thing as a significant variance/discrepancy model. Texas does not allow SLD eligibility to be made using a discrepancy model. MDTs will complete a comprehensive evaluation for dyslexia using both the requirements of the handbook and requirements of 19 TAC 89.1040. These are not separate evaluations. Identifying if the student is underachieving in one or more areas is based on **multiple sources of data**, rather than a single score or piece of information. **Evaluators must not rely on interpretative models or processes that exclude evidence of a disability based on predetermined score profiles or cut-off scores. Requiring a student to have a cognitive weakness that correlates with an academic weakness may result in a student not receiving special education and related services that they are entitled to receive.**

(3) Does the student have to be in a certain grade level before dyslexia evaluation can occur?

No. Data related to the reading achievement and progress of all students should be continuously monitored and reviewed. A student who demonstrates poor performance in reading and spelling that is unexpected for the student's age, grade or other abilities and who exhibits the characteristics of dyslexia and a suspected need for services shall be referred for an evaluation under the IDEA. TEC §28.006 requires school districts or open-enrollment charter schools to administer a reading instrument at the kindergarten first-grade, and second-grade levels and to notify the parent/guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of the reading instrument results, to be at risk for dyslexia or other reading difficulties. School districts and charter schools must also administer a reading instrument to grade 7 students who did not demonstrate proficiency on the grade 6 state reading assessment. Also, Texas Education Code (TEC) §38.003, Screening and Treatment for Dyslexia, requires that all kindergarten and first-grade public school students be screened for dyslexia and related disorders.

(4) Can students in kindergarten and first grade be evaluated for dyslexia?

Yes. The identification of dyslexia in young students in kindergarten and first grade will often occur through the observation of parents/guardians and educators that, despite active participation in comprehensive reading instruction, a child with sound reasoning and/or language ability shows limited reading progress. Early reading instruments (TEC §28.006) in kindergarten–grade 2 assess the emerging reading skills that are key components to the identification of dyslexia. These skills include phonological awareness, letter knowledge (graphophonemic knowledge), decoding, and word reading. Early reading instruments serve as an important early screening for many reading difficulties, including dyslexia. When a child does not meet the basic standards of these early reading instruments, the pattern of difficulty may indicate risk factors for dyslexia. A child whose skills have not reached the normative standards of these instruments requires intensified reading instruction and possible consideration for a full individual and initial evaluation (FIIE) under IDEA. With the decision to conduct an evaluation of a young student (k-grade 1)

suspected of having dyslexia, it is important to note that current standardized test instruments available to school districts are not particularly sensitive to the skill variations for these students. The identification will require data gathering that is not limited to standardized instruments and that includes information from these early reading instruments, intervention data, and classroom performance patterns.

(5) May a parent/guardian request that a student be evaluated for dyslexia?

Yes. The parent/guardian may request a full individual and initial evaluation (FIIE) for dyslexia or a related disorder under IDEA. Under the IDEA, if the school refuses the request to evaluate, it must give parents prior written notice of its refusal to evaluate, including an explanation of why the school refuses to conduct an FIIE, the information that was used as the basis for the decision, and a copy of the Notice of Procedural Safeguards. Should the parent disagree with school's refusal to conduct an evaluation, the parent has the right to initiate dispute resolution options including mediation, state complaints, and due process hearings.

(6) Can the parent/guardian provide an assessment from a private evaluator or source?

Yes. A parent/guardian may choose to have his/her child assessed by a private evaluator or other source. To be valid, this assessment must comply with the requirements set forth in the guidelines in Chapter III: Procedures for the Evaluation and Identification of Students with Dyslexia of this handbook. While an outside assessment may be provided to the Admission, Review and Dismissal (ARD) or Section 504 committee and must be considered by the committee, it does not automatically create eligibility. Instead, the committee determines eligibility based on a review "of data from a variety of sources."

(7) What can parents do if they disagree with the school's evaluation?

A parent may request an Independent Educational Evaluation (IEE) at public expense.

(8) Must a student fail a class or subject before being recommended for evaluation for dyslexia?

No. A student need not fail a class or subject or fail the state-required assessment in order to be referred for an evaluation. According to TEC §38.003, students should be evaluated for dyslexia at appropriate times. The appropriate time depends upon multiple factors, including the student's reading performance; reading difficulties; poor response to supplemental, scientifically-based reading instruction; teacher's input; and input from the parents/guardians. When those factors lead to a suspicion of a disability, including dyslexia or a related disorder, and a need for services, the student must be referred for a full individual and initial evaluation (FIIE) under IDEA.

(9) Can a student be referred for a full individual and initial evaluation (FIIE) under IDEA for dyslexia and related disorders even if he/she has passed a test required by the statewide assessment program?

Yes. Results from a state test required by the statewide assessment program are only one source of data to be gathered and considered for possible recommendation for an evaluation. Other information must also be considered, such as teacher information, report card grades, parent information, history of reading difficulties, informal observations of the student's abilities, response to scientifically based reading instruction, etc.

(10) How many years does a student need to receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder can be considered?

There is no fixed amount of time that an emergent bilingual (EB) student must receive bilingual/ESL instruction before a comprehensive evaluation with the condition of dyslexia and/or a related disorder is considered. This will ensure that the LEA does not inadvertently violate their federal Child Find obligations.

(11) What determines the language of instruction for dyslexia services related to an emergent bilingual student?

To determine the language of instruction of dyslexia services for an emergent bilingual student, the committee of knowledgeable persons (ARD or Section 504 committee) must include a member of the LPAC and should consider the following two issues: What language allows the student to adequately access the dyslexia services? What is the student's current language of classroom instruction?

(12) When a student does not attend the local school district, what procedures are followed for identification of dyslexia?

State law related to dyslexia, TEC §38.003, indicates that the law pertains to students enrolled in public schools. However, federal laws still apply to students with disabilities enrolled in private schools.

Under IDEA, if a student attends private school or is home-schooled and is suspected to have a disability and the need for special education services, the student must be referred for a full individual and initial evaluation (FIIIE) as required by the Child Find provisions of IDEA. The school district where the private school is located is responsible for conducting Child Find for parentally-placed private school children.

In addition, while no parentally-placed private or home school student who has been determined to be a student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school, IDEA requires school districts to provide these students with an opportunity for equitable participation, through the development of a services plan, in the IDEA-funded services offered by the school district to private school students. For more information on this topic, please see TEA's Guidance on Parentally Placed Private School Children with Disabilities webpage.

A private school's duty to comply with Section 504, on the other hand, depends on whether it receives federal funds. If a private school receives federal funds and provides special education services, it must operate its programs in a manner that complies with the Section 504 regulations governing evaluations, placements, and procedural safeguards (34 C.F.R. §104.39 (c)).

