



# AGENDA

State Board of Education

June 28, 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

June 28, 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 June 25-28, 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 'Mike Morath', with a stylized, cursive script.

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**

<b>Meeting Times June 25-28, 2024</b>	
<b><u>Tuesday, June 25, 2024</u></b>	
<b>8:30 a.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Wednesday, June 26, 2024</u></b>	
<b>8:30 a.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Thursday, June 27, 2024</u></b>	
<b>9:00 a.m.</b>	<b>Committee on Instruction (Room 1-100)</b>
<b>9:00 a.m.</b>	<b>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.</b>
<b>9:00 a.m.</b>	<b>Committee on School Initiatives (Room 1-111)</b>
<b><u>Friday, June 28, 2024</u></b>	
<b>9:00 a.m.</b>	<b>General Meeting (Room 1-104)</b>

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  
June 25, 2024**

**8:30 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. Introduction of and Discussion with the Texas Permanent School Fund Corporation Chief Executive Officer**  
**([Board agenda page I-1](#))**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

This item provides an opportunity for the State Board of Education to meet and have a discussion with the Texas Permanent School Fund Corporation's Chief Executive Officer, Robert Borden. Statutory authority is the Texas Constitution, Article VII, §2 and §5.

- 2. 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**  
**(First Reading and Filing Authorization)**  
**([Board agenda page I-2](#))**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization 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 TEC, §31.003(a) and §31.022, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

- 3. Discussion of the Schedule for Future Instructional Materials Review and Approval Cycles**  
**([Board agenda page I-6](#))**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

This item provides the opportunity for the committee to discuss the schedule for future Instructional Materials Review and Approval (IMRA) cycles, including the development timeline for quality rubrics. Statutory authority is the Texas Education Code (TEC), §§31.022 and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

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

4. **Consideration of Mathematics Texas Essential Knowledge and Skills for Middle School Advanced Mathematics**  
**(Board agenda page I-8)**

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

This item provides an opportunity for the board to take action to proceed with the establishment of Texas Essential Knowledge and Skills (TEKS) for middle school advanced mathematics. Statutory authority for is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a).

5. **Consideration of Next Steps for Review, Revision, and Development of Career and Technical Education Texas Essential Knowledge and Skills**  
**(Board agenda page I-10)**

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

This item provides an opportunity for the board to take action on next steps related to adoption of Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) courses that are needed for completion of programs of study and to consider a schedule for future review and revision of CTE TEKS. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); 28.025(a).

6. **Discussion of Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members**  
**(Board agenda page I-12)**

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

This item provides an opportunity for the committee to discuss a possible amendment to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members. Statutory authority is the Texas Education Code (TEC), §11.159.



**WEDNESDAY**  
**June 26, 2024**

**8:30 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-19](#))**

**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. Permanent School Fund Percentage Distribution Rates Under Consideration for Fiscal Years 2026 and 2027**  
**([Board agenda page I-20](#))**

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

This item provides an opportunity for the board to evaluate and approve the report on Permanent School Fund percentage distribution rates under consideration for fiscal years 2026 and 2027. The board will consider various factors associated with the distribution rate such as expected returns, inflation, and student growth. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2026-2027 biennium. Statutory authority is the Texas Constitution, Article VII, §2 and §5 and 19 Texas Administrative Code (TAC), Chapter 33.

**3. Consideration of the Commissioner of Education's Generation 29 Open-Enrollment Charter School Proposals**  
**([Board agenda page I-21](#))**

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

This item provides the Board an opportunity to consider the commissioner's list of proposed Generation 29, Subchapter D, Open-Enrollment Charter Schools scheduled to open in school year 2025-2026. If awarded, the charter schools will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

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

4. **Public Hearing on Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards (Board agenda page I-23)**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Wednesday, June 26, 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, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, 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.

5. **Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards (First Reading and Filing Authorization) (Board agenda page I-25)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, 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.

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

6. **Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**  
(Second Reading and Final Adoption)  
(Board agenda page I-29)

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

7. **Discussion of Pending Litigation**  
(Board agenda page I-40)

**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  
June 27, 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 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  
(Second Reading and Final Adoption)  
([Board agenda page II-1](#))**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

2. **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 (Second Reading and Final Adoption)**  
**(Board agenda page II-5)**

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

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

3. **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**  
**(Second Reading and Final Adoption)**  
**(Board agenda page II-9)**

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

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

4. **Procedural Action Related to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs**  
**(First Reading and Filing Authorization)**  
**(Board agenda page II-13)**

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

In order to correct an error made by the Texas Education Agency (TEA), this item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs. This action would authorize TEA to re-file the proposal adopted by the State Board of Education (SBOE) in November 2023 and correct the criteria for innovative courses to be considered for sunset to align with the language approved by the SBOE. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

5. **Approval of Sunset of Innovative Courses**  
**(Board agenda page II-18)**

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

This item provides an opportunity for the committee to take action on possible sunset of certain innovative courses that meet certain criteria established in administrative rule. Statutory authority is the Texas Education Code (TEC), §28.002(f).

6. **Consideration of Proposed New Innovative Course and Extensions of Currently Approved Innovative Courses**  
**(Board agenda page II-20)**

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

This item presents for consideration an application for a proposed new innovative course, Gaming Concepts: Fundamentals, as well as the extension of approvals for 24 currently approved innovative courses that are part of career and technical education (CTE) programs of study. Statutory authority is the Texas Education Code (TEC), §28.002(f).

**COMMITTEE ON INSTRUCTION (continued)**

7. **Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and The University of Texas at Austin**  
**(Board agenda page II-39)**

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

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

8. **Proposed Amendments 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter D, Business Management and Administration, and Subchapter P, Transportation, Distribution, and Logistics**  
**(First Reading and Filing Authorization)**  
**(Board agenda page II-44)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, §127.482, Food Science (One Credit), Adopted 2021; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education; Subchapter A, Agriculture, Food, and Natural Resources, §130.30, Agricultural Laboratory and Field Experience (One Credit), Adopted 2015; Subchapter D, Business Management and Administration, §130.136, Business Information Management I (One Credit), Adopted 2015; §130.137, Business Information Management II (One Credit), Adopted 2015; §130.138, Business Lab (One Credit), Adopted 2015; §130.143, Practicum in Business Management (Two Credits), Adopted 2015; §130.144, Extended Practicum in Business Management (One Credit), Adopted 2015; and Subchapter P, Transportation, Distribution, and Logistics, §130.445, Small Engine Technology I (One Credit), Adopted 2015, and §130.446, Small Engine Technology II (Two Credits), Adopted 2015. The proposed amendments would make technical adjustments to course titles, prerequisites, and corequisites to align with the recently revised career and technical education (CTE) programs of study. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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



**COMMITTEE ON INSTRUCTION (continued)**

- 9. Approval of Updates and Substitutions to Adopted Instructional Materials**  
**(Board agenda page II-52)**

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

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

- 10. Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education**  
**(Second Reading and Final Adoption)**  
**(Board agenda page II-54)**

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

This item presents for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would implement House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. No changes are recommended since approved for first reading. 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.

- 11. Discussion of Proposed Amendment to the *Texas State Plan for the Education of Gifted/Talented Students***  
**(Board agenda page II-60)**

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

This item provides the opportunity for the board to discuss proposed amendments to the *Texas State Plan for the Education of Gifted/Talented Students*. The proposed amendments would clarify terminology and requirements related to gifted/talented education that are necessary to align with updates to the rule requirements of House Bill (HB) 1525, 87th Texas Legislature, 2021. Statutory authority is the Texas Education Code (TEC), §7.102 and §29.123.

**COMMITTEE ON INSTRUCTION (continued)**

- 12. Public Hearing Regarding Instructional Materials Submitted for Approval by the State Board of Education Under Instructional Materials Review and Approvals Cycle 2024**  
**(Board agenda page II-95)**

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

A public hearing is scheduled for Thursday, June 27, 2024, in the William B. Travis Building, Room 1-100. Testimony will be presented regarding instructional materials submitted for adoption under Instructional Materials Review and Approvals (IMRA) Cycle 2024. The Request for Instructional Materials (IMRA Cycle 2024) calls for instructional materials that includes K–5 English language arts and reading and Spanish language arts and reading, K–3 English and Spanish phonics, and K–12 mathematics. Products submitted in response to IMRA Cycle 2024 began review in May and continues to be reviewed through the summer of 2024. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code, Texas Education Code (TEC), §7.110 and §31.023.

**THURSDAY  
June 27, 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. Per Capita Apportionment Rate for the 2023-2024  
School Year  
([Board agenda page III-1](#))**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2023–2024 per capita apportionment rate of \$414.884 was set in September 2023. A final per capita apportionment rate is set by commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2023–2024 school year at the June 2024 meeting of the Committee on School Finance/Permanent School Fund. Statutory authority is the Texas Education Code (TEC), §48.004, §48.251(c), and §43.001(b).

**THURSDAY  
June 27, 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.*

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|---|--|
| <b>1. Open-Enrollment Charter School Generation 30 Application Updates</b><br><b>(Board agenda page IV-1)</b> | <b>COMMITTEE - DISCUSSION</b><br><b>SBOE – NO ACTION</b> |
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This item provides an opportunity for the committee to receive updates regarding the Generation 30 Open-Enrollment Charter Application cycle. Statutory authority is the Texas Education Code (TEC), §12.101.

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|---|--|
| <b>2. Discussion of the State Board of Education’s Oversight of Special-Purpose School Districts</b><br><b>(Board agenda page IV-2)</b> | <b>COMMITTEE - DISCUSSION</b><br><b>SBOE – NO ACTION</b> |
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This item provides an opportunity for the committee to discuss the State Board of Education's (SBOE's) oversight of special-purpose school districts. Statutory authority is the Texas Education Code (TEC), §11.351 and §11.352.