(13) Is there one test that can be used to determine that a student has dyslexia or a related disorder?

No. School districts and open-enrollment charter schools should use multiple data sources, including formal and informal measures (e.g., day-to-day anecdotal information) that are appropriate for determining whether a student has dyslexia and/or a related disorder. For more information see Chapter 3: Procedures for the Evaluation and Identification of Dyslexia.

(14) Why is it important to assess rate, accuracy, and prosody for reading fluency when conducting a dyslexia evaluation?

The multidisciplinary evaluation team considers rate, accuracy, and prosody along with other factors, when assessing for a pattern of evidence for dyslexia. A test of oral-reading fluency must include the various components of reading fluency. A student may read words in a passage accurately, but very slowly, or a student may read the passage quickly with many errors. Therefore, measures of rate, accuracy, and prosody allow the examiner to observe and analyze a student's errors and miscues for diagnosis as well as inform instructional planning.

(15) Must a full-scale intelligence test be administered in the identification process for dyslexia?

No. The most current definition of dyslexia from the International Dyslexia Association (IDA) indicates that the difficulties the student exhibits in reading should be unexpected in relation to the student's other cognitive abilities and the provision of effective classroom instruction. Examples of other cognitive abilities that could be age-appropriate in relation to unexpected reading difficulties might include the student's oral language skills, problem-solving and reasoning skills, ability to learn in the

absence of print, or strong math skills in comparison to reading skills. IDEA requires school districts and charter schools to use a variety of assessment tools and strategies to gather relevant, functional, developmental and academic information including information provided by the parent. Evaluation must assess all areas related to the student's suspected disability.

Section 504 requires the evaluation to draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical conditions, social or cultural background and adaptive behaviors.

(16) If a student is already receiving special education services for one particular area of need (e.g., speech) and the student is suspected to have dyslexia or a related disorder, does the ARD committee need to convene to recommend that the student be evaluated for dyslexia and related disorders?

Yes. For any student receiving special education services, including a student receiving speech services, the ARD committee and other qualified professionals, as appropriate, must review existing evaluation data on the student and, on the basis of that review and input from the student's parents/guardians, identify what additional data, if any, are needed to make an informed decision regarding the identification of dyslexia. If further evaluation is recommended, the school district or charter school must give the parent or guardian prior written notice of the proposed evaluation and a notice of procedural safeguards (when required) and seek parental consent for the evaluation according to the requirements by IDEA. A timeline for completion of any new evaluation should be determined by the ARD committee.

(17) What requirements need to be kept in mind when considering reevaluations or retesting for students with dyslexia?

Under IDEA, reevaluation of a student with a disability may not occur more than once a year, unless the parent and the school district or charter school agree otherwise; and must occur at least once every three years, unless the parent and the school district or charter school agree that reevaluation is unnecessary. The first step for any reevaluation is conducting a review of existing evaluation data (REED), which identifies what, if any, additional data is necessary for the reevaluation. Under state law, a student determined to have dyslexia during screening or testing 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 school district or charter school reevaluates the information obtained from previous testing of the student (TEC §38.003(b-1)).

(18) Is the district or open-enrollment charter school responsible for conducting evaluations or reevaluations required by colleges and universities for students with dyslexia to receive accommodations?

No. The school district's or charter school's duty to evaluate only applies for purposes of determining eligibility and services in the school's programs and activities during the period in which the student is eligible. According to the U.S. Department of Education Office of Civil Rights (OCR), neither the high school nor the postsecondary school is required to conduct or pay for a new evaluation to document a student's disability and need for accommodations. Consequently, the responsibility will fall to the student. All IDEA rights conclude and a student exits special education upon graduation and issuance of a regular high school diploma, as that term is defined by IDEA at 34 CFR §300.102(a)(3)(iv). However, if a student has an up-to-date evaluation prior to leaving high school, the evaluation may help identify services that have been effective for the student when a postsecondary institution is determining the need for academic adjustments. TEC §51.9701 states that "unless otherwise provided by law, an institution of higher education, as defined by §61.003, may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student."

Required Member of the Multidisciplinary Team and the ARD Committee

(19) Who can serve as the required MDT and ARD committee member when dyslexia is suspected and special education eligibility is determined?

Requirements for Member With Dyslexia and Reading Knowledge. When dyslexia is suspected, a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's MDT and any ARD committee that is convened to determine eligibility for special education and related services. TEC §29.0031 lists three means to satisfy this membership requirement:

(1) Be an LDT;

(2) Be an individual who holds the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, either the rules or Handbook adopted by the SBOE; or

(3) If neither of the first two is available, be an individual who meets applicable training requirements adopted by the SBOE.

LEAs must prioritize the individuals who meet the credentials of the items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)-accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2), an LEA may identify another individual to serve in this role who, **within the school year of being designated as such member, must:**

- **register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);**
- **register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training;**
and
- **must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.**

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

(17) How should this member document their participation in a student's evaluation and any resulting IEP?

TEC §29.0031 requires the dyslexia member of the MDT or ARD committee to sign a document describing their involvement and participation in the evaluation and any resulting IEP. TEA expects the member to sign the evaluation report conducted by the MDT. Signatures from the professionals serving on the MDT indicate consensus with the overall interpretations and conclusions contained within the evaluation. In situations where members of the MDT have different interpretations, they must work collaboratively to review the various sources of data and gather additional information as necessary to complete a single comprehensive evaluation report that is compliant with state and federal requirements and present the results for ARD committee consideration. Participation and involvement in an ARD committee meeting should be noted on an IEP signature page and clearly indicate that the person is fulfilling the role of this required member. In this case, it might be appropriate to document the member's role as the member required by TEC §29.0031(b).

(18) Is this member required for every ARD committee meeting?

No. This member **must be part of any ARD committee meeting convened to determine a student's eligibility for special education and related services.** This means that the member must be a part of an ARD committee meeting that determines initial eligibility and any meeting at which a change in and/or continued eligibility is discussed, as in a re-evaluation. Keep in mind, however, that a student's PDI must be involved in the development and implementation of the student's IEP. While the student's PDI does not necessarily have to meet the criteria listed for this required member, the PDI will also have knowledge of the reading process, dyslexia and related disorders, and dyslexia instruction since the PDI is required to be fully trained in the LEA's adopted instructional materials for students with dyslexia. [See **Providers of Dyslexia Instruction (PDIs)**, below]

Determining Eligibility for Special Education and Related Services

(19) Is an evidence-based dyslexia program and evidence-based dyslexia instruction considered SDI, i.e., a special education service?