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|---|--|
| <b>3. Recommendation for One Reappointment and One Appointment to the Fort Sam Houston Independent School District Board of Trustees</b><br><b>(Board agenda page IV-3)</b> | <b>COMMITTEE - ACTION</b><br><b>SBOE - CONSENT</b> |
|---|--|

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

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

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**  
**(Second Reading and Final Adoption)**  
**([Board agenda page IV-12](#))**

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

This item presents for second reading and final adoption 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 add a definition for the term "commanding officer." No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

5. **Discussion of Ongoing State Board for Educator Certification Activities**  
**([Board agenda page IV-18](#))**

**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.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

6. **Review of Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**  
**(Board agenda page IV-20)**

**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 227, Provisions for Educator Preparation Candidates. The proposed amendments would make conforming changes to the Chapter 227 rules given the adopted updates to Chapter 228, Requirements for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification. The proposed changes would also update the Pre-Admission Content Test (PACT) figure to include the adopted new certificates and aligned PACT exams as well as adopted cut scores. The statutory authority for 19 TAC Chapter 227, Subchapter A, §§227.1, 227.5, and 227.10, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (4); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151, 53.152, and 53.153. The statutory authority for 19 TAC Chapter 227, Subchapter B, §227.103, is the TOC, §53.105.

## **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.

3. **Review of Annual Audit Plan of the Division of Financial Compliance for 2024-2025 School Year**  
(Board agenda page V-35)

This item covers the annual audit plan of the Division of Financial Compliance for the 2024-2025 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

4. **State Board of Education Meeting Schedule for 2025**  
(Board agenda page V-43)

According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2025.

**CONSENT AGENDA  
STATE BOARD OF EDUCATION  
June 28, 2024**

**(1) Permanent School Fund Percentage Distribution Rates Under Consideration for Fiscal Years 2026 and 2027**

This item provides an opportunity for the board to evaluate and approve the report on Permanent School Fund percentage distribution rates under consideration for fiscal years 2026 and 2027. The board will consider various factors associated with the distribution rate such as expected returns, inflation, and student growth. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2026-2027 biennium. Statutory authority is the Texas Constitution, Article VII, §2 and §5 and 19 Texas Administrative Code (TAC), Chapter 33.

(Agenda Exhibit) ..... I-20

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

This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

(Agenda Exhibit) ..... I-29

**(3) 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 (Second Reading and Final Adoption)**

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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



(4) **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  
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) ..... II-5

(5) **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  
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) ..... II-9

(6) **Procedural Action Related to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs (First Reading and Filing Authorization)**

In order to correct an error made by the Texas Education Agency (TEA), this item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs. This action would authorize TEA to re-file the proposal adopted by the State Board of Education (SBOE) in November 2023 and correct the criteria for innovative courses to be considered for sunset to align with the language approved by the SBOE. Statutory authority for this action is the Texas Education Code (TEC), §28.002(f).

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

(7) **Consideration of Proposed New Innovative Course and Extensions of Currently Approved Innovative Courses**

This item presents for consideration an application for a proposed new innovative course, Gaming Concepts: Fundamentals, as well as the extension of approvals for 24 currently approved innovative courses that are part of career and technical education (CTE) programs of study. Statutory authority is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) ..... II-20

(8) **Proposed Amendments 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter D, Business Management and Administration, and Subchapter P, Transportation, Distribution, and Logistics (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, §127.482, Food Science (One Credit), Adopted 2021; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education; Subchapter A, Agriculture, Food, and Natural Resources, §130.30, Agricultural Laboratory and Field Experience (One Credit), Adopted 2015; Subchapter D, Business Management and Administration, §130.136, Business Information Management I (One Credit), Adopted 2015; §130.137, Business Information Management II (One Credit), Adopted 2015; §130.138, Business Lab (One Credit), Adopted 2015; §130.143, Practicum in Business Management (Two Credits), Adopted 2015; §130.144, Extended Practicum in Business Management (One Credit), Adopted 2015; and Subchapter P, Transportation, Distribution, and Logistics, §130.445, Small Engine Technology I (One Credit), Adopted 2015, and §130.446, Small Engine Technology II (Two Credits), Adopted 2015. The proposed amendments would make technical adjustments to course titles, prerequisites, and corequisites to align with the recently revised career and technical education (CTE) programs of study. Statutory authority is the Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

(Agenda Exhibit) ..... II-44

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

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

(Agenda Exhibit) ..... II-52

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

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

(Agenda Exhibit) ..... IV-3

**(11) 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 (Second Reading and Final Adoption)**

This item presents for second reading and final adoption 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 add a definition for the term "commanding officer." No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §11.352, as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) ..... IV-12

**OFFICIAL AGENDA**

**STATE BOARD OF EDUCATION  
AUSTIN, TEXAS**

**June 28, 2024  
9:00 a.m.**

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

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

**State Board of Education, April 12, 2024**

**1. Resolutions and Presentations**

Resolution honoring the 2024 Student Heroes Award Recipients

Resolution honoring the 2024 Presidential Awards Excellence in Mathematics and Science Teaching (PAEMST) State Finalists

Presentation of the Milken Educator Award, Dr. Johnny Walker, Winona ISD and Juan Dominguez, Somerset ISD

2024 Texas Teacher of the Year, Taniece Thompson-Smith, Abilene ISD

2024 Texas Secondary Teacher of the Year, Naveen Cunha, Bryan ISD

*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.*

[\(Agenda Exhibit\)](#) ..... 19

## **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, §67.43, Lists of Approved and Rejected Instructional Materials (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization 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 TEC, §31.003(a) and §31.022, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) ..... I-2

4. **Consideration of Mathematics Texas Essential Knowledge and Skills for Middle School Advanced Mathematics**

This item provides an opportunity for the board to take action to proceed with the establishment of Texas Essential Knowledge and Skills (TEKS) for middle school advanced mathematics. Statutory authority for is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a).

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

5. **Consideration of Next Steps for Review, Revision, and Development of Career and Technical Education Texas Essential Knowledge and Skills**

This item provides an opportunity for the board to take action on next steps related to adoption of Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) courses that are needed for completion of programs of study and to consider a schedule for future review and revision of CTE TEKS. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); 28.025(a).

(Agenda Exhibit) ..... I-10

6. **Consideration of the Commissioner of Education's Generation 29 Open-Enrollment Charter School Proposals**

This item provides the Board an opportunity to consider the commissioner's list of proposed Generation 29, Subchapter D, Open-Enrollment Charter Schools scheduled to open in school year 2025-2026. If awarded, the charter schools will have an initial five-year term. Statutory authority is the Texas Education Code (TEC), §12.101.

(Agenda Exhibit) ..... I-21

**7. Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, 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.

(Agenda Exhibit) ..... I-25

**COMMITTEE ON INSTRUCTION**

**8. Approval of Sunset of Innovative Courses**

This item provides an opportunity for the committee to take action on possible sunset of certain innovative courses that meet certain criteria established in administrative rule. Statutory authority is the Texas Education Code (TEC), §28.002(f).

(Agenda Exhibit) ..... II-18

**9. Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education (Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would implement House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. No changes are recommended since approved for first reading. 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-54

## **COMMITTEE ON SCHOOL INITIATIVES**

### **10. Review of Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**

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 227, Provisions for Educator Preparation Candidates. The proposed amendments would make conforming changes to the Chapter 227 rules given the adopted updates to Chapter 228, Requirements for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification. The proposed changes would also update the Pre-Admission Content Test (PACT) figure to include the adopted new certificates and aligned PACT exams as well as adopted cut scores. The statutory authority for 19 TAC Chapter 227, Subchapter A, §§227.1, 227.5, and 227.10, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (4); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151, 53.152, and 53.153. The statutory authority for 19 TAC Chapter 227, Subchapter B, §227.103, is the TOC, §53.105.

(Agenda Exhibit) ..... IV-20

## **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.

3. **Review of Annual Audit Plan of the Division of Financial Compliance for 2024-2025 School Year**  
(Board agenda page V-35)

This item covers the annual audit plan of the Division of Financial Compliance for the 2024-2025 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

4. **State Board of Education Meeting Schedule for 2025**  
(Board agenda page V-43)

According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2025.

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## **COMMITTEE OF THE FULL BOARD**

**Introduction of and Discussion with the Texas Permanent School Fund Corporation Chief  
Executive Officer**

**June 25, 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 to meet and have a discussion with the Texas Permanent School Fund Corporation's Chief Executive Officer, Robert Borden.

**STATUTORY AUTHORITY:** Texas Constitution, [Article VII, §2](#) and [§5](#).

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.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** At the November 16, 2023, meeting of the Texas Permanent School Fund Corporation Board of Directors, the board selected Robert Borden as the new Chief Executive Officer.

**Staff Member Responsible:**

Robert L. Borden, Chief Executive Officer, Texas Permanent School Fund Corporation

**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  
(First Reading and Filing Authorization)**

**June 28, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 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:** 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.

**EFFECTIVE DATE:** The proposed effective date of the proposed new section is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2025-2026 school year. The earlier effective date will allow for clarification to districts and publishers regarding the conditions under which the SBOE could remove instructional materials from the list of approved instructional materials and the use of the entitlements outlined in TEC, §48.307 or §48.308, related to materials removed from the approved instructional materials list.

**PREVIOUS BOARD ACTION:** A discussion item regarding §67.43 was presented to the Committee of the Full Board during the April 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.

**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 create a new regulation regarding the removal of a set of instructional materials from the lists of approved and rejected instructional materials outlined in TEC, §31.022.

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 adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would provide clarification to districts and publishers regarding the conditions under which the SBOE could remove instructional materials from the list of approved instructional materials and the use of the entitlements outlined in TEC, §48.307 or §48.308, related to materials removed from the approved instructional materials list. 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 August 2, 2024, and ends at 5:00 p.m. on September 3, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 August 2, 2024.