Yes, evidence-based dyslexia instruction is a special education service. TEC §7.102(c)(28) requires that there no longer be a distinction between standard protocol dyslexia instruction and other types of dyslexia instruction. An evidence-based dyslexia program, then, is SDI that is required for students who need it.

To establish a student’s eligibility under IDEA, an ARD committee must address two qualifying factors, commonly referred to as prong 1 and prong 2. For purposes of identifying *dyslexia* specifically, first, to determine whether a student has a qualifying disability under prong 1, an ARD committee reviews evaluation reports and other appropriate information to determine whether a student has dyslexia. Second, if prong 1 is established, the ARD committee next determines prong 2, whether the student needs special education and related services. For a student with dyslexia, the prong 2 decision should include whether a student needs evidence-based dyslexia instruction or any other SDI to make progress. Therefore, if a student has been identified as a student with dyslexia and has been determined to need evidence-based dyslexia instruction or other SDI, then the student qualifies for special education and related services under IDEA as a student with an SLD for dyslexia. To reiterate, any student needing evidence-based dyslexia instruction containing all elements in the Handbook meets eligibility for prong 2.

For a student with a disability who is in need of special education, the ARD committee determines the SDI that meets the unique needs of the student. Note that an ARD committee is NOT prohibited from determining that an evidence-based dyslexia program is an appropriate special education service for any IDEA-eligible student with a disability who may not be formally identified with dyslexia. A student with a disability has access to the SDI needed in order for that student to make progress on his or her IEP. If a student needs instruction through an evidence-based dyslexia program, the ARD committee would document in the PLAAFP the student’s needs in the area of reading with baseline data, an annual goal for that area of reading, and evidence of progress is documented when goals are monitored.

(20) What about students who currently receive evidence-based dyslexia programs through an accommodation plan under Section 504?

LEAs cannot unilaterally decide to discontinue the provision of an evidence-based dyslexia program to a student who currently receives it through a Section 504 plan. Additionally, if a student is currently receiving only instructional accommodations and other regular education aids and services under a Section 504 accommodation plan (i.e., is not being provided an evidence-based dyslexia program), an LEA cannot discontinue those protections and plan with the exception of the already required periodic Section 504 reviews to document a student’s continued impairment and continued need for 504 protections. As the field begins to transition to the change that a student’s identification of dyslexia and need for an evidence-based dyslexia program will be considered SDI and qualifies the student as eligible for special education and related services, action will be required for those students whose LEAs currently offer the evidence-based dyslexia program through Section 504. **Section 504 committees must begin the process of discussing a student’s continued need for an evidence-based dyslexia program and submitting referrals for full individual and initial evaluations (FIIEs). Each LEA should hold a Section 504 meeting as soon as possible but no later than by the end of the 2024-2025 school year to determine whether the student continues to require an evidence-based dyslexia program. If so, the LEA must refer the student for an FIIE.** In these cases, the student should continue to receive instruction through an evidence-based dyslexia program while awaiting parental consent for the FIIE, its completion, and the subsequent eligibility determination. LEAs should prepare for eligibility determinations to be made so that each eligible student could begin services under an IEP as soon as possible but no later than the beginning of the 2025-2026 school year.

Note that many of these students may have recently had an FIIE as part of the identification of dyslexia (a requirement since the 2021 update to the Handbook), and the ARD committee may have determined the student was not eligible to receive special

education services. In these cases, an LEA must still operate as if a new initial evaluation is taking place, which means asking parents to provide informed consent for evaluation and adhering to 34 C.F.R §300.301 and 19 TAC §89.1011. However, during the review of existing evaluation data (REED) process, the MDT, which includes input and data from the student’s parents, might determine that an updated student observation and collection of recent informal student data would be the only items necessary to include along with the recent evaluation report in order to determine eligibility and educational needs. If the parent of a student receiving this type of instruction under a Section 504 accommodation plan refuses to consent to an FIIE, the LEA has the option of using due process and/or mediation to seek consent to evaluate.

If an LEA receives a transfer student identified with dyslexia who was receiving an evidence-based dyslexia program through a Section 504 accommodation plan at the student’s former LEA, the receiving LEA should take the necessary steps to accept and implement the Section 504 accommodation plan. The receiving LEA should provide the student the evidence-based dyslexia program while it initiates the process to refer the student for an FIIE.

A student is no longer eligible to receive instruction in an evidence-based dyslexia program through a Section 504 accommodation plan if a parent does not consent to an FIIE. As LEAs begin this transition, they are encouraged to prioritize referrals for FIIEs during this timeframe to those students who are currently receiving this type of instruction through a 504 plan because the LEA initially declined to evaluate under IDEA, as well as to those students who are not progressing appropriately through their evidence-based dyslexia program. A parent may request an evaluation at any time.

(21) What if a parent does not give consent for either an FIIE when dyslexia is suspected or for the provision of special education and related services when dyslexia is identified?

Beginning with the 2023-2024 school year, which is the school year in which HB 3928 first applied, a student will not be entitled to receive an evidence-based dyslexia program if a parent does not consent to the provision of special education and related services following an FIIE or after an ARD committee has determined that the student is eligible for special education based on the identification of dyslexia and a need for an evidence-based dyslexia program. Under IDEA at 34 C.F.R. §300.300(b), a parent of a child with a disability is entitled to decline the provision of special education and related services.

Because evidence-based dyslexia programs are considered SDI and therefore special education services, the provision of those services must follow the IDEA requirements. A parent’s refusal to consent to an evidence-based dyslexia program through IDEA means that the parent is refusing the child’s special education and related services. Therefore, a parent should be informed of the following:

- The provision of an evidence-based dyslexia program is considered SDI, as that term is defined under IDEA. This means that an evidence-based dyslexia program is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services.
- Evidence-based dyslexia programs are not considered to be “regular” education aids and services. Regular aids and services are things like accommodations provided to a student to assist in classroom instruction and access to instruction, such as giving extra time for assignments and allowing speech-to-text capabilities when given a writing assignment. While a Section 504 plan could be appropriate for those needs, the need for an evidence-based dyslexia program crosses over into a special education need.
- Receiving special education and related services does not equate to a “place” where students are sent or that a student will necessarily see a dramatic shift in their services and schedules. The term special education and related services is drawn from IDEA and its terminology of requiring SDI because of an identified disability. IDEA provides unique parent and student protections under the law.

(22) If a student is not entitled to an evidence-based dyslexia program because a parent refused consent for an FIE or the provision of special education and related services, what is the LEA’s obligation to provide the student supports?