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

Approve for first reading and filing authorization 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.

**Staff Member Responsible:**

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

**Attachment:**

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

**ATTACHMENT**  
**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.**

- (a) The list of approved instructional materials shall be maintained by the State Board of Education (SBOE).
- (b) The SBOE may remove instructional materials from the list of approved instructional materials if:
  - (1) the Texas Essential Knowledge and Skills (TEKS), Texas Prekindergarten Guidelines (TPG), or applicable English Language Proficiency Standards (ELPS) intended to be covered by the material are revised or the material is revised without the approval of the SBOE in accordance with Texas Education Code (TEC), §31.022(c);
  - (2) the instructional materials, through a finding of the SBOE, are not compliant with the parent portal standards in §67.83 of this title (relating to Publisher Parent Portal); or
  - (3) the instructional materials violate any provisions of TEC, Chapter 31.
- (c) A representative of the publisher of the specific instructional material shall be given the opportunity to address the SBOE prior to action by the SBOE to remove that publisher's product from the list of approved materials.
- (d) If instructional materials are removed from the list of approved instructional materials, school districts and open-enrollment charter schools may not apply the entitlements outlined in TEC, §48.307 or §48.308, to future purchases of the removed instructional materials.
- (e) A school district or an open-enrollment charter school that selects subscription-based instructional materials from the list of approved instructional materials approved under TEC, §31.022 and §31.023, may cancel the subscription and subscribe to a new instructional material on the list of approved instructional materials before the end of the state contract period under TEC, §31.026, if:
  - (1) the district or charter school has used the instructional material for at least one school year and the Texas Education Agency (TEA) approves the change based on a written request to TEA by the district or charter school that specifies the reasons for changing the instructional material used by the district or charter school; or
  - (2) the instructional material to which the district or charter school is subscribed is removed from the list of approved instructional materials by the SBOE.
- (f) The list of rejected instructional materials shall be maintained by the SBOE.
- (g) Instructional materials shall be removed from the list of rejected instructional materials if a publisher submits a revised set of instructional materials for review through the process required by TEC, §31.022 and §31.023, and the revised instructional materials are placed on the list of approved instructional materials.
- (h) Instructional materials may be removed from the list of rejected instructional materials if a publisher submits a revised set of instructional materials for review through the process required by TEC, §31.023 and §31.022, and the SBOE takes no action before the end of the calendar year.

## **Discussion of the Schedule for Future Instructional Materials Review and Approval Cycles**

**June 25, 2024**

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

**SUMMARY:** This item provides the opportunity for the committee to discuss the schedule for future Instructional Materials Review and Approval (IMRA) cycles, including the development timeline for quality rubrics.

**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. An update on the IMRA process was provided at the April 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 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 special 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 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.

At the April 2024 meeting, staff provided an update on the IMRA process.

This item provides the opportunity for the committee to discuss the schedule for future IMRA cycles, including the development timeline for quality rubrics.

**Staff Members Responsible:**

Todd Davis, Associate Commissioner, Instructional Strategy

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



## **Consideration of Mathematics Texas Essential Knowledge and Skills for Middle School Advanced Mathematics**

**June 28, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to take action to proceed with the establishment of Texas Essential Knowledge and Skills (TEKS) for middle school advanced mathematics.

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

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

TEC, [§28.002\(a\)](#), identifies the subjects of the required curriculum.

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 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.

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.

**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. 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. 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.

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.

At the April 2024 meeting TEA staff shared an overview of upcoming interrelated needs for TEKS review and revision and IMRA and identified two needs related to mathematics including options for instructional materials for accelerated learning and establishing TEKS to support middle school advanced mathematics pathways. This item provides the opportunity for the board to take action to proceed with the establishment of TEKS for middle school advanced mathematics and inclusion.

**Staff Member Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

## **Consideration of Next Steps for Review, Revision, and Development of Career and Technical Education Texas Essential Knowledge and Skills**

**June 28, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to take action on next steps related to adoption of Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE) courses that are needed for completion of programs of study and to consider a schedule for future review and revision of CTE TEKS.

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

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

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

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

TEC, §28.025(a), requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002. The full text of statutory citations can be found in the statutory authority section of this agenda.

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for all subjects effective September 1, 1998. The CTE TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. CTE TEKS for courses in education and training; health science; and science, technology, and mathematics (STEM) were amended to be effective April 26, 2022; June 14, 2022; and August 7, 2022. In November 2023, the SBOE adopted new 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 April 2024 meeting, the SBOE approved for second reading and final adoption proposed new CTE 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.

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.

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 April 2024 meeting, the SBOE approved new TEKS for 23 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, Physics for Engineers and Scientific Research and Design. Additionally, TEA staff shared an overview of upcoming interrelated needs for TEKS review and revision and IMRA. Staff explained upcoming needs related to development and amendment of CTE courses, made recommendations for completing the work in batches, and recommended including CTE in the next three cycles of IMRA. The board was presented with the list of individuals who will be included in the CTE TEKS Review Engineering Advisory Group.