For those students who are having difficulty in the regular classroom, all LEAs must consider tutorials, interventions, and other academic or behavioral support services available to all students, including a multi-tiered system of supports (MTSS). A parent’s refusal to consent to an FIE does not prohibit the student from receiving other support services from which they may benefit and that are available to all students. A student with a Section 504 accommodation plan would also be entitled to those support services. However, implementation of the LEA’s purchased or developed evidence-based dyslexia program is considered SDI (i.e., a special education service not available to all students); therefore, the program will be provided to a student whose parent consents to the provision of special education and related services. Note that a reading intervention program that addresses all of the required components and instructional methods of dyslexia instruction as listed in the Handbook would be considered an evidence-based dyslexia program. While a student determined to be at risk for dyslexia or other reading difficulties based on a dyslexia screener would likely receive temporary targeted interventions as part of the LEA’s data gathering process to determine whether the student is suspected of having dyslexia – which will likely overlap with some of the same components and instructional methods – it would be inappropriate to utilize a program that is designed to be used for dyslexia instruction through the LEA’s MTSS. LEAs are reminded that they must comply with TEC §26.0081 whenever a child begins to receive intervention strategies. One of the requirements is that LEAs must provide parent notification. Additionally, LEAs are reminded that they cannot deny a parent’s request for a special education evaluation for their child based on a requirement that students receive interventions and supports for specific amount of time.

(23) If a student no longer needs an evidence-based dyslexia program, might that student eventually be exited from special education and placed on a Section 504 plan?

Under IDEA, it is possible for a student to no longer require special education and thus no longer qualify for an IEP. A school may only exit a student from special education after following all applicable procedures. When an ARD committee determines a student with dyslexia no longer requires evidence-based dyslexia instruction, it might determine that the student still would benefit from regular education aids and services (e.g., instructional accommodations). In that case, if an evidence-based dyslexia program was the only special education and related services the student received, the ARD committee could determine that the student no longer meets prong 2 under IDEA (the student’s need for SDI), exit the student from special education, and a Section 504 committee should determine eligibility and consider the student’s need for a Section 504 plan as necessary.

Should a student’s dyslexia diagnosis be a consideration when making decisions about accelerated instruction, promotion, and/or retention? Yes. In measuring the academic achievement or proficiency of a student who has dyslexia, the student’s potential for achievement or proficiency in the area must be considered. When making determinations about promotion, the ARD or Section 504 committee, as appropriate, shall consider the recommendation of the student’s teacher, the student’s grade in each subject or course, the student’s score on a state assessment instrument, and any other necessary academic information, as determined by the district (TEC §28.021(b)-(c))

Determining and Documenting Special Education and Related Services in the IEP

(24) Once a student is determined eligible for special education and related services based on identification of dyslexia and a need for evidence-based dyslexia instruction, how does an ARD committee determine and document the program in the IEP?

Every eligible student with dyslexia needs to be considered for the LEA's evidence-based dyslexia program. Each LEA's program must address every component of dyslexia instruction and each instructional delivery method required in the Handbook. Accordingly, every ARD committee should be able to communicate and discuss how the program addresses the following:

- The required components of dyslexia instruction;
- The required instructional delivery methods;
- How teaching the program with fidelity is defined (e.g., grouping formats, duration of program, how often and for how long a student receives the program); and
- The PDI's training and skill level required for the program.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements. The student's PLAAFP and the goals developed based on the PLAAFP will also target the student's specific reading goals as determined by the ARD committee. While a PDI is teaching the program, the PDI should always consider individual student needs while progressing through the program. As they track the student's progress on his or her IEP goals and through the program's progress monitoring checks, the PDI and cooperating special education teacher might determine that a student requires additional services and supports, such as lowering the group size or utilizing a slower pace than what the program anticipates, while still maintaining the fidelity of the program. These types of determinations should be communicated to a parent/guardian, even when the additional services and supports do not affect the student's special education minutes or placement. An ARD committee should only consider deviations from the program's fidelity requirements when data collection, a student's PLAAFP, and other areas of the student's IEP clearly indicate the need for individualized modifications. An ARD committee cannot create its own type of SDI when the evidence-based dyslexia program is adequate to meet a student's needs, with or without some additional supports, unless it can specifically identify how the modified plan will offer and monitor all required components of dyslexia instruction.

Note that alterations from the program's fidelity statements and expectations should be made only for the direct benefit of the student based on his or her individual needs and must not be made deliberately to circumvent the components of fidelity that do not directly benefit the student (e.g., expanding the recommended group size or shortening the number of days/minutes per week for the instruction because of staff or scheduling capacity).

A student's need for an evidence-based dyslexia program might not end simply based on the student's progression through the program's sequence of lessons. Even when a student completes the program's sequential lessons, the PDI and cooperating special education teacher should work to identify whether the student continues to exhibit a need for an evidence-based dyslexia program based on identified skill gaps or any required components that need to be targeted in order for the student to meet his or her IEP goals.

(25) How does an ARD committee document the evidence-based dyslexia program on the schedule of services of an IEP, and how does the program impact instructional arrangement (IA) coding for purposes of state funding?

The evidence-based dyslexia program will be documented as a special education service that is received in a special education location. An ARD committee will document frequency and duration of services in accordance with the evidence-based dyslexia program requirements unless the ARD committee is adding to or extending the SDI that is required to meet the student's needs. Note that if the PDI is not a special education teacher, a certified special education teacher is required to be involved in the implementation of the student's IEP through the provision of direct, indirect and/or support services to the student in the general education classroom and/or in collaboration with the student's general education classroom teacher and the PDI. The special education teacher in this scenario is likely to collaborate with the PDI and the rest of the ARD committee in the development of the student's PLAAFP and in the development and implementation of the student's annual goals related to dyslexia. The special education teacher is also likely to collaborate with the student's other teachers to assist with the provision

of accommodations or in lesson planning. However, it is possible that a special education teacher could provide direct support in a general education setting in other content areas because of the student's identified dyslexia or other identified disabilities.

The following chart reflects common situations on how an evidence-based dyslexia program could impact the schedule of services and a student's IA:

Arrangement A

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided indirect special education teacher supports.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of a free appropriate public education (FAPE). A certified special education teacher provides indirect or support/consultative services. The IEP includes measurable annual goals, progress monitoring, and any appropriate accommodations. The student receives no other special education and related services.

Impact on IA

Where the student receives the evidence-based dyslexia program is considered a special education location. The ARD committee will determine the indirect or support/consultative services that are necessary for the student and document those accordingly. If the required frequency of the program and indirect supports result in less than 21 percent of the student's instructional day in a special education setting, the IA code will be PEIMS code 41.

Arrangement B

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is not a certified special education teacher, and the student is provided direct special education teacher supports and/or related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct supports to the student in one or more content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct supports and related services and document those accordingly. The IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the Student Attendance Accounting Handbook (SAAH)].

Arrangement C

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives no other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. If the required frequency the program results in less than 21 percent of the student's instructional day in a special education setting, the PEIMS code would be 41.

Arrangement D

Role of PDI and Special Education Teacher

The evidence-based dyslexia program is taught by a trained PDI who is a certified special education teacher (the certification is required by the LEA), and the student receives other special education and related services.

Impact on Schedule of Services

The evidence-based dyslexia program is documented in the IEP as a special education service required for the provision of FAPE. A certified special education teacher provides direct or indirect supports to the student in additional content areas, and/or the student receives related services.

Impact on IA

Where a student receives the evidence-based dyslexia program is considered a special education location for purposes of the student's IA. The ARD committee will determine the necessary direct or indirect supports and related services and document those accordingly. IA code will be determined based on the percentage of the student's instructional day the student receives special education and related services in a setting other than general education. [Calculate IA per the Student Attendance Accounting Handbook (SAAH)].

(26) Are there restrictions as to when (such as outside the school day) an LEA can require the provision of SDI, such as the provision of an evidence-based dyslexia program, to a student?

The LEA is responsible for the provision of FAPE to a student. In the case of a student receiving an evidence-based dyslexia program – which typically requires a certain number of minutes per day or majority of days each week – it can be difficult to accommodate this instruction into a student's daily schedule. While an ARD committee, which includes the student's parent (or adult student), can make adjustments to accommodate the student's schedule while still developing an IEP that offers a FAPE, an LEA should not mandate the provision of special education and related services outside of school hours. An LEA also should not unilaterally decide that all students who need to receive instruction through an evidence-based dyslexia program must give up specials (e.g., music, art) or a chosen elective in order to receive that instruction. Again, whereas an ARD committee can come to agreement on certain scheduling decisions, an LEA must not place certain conditions on a student or student group that they would not impose on other students simply because of the identification of a disability and the need for special education and related services. If the evidence-based dyslexia instruction that is being considered is outside of school hours or as a replacement for a non-core class or elective, it needs to be an ARD committee decision and must not be a unilateral decision of the LEA. If the LEA and parent disagree regarding the evidence-based dyslexia program or SDI instruction time that is provided during non-core classes/electives or outside of the school day, this must be documented in the IEP, and the parent must be provided prior written notice of any resulting change of placement. LEAs are encouraged to schedule special education services first when developing the master schedule for any given school year. Providing a zero hour/advisory period/homeroom time during the school day may provide needed flexibility in a master schedule.

(27) Is the district required to provide technology devices for students identified with dyslexia?

Yes, if the ARD committee determines assistive technology (AT) devices or services are necessary to provide a student with FAPE. School districts and charter schools must ensure that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's special education, related services, or supplementary aids and services. IDEA permits IDEA funds to be used to improve the use of technology in the classroom by students with disabilities to enhance learning and to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities. There are no Section 504 regulations concerning technology, students may need access to existing technology; therefore, the Free Appropriate Public Education (FAPE) requirement determines what technology (if any) is required. Nondiscrimination rules apply to instructional technology

Impacts on Public Education Information Management System (PEIMS) Coding and Program Intent Codes (PICs)

(28) If a student was receiving an evidence-based dyslexia program through special education and was coded as a 40 (mainstream instructional arrangement) last year, does an ARD committee meeting need to be held immediately to reflect a change in IA coding?

The IA submitted through PEIMS for a student impacts the state special education allotment generated for that student. The coding itself is not a specific part of a student's IEP since it is related to state funding rather than a student's programming. However, the IA coding is impacted by a student's schedule of services because time spent outside the general education classroom is considered in the calculation of the appropriate IA code. The LEA must first determine if the change in this circumstance is a change in location or a change in placement. To the extent that the LEA determines that it is a change in location and not a change in placement, an IEP amendment by agreement may be an option.

(29) What data submissions through Texas Student Data System (TSDS) PEIMS related to dyslexia are required?

There are three distinct required data submissions: Dyslexia Indicator Code, Dyslexia Risk Code, and Dyslexia Services Code. For more information, please visit the [Dyslexia and Related Disorders webpage](#).

(30) How does HB 3928 impact the collection of PEIMS data associated with the identification of students with dyslexia under TEC §48.009?

The bill should not significantly impact the data collection associated with TEC §48.009. An LEA will still be expected to note a "0" if the student is not identified with dyslexia and a "1" if a student is identified with dyslexia. If "1" is used, the LEA will still be expected to note whether the student participates in a special education program under TEC Chapter 29 or receives services under Section 504. Over time, TEA anticipates that these numbers will show a shift of students with dyslexia being served under special education.

(31) How will HB 3928 impact the coding associated with an LEA's uses of the dyslexia allotment under TEC 48.103?

The TEA Financial Accountability Systems Resource Guide (FASRG) describes the uses of program intent codes (PICs) 37 and 43.

Providers of Dyslexia Instruction (PDIs)

(32) What are the requirements for PDIs?

Every PDI must be fully trained in the LEA's adopted instructional materials for students with dyslexia. TEC §29.0032 imposes these PDI training requirements. Each LEA is responsible for ensuring compliance with this requirement.

A PDI does not have to be a certified special education teacher unless the individual is employed in a special education position that requires that certification. LEAs will determine whether the position requires the certification. The most highly trained and qualified individuals need to be the ones providing dyslexia instruction, including in an evidence-based dyslexia program. LEAs should strive to have the most highly trained and qualified individuals (e.g., CALTs, CALPs, LDTs) providing dyslexia instruction. It may divert from those efforts if LEAs use the approach of quickly training certified special educators to become PDIs as an

alternative to these highly trained individuals. Similarly, requiring an LDT, CALP, or CALT to become a certified special educator may significantly reduce the applicant pool of well qualified PDI candidates. Because paraprofessionals must work under the supervision of teachers, a paraprofessional cannot be the person providing instruction to students in the evidence-based dyslexia program.

While literacy achievement academies are valuable resources for any teacher involved in the science of teaching reading, completion of this academy does not meet the requirements for a PDI to be considered fully trained.

(33) Can a PDI provide support to students in prekindergarten through grade 12?

Yes. As long as the person holds the proper credentials or (e.g., CALT, LDT) or has completed appropriate dyslexia training (e.g., MTA), he or she may provide dyslexia intervention to any students in prekindergarten-grade 12

(34) What role does the PDI play in the development of a student’s IEP and progress monitoring of goals, especially if the PDI is not a certified special education teacher?