This item provides the opportunity for the board to take action on next steps related to the adoption of CTE courses that are needed to complete programs of study and to consider a schedule for future CTE TEKS reviews.

**Staff Member Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

**Discussion of Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members**

**June 25, 2024**

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

**SUMMARY:** This item provides an opportunity for the committee to discuss a possible amendment to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§11.159](#).

TEC, §11.159, requires the State Board of Education (SBOE) to provide a training course for independent school district trustees.

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

**FUTURE ACTION EXPECTED:** The proposed amendment to §61.1 will be presented for first reading and filing authorization at a future meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Section 61.1 addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session; a basic orientation to the TEC; an annual team-building session with the local school board and the superintendent; specified hours of continuing education based on identified needs; training on evaluating student academic performance; training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children; and training on school safety. In addition to establishing the conditions for the training courses required for school district trustees, §61.1 establishes the criteria for both registered providers of school board training and authorized providers of school board training.

The SBOE's Committee of the Full Board discussed §61.1 at its January 2023 meeting. The SBOE's Committee on School Initiatives discussed §61.1 at its November 2023 meeting.

**Staff Members Responsible:**

Steve Lecholop, Deputy Commissioner, Office of Governance

Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

**[Attachment:](#)**

Text of 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.1, Continuing Education for School Board Members

**ATTACHMENT**  
**Text of 19 TAC**

**Chapter 61. School Districts**

**Subchapter A. Board of Trustees Relationship**

**§61.1. Continuing Education for School Board Members.**

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for governance leadership to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.
- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees.
  - (1) Each school board member of an independent school district shall complete a local district orientation.
    - (A) The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.
    - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
    - (C) The orientation shall be at least three hours in length.
    - (D) The orientation shall address local district practices in the following, in addition to topics chosen by the local district:
      - (i) curriculum and instruction;
      - (ii) business and finance operations;
      - (iii) district operations;
      - (iv) superintendent evaluation; and
      - (v) board member roles and responsibilities.
    - (E) Each board member should be made aware of the continuing education requirements of this section and those of the following:
      - (i) open meetings act in Texas Government Code, §551.005;
      - (ii) public information act in Texas Government Code, §552.012; and
      - (iii) cybersecurity in Texas Government Code, §2054.5191.
    - (F) The orientation shall be open to any board member who chooses to attend.
  - (2) Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.
    - (A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.
    - (B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

- (C) The orientation shall be at least three hours in length.
  - (D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).
  - (E) The orientation shall be provided by a regional education service center (ESC).
  - (F) The orientation shall be open to any board member who chooses to attend.
  - (G) The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.
  - (H) The ESC shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.
- (A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.
  - (B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
  - (C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.
  - (D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
  - (E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (4) The entire board shall participate with their superintendent in a team-building session.
- (A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.
  - (B) The session shall be held annually.
  - (C) The session shall be at least three hours in length.
  - (D) The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership described in subsection (a) of this section.
  - (E) The assessment of needs shall be based on the framework for governance leadership described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.
  - (F) The team-building session shall be provided by an ESC or a registered provider as described in subsection (c) of this section.
  - (G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.

- (5) In addition to the continuing education requirements in paragraphs (1) through (4) of this subsection, each board member shall complete additional continuing education based on the framework for governance leadership described in subsection (a) of this section.
  - (A) The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.
  - (B) The continuing education shall be completed annually.
  - (C) In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs.
  - (D) Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.
  - (E) A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.
  - (F) At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.
  - (G) The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
  - (H) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
  - (I) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (6) Each school board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.
  - (A) The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.
  - (B) The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.
  - (C) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
  - (D) The continuing education shall be completed every two years.
  - (E) The training shall be at least three hours in length.
  - (F) The continuing education required by this subsection shall include, at a minimum:
    - (i) instruction in school board behaviors correlated with improved student outcomes with emphasis on:
      - (I) setting specific, quantifiable student outcome goals; and
      - (II) adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in



the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;

- (ii) instruction in progress monitoring practices to improve student outcomes; and
    - (iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability system established under the TEC, Chapter 39.
  - (G) The continuing education shall be provided by an authorized provider as defined by subsection (d) of this section.
  - (H) If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(4) of this section, the training may serve to meet a school board member's obligation to complete training under subsection (b)(4) and (6) of this section, as long as the training complies with the Texas Open Meetings Act.
- (7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).
- (A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.
  - (B) The training shall be completed every two years.
  - (C) The training shall be at least one hour in length.
  - (D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §61.1051 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).
  - (E) The training required by this subsection shall include, at a minimum:
    - (i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
    - (ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
    - (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
  - (F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.
  - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
  - (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section.