The PDI will play a critical role in the development of a student’s IEP. The PDI should be most familiar with the student’s progress and present levels of performance through the provision of the evidence-based dyslexia program. If the PDI is not also the special education teacher who works with the student, the PDI and special education teacher need to collaborate on all areas of the student’s IEP and progress monitoring. **Note that a PDI who is not a certified special education teacher cannot fill the role of a special education teacher as a required ARD committee member, so both will likely be a part of the ARD committee.** As a reminder, under 34 C.F.R. §300.321(a)(6), an LEA or parent can invite to an ARD committee meeting any person who has knowledge of special expertise regarding the child.

While TEA recognizes that staffing shortages exist across the state and respects LEA efforts to be strategic in hiring individuals to fulfill dual and specialized roles where possible, TEA cautions LEAs against an approach of using professionals like LDTs or CALTs outside of their expertise in instructing students with dyslexia or related disorders. While an LDT or CALT who is also a certified special educator might allow that professional to case manage and provide indirect supports to a student who is only receiving SDI because of the provision of an evidence-based dyslexia program, best practice would indicate to not divide that individual’s expertise and require other special education duties simply because the LDT or CALT is also a certified special educator. For example, if an LEA requires that its PDIs be both LDTs and certified special education teachers, that LDT would ideally not be assigned a role requiring the individual to teach content knowledge in math to another student receiving special education and related services simply because their teaching certification allows for it.

(35) Can PDIs who are not certified special education teachers be paid through federal or state special education funds?

Yes. PDIs will be providing instruction through the evidence-based dyslexia program that is considered a special education service documented in the IEP. **Because the services are required to provide FAPE, special education funds may be used for those positions.**

Progress Reporting

(36) When are dyslexia progress reports required?

TEC §29.0031 imposes progress reporting specific to students receiving dyslexia instruction. During the anticipated timeframe at which students transition to receiving dyslexia instruction only under and IEP, any student that is provided an evidence-based reading program under a Section 504 accommodation plan must have a progress report prepared and communicated to a parent specifically on the student’s progress as a result of that program at least once per grading period. To the extent that an IEP goal

progress report would not comply with this requirement for a student receiving special education and related services, a separate progress report at least once each grading period would need to be sent to comply with this piece of the bill.

Required Board Policy

(37) What is the role of a school board?

TEC §38.003(b) requires that the board of trustees of each school district and the governing board of each open enrollment charter school adopt and implement a policy requiring the district or school to comply with all rules and standards adopted by the SBOE to implement the dyslexia program, including the Handbook and guidance published by the commissioner. While a district or school was already required to comply with these requirements prior to the enactment of this law, the explicit local policy requirement may assist in boards staying directly involved in the LEA's implementation of the dyslexia program requirements.

Dispute Resolution

(38) What dispute resolution mechanisms are available to parents/guardians who may not agree with the decisions made by an LEA under IDEA and/or Section 504?

TEA offers multiple processes for resolving disputes related to special education: IEP facilitation, mediation, special education complaints, and due process hearings. To learn about these options, visit {insert dispute resolution processes webpage}.

The U.S. Department of Education Office for Civil Rights (OCR) oversees Section 504. {insert OCR website}.

(39) What can parents do if the LEA is not following state requirements related to dyslexia?

Concerns about local school matters, such as the programs selected for use by the LEA, staffing decisions, or services offered to an individual student, should be raised with the LEA. Each LEA must have a local complaint process that may be used to address the concern.

In some cases, an individual may wish to file a complaint with TEA. To file a general complaint with TEA about school district or charter school actions, an individual must allege that an LEA has violated a law or rule in the administration of a program required or administered by TEA or with respect to funds awarded or allocated by the agency. An individual wishing to file a complaint with TEA must submit the complaint in writing to the agency. [Insert websites for general and sped complaints]

A parent can also utilize other dispute resolution options found [insert dispute resolution website]

Dyslexia Screening

(40) Should Students in Kindergarten and first grade who receive special education or Section 504 services be screened for dyslexia using the Kindergarten and grade 1 dyslexia screeners under TEC §38.003?

Students receiving special education or Section 504 services should be screened using the Kindergarten and grade 1 dyslexia screener unless:

- The ARD or Section 504 committee determines the screener is not appropriate; or
- the student is already identified with dyslexia.

(41) If a student is screened for dyslexia after the required screening timeframe, which Texas Student Data System (TSDS) DYSLEXIA-RISK-CODE data element is used for reporting purposes?

Any time a first-grade student is screened after January 31st of the school year, the LEA will use code 03, not screened for dyslexia or related disorders. When code 03 is selected for a student, the data submitter will be required to indicate the reason a student was not screened for dyslexia during the screening window by submitting one of 12 exemption codes. Please see TEA correspondence, Dyslexia Screening Exception Reason in the Texas Student Data System (TSDS) for additional information. For additional information on reading instruments that can be used for dyslexia screening please go to the following link, Early Learning Assessments | Texas Education Agency. – needs website links

Other

(42) May a computer program be used as the primary method of delivery for a dyslexia instructional program?

No. Computer instruction to teach reading is not supported by scientifically-based reading research. The National Reading Panel (2000), in its review of the research related to computer technology and reading instruction, indicated that it is extremely difficult to make specific instructional conclusions based on the small sample of research available and that there are many questions about computerized reading instruction that still need to be addressed. Additionally, in a position statement released in 2009, the International Dyslexia Association (IDA) stated, “Technology-based instruction should not be used as a substitute for a relationship with a knowledgeable, trained teacher or educational therapist. Technological innovations, however, may be extremely helpful in providing practice and reinforcement, access to information, and alternative routes of communication.”

WHAT IS SPECIAL EDUCATION?

When a child receives special education, it means that a public school provides custom services and instruction specific to the needs of that student. Special education is available because of a federal law called the Individuals with Disabilities Education Act (IDEA), which provides students with disabilities and their parents special legal rights to receive these individualized learning opportunities.

Special education is a service, not a place.

How can special education services help your child?



- ▶ If your child is eligible for special education services, your child will have access to services and supports that are specially designed to meet your child's unique needs.
- ▶ Special education services provide individualized programming at NO cost to you and may include special education teachers and service providers such as occupational therapists, physical therapists, speech-language pathologists, and providers of dyslexia instruction.

SPECIAL EDUCATION PROCESS:

Parents have a right to request a special education evaluation at any time. Schools are required to refer a student for an evaluation when a disability is suspected that might require special education services. It's important to understand the steps of the **special education process**.