- (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
  - (2) An updated registration shall be required of a provider of continuing education every three years.
  - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
  - (4) An ESC is not required to register under this subsection.
- (d) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
  - (1) A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
  - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
  - (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
  - (4) An updated authorization shall be required of a provider of training every three years.
- (e) No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (f) An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (g) A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- (h) For each training described in this section, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.
- (i) To the extent possible, the entire board shall participate in continuing education programs together.
- (j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

- (k) Annually, the SBOE shall commend those local board-superintendent teams that complete at least eight hours of the continuing education specified in subsection (b)(4) and (5) of this section as an entire board-superintendent team.
- (l) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.
- (m) This section will be implemented May 1, 2020. This section as it read prior to adoption by the SBOE at its January 2020 meeting controls continuing education for school board members until May 1, 2020.

## **Commissioner's Comments**

**June 26, 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

**Permanent School Fund Percentage Distribution Rates Under  
Consideration for Fiscal Years 2026 and 2027**

**June 28, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to evaluate and approve the report on Permanent School Fund (PSF) percentage distribution rates under consideration for fiscal years 2026 and 2027. The board will consider various factors associated with the distribution rate such as expected returns, inflation, and student population growth. Additionally, this item provides the opportunity for the board to discuss anticipated instructional material needs for the 2026-2027 biennium.

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

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

19 TAC Chapter 33 codifies administrative rules that provide a statement of investment objectives, policies, and guidelines of the Texas PSF and Bond Guarantee Program as adopted by the SBOE.

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

**PREVIOUS BOARD ACTION:** At the June 2022 meeting, the board approved the percentage distribution rate to the Available School Fund (ASF) from the PSF for fiscal years 2024 and 2025 to be between 2.50% and 3.33%.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The distribution rate is to be determined by a vote of two-thirds of the total membership of the SBOE taken before the regular session of the legislature convenes. If the SBOE does not adopt a rate, then the legislature will adopt a rate by general law or appropriation. The current rate is 3.32% of the average market value for the trailing 16 state fiscal quarters ending November 30, 2022.

According to the FY 2024-25 General Appropriations Act (HB 1), in Rider 38 of the Texas Education Agency bill pattern, at least 45 days prior to the adoption of the distribution rate from the PSF to the ASF by the SBOE, a report shall be sent to the Legislative Budget Board and the Governor on the following:

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

**Staff Member Responsible:**

Mark Shewmaker, Senior Investment Officer and Director of Special Projects, Texas Permanent School Fund Corporation

## **Consideration of the Commissioner of Education's Generation 29 Open-Enrollment Charter School Proposals**

**June 28, 2024**

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

**SUMMARY:** This item provides the committee and board an opportunity to review and take action or no action on the commissioner's list of proposed Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2025-2026 school year. If awarded, the charters will have an initial five-year term.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§12.101](#).

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

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

**PREVIOUS BOARD ACTION:** Annually, within 90 days of the commissioner's notification of his intent to grant open-enrollment charter school(s), the SBOE has an opportunity to formally consider the commissioner's proposals and to take action or take no action. At the June 2023 meeting, the SBOE took into consideration the five (5) applicants recommended by the commissioner of education for charter award. The SBOE voted to take no action on the following four (4) charter applicants: Celebrate Dyslexia School (San Antonio), Heritage Classical Academy (Houston), NextGen Innovation Academy (Houston), UP Excellence Academy (Houston). The SBOE voted to veto one of the charter applicants: The Village Speech and Debate Academy (Fort Worth).

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, §12.101 grants the commissioner the authority to award up to 305 open-enrollment charters to eligible entities that are considered capable of carrying out the responsibilities of the charter, are likely to operate a school of high quality, have been proposed by the commissioner, and are not vetoed by a majority of the SBOE members present and voting. Prior to the charter school award cycle, the commissioner adopted the Generation 29 Open-Enrollment Charter Instructions and Guidance and Request for Application documents, establishing the timeline and procedures for the application cycle, the contents of the application, and the criteria by which charter schools would be awarded to eligible entities. Generation 29 applications must have earned a minimum cut score of 85% to be granted an interview.

Twenty-one applications were submitted by the November 3, 2023 deadline, and after eligibility, completion, and plagiarism checks by Texas Education Agency (TEA) staff, 18 applications advanced to external review. The external reviewers, designated through a Request for Qualifications (RFQ) process, scored the 18 applications. Nine of the applications met the minimum cut score of 85% to advance to capacity interviews. The commissioner's designee and TEA staff conducted interviews on Friday, May 10; Tuesday, May 14; Wednesday, May 15, Thursday, May 16; and Friday, May 17, 2024. SBOE members were invited to attend the interviews.

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

Review and take no action on the commissioner's list of proposed Generation 29  
Subchapter D Open-Enrollment Charter Schools scheduled to open in the 2025-2026  
school year.

**Staff Members Responsible:**

Kelvey Oeser, Deputy Commissioner, Educator and System Support

Marian Schutte, Deputy Associate Commissioner, Authorizing and Policy

**Separate Exhibit:**

Commissioner of Education's Generation 29 Open-Enrollment Charter School Proposals  
(to be provided at the June 2024 SBOE meeting)

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

**June 26, 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 Wednesday, June 26, 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, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, 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 initially began the review and revision of the ELPS in 19 TAC §74.4 in 2019. 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 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, 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 and one regional education service center 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. New ELPS review work groups were convened in August, September, and November 2023 and in March and May 2024 with the charge of reviewing and revising the expert panel's draft.