Steps to Begin Special Education:



Receiving Special Education Services:



Implement the IEP

More information about your rights as a parent can be found below:

SPEDTEX
Special Education Information Center

Special Education Help for Parents

spedtex.org
1-855-773-3839

Parents Guide to the ARD Process
bit.ly/ParentsARD

Notice of Procedural Safeguards
bit.ly/ParentsNPS

While there are other federal laws that also offer certain protections for students with disabilities - such as Section 504 of the Rehabilitation Act of 1973 - IDEA has specific rights only available under that law. This document summarizes those rights.

1 REFERRAL FOR SPECIAL EDUCATION EVALUATION IS MADE.



A referral is:

- ▶ Required by law when a public school feels that your child may have a disability that requires special education services to be successful.
- ▶ Called a *request* for a special education evaluation when a parent makes it. A request should be made in writing to the proper staff member. The school will respond with information on whether it will proceed with an evaluation.



2 YOU WILL BE ASKED WHETHER YOU **CONSENT** FOR THE SCHOOL TO EVALUATE YOUR CHILD.



Consent to evaluate is:

- ▶ Permission you choose to give for specially trained personnel to evaluate and assess your child in specific areas.
- ▶ Used by the school to start the timeline by which the school must complete your child's evaluation.

With some exceptions, an evaluation must be completed within 45 school days.



3 EVALUATION IS DONE BY A GROUP OF TRAINED PROFESSIONALS.



An evaluation is:

- ▶ Called a *Full Individual and Initial Evaluation* (FIIE), which includes a written report of education recommendations and information about your child's strengths, interests, and challenges. Professionals with training in the suspected disability must participate, e.g., someone like a licensed dyslexia therapist if dyslexia is suspected.
- ▶ Done at no cost to you. If you do not agree with the school's evaluation, you may ask for an *Independent Educational Evaluation* (IEE). This would be done by someone who is not employed by the school.



4 **ADMISSION, REVIEW AND DISMISSAL (ARD) COMMITTEE** MEETS TO DETERMINE IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.

The ARD committee is:

- ▶ A team, including you, teachers, school administrators, those with special expertise about your child, and professionals with special training about the suspected disability.
- ▶ In this meeting, discussing your child's evaluation report, identifying your child's strengths and areas of need, and then determining whether your child has a disability and the need for special education services.



Once the evaluation report is done, an ARD committee typically has 30 calendar days to determine eligibility and develop the IEP.



5

IF YOUR CHILD IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES, THEN THE ARD COMMITTEE WILL ALSO DEVELOP AN **INDIVIDUALIZED EDUCATION PROGRAM (IEP)**.



An IEP is:

- ▶ A collection of information that identifies your child's disability, shows your child's current strengths and areas of need, identifies goals to be worked on, and shows the special education and related services that are required for your child to be successful.
- ▶ A document that a school must follow once the process for developing it is complete, and you consent to your child receiving services. Services would begin as soon as possible.

You have the right to participate in the development of the IEP and agree or disagree to your child getting special education services.



Once an IEP has been developed, it is the school's responsibility to implement the IEP. Schools must offer the services, accommodations, and supports described in the IEP, and school staff will monitor your child's progress toward the goals in the IEP.

- ▶ You will receive progress reports on your child's IEP goals at least once each grading period.
- ▶ The ARD committee will meet and review your child's IEP at least annually.
- ▶ As a member of the ARD committee, you will discuss the need for an updated evaluation at least every three years.
- ▶ You can ask for an ARD committee meeting at any time.
- ▶ You can revoke your consent to special education services. In other words, you can tell the school in writing that you want your child's special education services to stop being provided.
- ▶ Special rules are in place for school discipline. If your child's disability is found to be the reason why the misbehavior occurred, then the ARD committee may, in certain situations, change the disciplinary consequence.



IF DISAGREEMENT OCCURS:

During each ARD committee meeting, you will be an active participant, discussing your child's specific needs with school staff as you work to come to a consensus on the best path forward. But from time to time, you may disagree with school decisions. Under the federal law IDEA, you have formal rights to disagree with special education decisions made by the school, both in the *steps to begin special education* and while *receiving special education services*. Dispute resolution options include filing state complaints, requesting mediation, and requesting a due process hearing. State facilitators are also available to help ARD committees reach consensus on IEPs.

WHAT IS IN AN IEP?:

The IEP must address certain elements for your child, including:



PLAAFP

- » *Present Levels of Academic Achievement and Functional Performance (PLAAFP):* The ARD committee writes down your child's skills, abilities, and challenges based on the evaluation report and other data.

Goals

- » Measurable annual **goals**: Goals are developed to focus on your child's specific needs and to describe when your child is expected to make progress.
 - If your child has dyslexia, for example, a goal might focus on improvement in a specific area of reading development or fluency within a certain amount of time.

Instruction & Services

- » A description of the **specially designed instruction, related services, and supplementary aids and services** that will be provided. The instruction and services will vary based on the specific needs of your child. For example, if your child has been identified with dyslexia:
 - The specially designed instruction would likely include a regularly scheduled time for instruction by a highly trained provider using a program that has been shown to help students with dyslexia and in accordance with the [Dyslexia Handbook](#);
 - Related services might include support to improve your child's fine motor skills from an occupational therapist if he or she also struggles with handwriting; and
 - Supplementary aids and services might include documenting your child's need for speech to text options for writing assignments.

Assessments

- » Information on how your child will participate in state and districtwide **assessments**, including whether accommodations like extra time are necessary.

Transition

- » **Transition** services: When your child turns 14, the IEP must begin to document plans for your child after high school and how your child's special education services will be adjusted to work on those plans.

Placement

- » The IEP notes the educational **placement** of your child. Placement decisions are guided by a requirement to provide education in the least restrictive environment (LRE). The goal of LRE is to have your child included in classrooms and settings with children without disabilities as much as appropriate based on your child's unique needs.

This form is a summary of rights, required to be given to parents after a referral has been made. Your signature serves only as acknowledgment that you received the form. For more information about your rights, review the [Notice of Procedural Safeguards](#) and the [Parent's Guide to the ARD Process](#).

Student Name:

Student ID Number:

Parent Name

Parent Signature

Date

**Report of the State Board of Education
Committee on School Finance/Permanent School Fund
Thursday, February 1, 2024**

The State Board of Education Committee on School Finance/Permanent School Fund met at 9:06 a.m. on Thursday, February 1, 2024, 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: Tom Maynard, chair; Marisa Perez-Diaz, vice chair; ; Patricia Hardy; and Aaron Kinsey

Absent: Keven Ellis

Public Testimony

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

ACTION ITEMS

1. Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund

(Second Reading and Final Adoption)
(Board agenda page III-1)

Mr. Mark Shewmaker from the Permanent School Fund Corporation presented this item for second reading and final adoption. Mr. Shewmaker explained that the proposed amendment reinserts information related to the Permanent School Fund (PSF) distribution policy that was mistakenly repealed when 19 TAC Chapter 33 was revised to implement Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. He also explained the purpose of the reinserted language. Mr. Maynard commented on the item.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, 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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund.*

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register.

2. **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-5)

David Marx, senior director, financial compliance, presented this item for second reading and final adoption. Mr. Marx explained that proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). No changes are recommended since approved for first reading. He explained the purpose of the guide, what it includes, why it is being updated, and what aspects are being updated. He also explained what is in the FASRG, the public comments received, and the changes made to the FASRG as a result of public comments. Mr. Maynard commented on the item. Mr. Maynard and Mr. Kinsey asked a question related to the item.

MOTION AND VOTE: *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the repeal of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide.*

Make an affirmative finding that immediate adoption of the proposed amendment to 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.

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 9:19 a.m.

**Report of the State Board of Education
Committee on School Initiatives
Thursday, February 1, 2024**

The State Board of Education Committee on School Initiatives met at 9:01 a.m. on Thursday, February 1, 2024, in Room, #1-111, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Will Hickman, chair; LJ Francis, vice chair; Rebecca Bell-Metereau; Staci Childs; and Julie Pickren

Non-committee members present: Aicha Davis

Public Testimony

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

ACTION ITEMS

1. **Proposed Amendment 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41 Certification Criteria for Independent Hearing Examiners**
(First Reading and Filing Authorization)
(Board agenda page IV-1)

Christopher Maska, director of hearings and appeals, legal services, explained to the committee that the proposed amendments would reduce the length of time an attorney must be licensed and engaged in a full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law.

MOTION AND VOTE: *It was moved by Mr. Hickman, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners.*

2. **Approval of Revisions to Required School Safety Training for School District Trustees**
(Board agenda page IV-12)

John Scott, chief of school safety and security, introduced the item and explained that the Texas School Safety Center has suggested updates to the school safety training required for school district trustees and that no changes had been made to the suggested updates discussed in November 2023.

MOTION AND VOTE: *It was moved by Ms. Childs, seconded by Dr. Bell-Metereau, and carried unanimously to table the item until the April 2024 meeting.*

3. Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees

(Board agenda page IV-13)
[Consent agenda item #9]

Christopher Lucas, director, policy, planning, and operations, explained that the term of one member of the board of trustees of Boys Ranch Independent School District (ISD) is expiring. Mr. Richard Nedelkoff, president and chief executive officer of Boys Ranch ISD, has recommended that Mr. Joshua Sprock be reappointed for a two-year term.

Public testimony was provided by the following individual:

NAME: Joshua Sprock
AFFILIATION: Boys Ranch ISD Board of Trustees

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education, based on Mr. Richard Nedelkoff's recommendation, approve the reappointment of Mr. Joshua Sprock to serve a term of office, from February 2, 2024, to February 1, 2026, on the Boys Ranch ISD Board of Trustees.*

4. Recommendation for Two Reappointments to the Fort Sam Houston Independent School District Board of Trustees

(Board agenda page IV-17)
[Consent agenda item #10]

Mr. Lucas explained that the terms of two members of the board of trustees of Fort Sam Houston Independent School District (ISD) have expired. Brigadier General Russell Driggers has recommended that Mr. Willie E. White and Ms. Andrea Nicholas be reappointed for two-year terms.

Public testimony was provided by the following individuals:

NAME: Andrea Nicholas
AFFILIATION: Fort Sam Houston ISD Board of Trustees

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education, based on Brigadier General Russell Driggers's recommendation, approve the reappointments of Mr. Willie E. White and Ms. Andrea D. Nicholas to serve terms of office from February 2, 2024, to February 1, 2026, on the Fort Sam Houston ISD Board of Trustees.*

5. Recommendation for One Appointment to the Lackland Independent School District Board of Trustees

(Board agenda page IV-25)

[Consent agenda item #11]

Mr. Lucas explained that one member of the board of trustees of Lackland Independent School District (ISD) has retired. Brigadier General Russell Driggers has recommended that Mrs. Tonseda Henson be appointed for a two-year term.

Public testimony was provided by the following individuals:

NAME: Tonseda Henson
AFFILIATION: Self

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education, based on Brigadier General Russell Driggers's recommendation, approve the appointment of Mrs. Tonseda Henson to serve a term of office from February 2, 2024, to February 1, 2026, on the Lackland ISD Board of Trustees.*

6. Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2 Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District

(First Reading and Filing Authorization)

(Board agenda page IV-32)

[Consent agenda item #12]

Mr. Lucas introduced the item and explained that the draft rule text adds new subsection (d) that incorporates the changes made by House Bill 4210, 88th Texas Legislature, 2023

Public testimony was provided by the following individuals:

NAME: Brian Holt
AFFILIATION: Randolph Field Independent School District

NAME: Merrie Fox
AFFILIATION: Self

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Mrs. Pickren, and carried unanimously to table the item until the April 2024 meeting.*

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

(Board agenda page IV-39)

[Official agenda item #11]

Marilyn Cook, Director of Educator Preparation and Certification, explained that the proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements would do two primary things: establish a hardship process for teachers to renew certifications and to implement a legislative requirement from HB 2929 that removes the cap on the number of CPE hours that educators can

complete for SBEC renewal. Ms. Cook also explained that teacher have 150 CPE hours that must be completed and non-teaching staff such as counselors have 200 CPE hours that must be completed for renewal every five years.

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education take no action on the Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements.*

8. Adoption of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

(Board agenda page IV-50)

[Official agenda item #12]

Marilyn Cook, Director of Educator Preparation and Certification, explained that the Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans would align SBEC rules with new legislation regarding certification for military services members, their spouses, and veterans.

MOTION AND VOTE: *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education take no action on the Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.*

DISCUSSION ITEMS

9. Open-Enrollment Charter School Generation 29 Application Updates

(Board agenda page IV-7)

Marian Schutte, Executive Director, Division of Authorizing, presented information on the Generation 29 Open-Enrollment Charter Application process including goals, timeline, summary, and submission information. Ms. Schutte answered questions regarding the application process.

10. Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

(Board agenda page IV-8)

Marian Schutte, Executive Director, Division of Authorizing, presented information on the rule review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters including the review process, public comment period, and filing dates. Ms. Schutte answered questions regarding the rules.

11. Discussion of Ongoing State Board for Educator Certification Activities

(Board agenda page IV-61)

Emily Garcia, associate commissioner for educator preparation, certification, and enforcement, shared updates on current and upcoming SBEC activities and proposed SBEC rules and amendments.

The meeting of the Committee on School Initiatives adjourned at 11:09 a.m.