Proposed new 19 TAC §120.20 and §120.21 are 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

**Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills,  
Subchapter B, English Language Proficiency Standards  
(First Reading and Filing Authorization)**

**June 28, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed new 19 Texas Administrative Code (TAC) Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, 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.

**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 2025-2026 school year. The earlier effective date will enable districts to begin preparing for implementation of the new ELPS.

**PREVIOUS BOARD ACTION:** The SBOE adopted the ELPS in 2007 for implementation in the 2007-2008 school year. At the June 2023 and April 2024 SBOE meetings, the board discussed proposed revisions to the ELPS.

**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. In April 2024, the SBOE held a discussion on the proposed new ELPS, and in May 2024 TEA convened a final work group to complete the recommendations for the new ELPS.

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 and §120.21 is presented as a separate item in this agenda.

**FISCAL IMPACT:** TEA has determined that for the first five years the proposal is in effect (2024-2028), there will be fiscal implications to state government. For fiscal year 2024, the estimated cost to TEA to reimburse committee members for travel to review and revise the ELPS is \$50,000. There will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised ELPS.

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

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by requiring new, more specific, ELPS to be taught by school districts and charter schools.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align the ELPS for second language acquisition to ensure the standards are current and comply with federal requirements. 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 or 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 August 2, 2024, and ends at 5:00 p.m. on September 3, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 August 2, 2024.

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

Approve for first reading and filing authorization proposed new 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, Grades 4-12, Adopted 2024.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 120, Other Texas Essential Knowledge and Skills, Subchapter B, English Language Proficiency Standards, §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, Grades 4-12, Adopted 2024

(to be provided prior to the June 2024 SBOE meeting)

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

**June 28, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption proposed amendments to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §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. No changes are recommended since approved for first reading.

**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 CTE 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. At the April 2024 meeting, the SBOE approved for first reading and filing authorization the proposed amendments to Chapter 74, Subchapter B.

**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 second reading and final adoption.

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

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

The proposal would have no new data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April 2024 SBOE meeting, notice of the proposed amendments was filed with the Texas Register, initiating a public comment period. The public comment period on the proposal began on May 17, 2024, and ended at 5:00 p.m. on June 17, 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 June 2024 meeting. 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.



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

Approve for second reading and final adoption proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements; and

Make an affirmative finding that immediate adoption of proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements, 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 Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, 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**

**§74.12. 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; ~~or~~
- (B) courses required to complete a TEA-designated program of study related to STEM; ~~or~~
  - (C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section; ~~or~~
  - (D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or
  - (E) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.
- (2) Business and industry. 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 (relating to Agriculture, Food, and Natural Resources);
    - (ii) ~~(i)~~ Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); ~~or~~
    - (iii) ~~(ii)~~ Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); ~~or~~
    - (iv) ~~(iii)~~ Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); ~~or~~
    - (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); ~~or~~
    - (vii) ~~(v)~~ Chapter 130, Subchapter F, of this title (relating to Finance); ~~or~~
    - (viii) ~~(vi)~~ Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism); ~~or~~
    - (ix) ~~(vii)~~ Chapter 130, Subchapter K, of this title (relating to Information Technology); ~~or~~
    - (x) ~~(viii)~~ Chapter 130, Subchapter M, of this title (relating to Manufacturing); ~~or~~
    - (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) ~~(xiii)~~ 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.)



## Discussion of Pending Litigation

June 26, 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 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  
(Second Reading and Final Adoption)**

**June 28, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading.

**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.

At the April 2024 SBOE meeting, the board approved the proposed repeal of 19 TAC §§112.10-112.16, 112.17-112.20, and 112.31-112.39 for first reading and filing authorization.

**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>.

**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, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing outdated science TEKS 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.

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

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

The proposal would 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:** No changes have been made to this section since published as proposed.

The proposal would have no data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April 2024 SBOE meeting, notice of the proposed repeal was filed with the Texas Register, initiating the public comment period. The public comment period began May 17, 2024, and ended at 5:00 p.m. on June 17, 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 June 2024 meeting. 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.

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

Approve for second reading and final adoption 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; and

Make an affirmative finding that immediate adoption of 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, 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

**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  
(Second Reading and Final Adoption)**

**June 28, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption 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. No changes are recommended since approved for first reading.

**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.

At the April 2024 SBOE meeting, the board approved for first reading and filing authorization the proposed repeal of 19 TAC §§126.5-126.7 and 126.13-126.16.

**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 repeals 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>.

**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, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

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

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

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

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

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



TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by 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:** No changes have been made to this section since published as proposed.

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

The proposal would have no data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April 2024 SBOE meeting, notice of the proposed repeal was filed with the Texas Register, initiating the public comment period. The public comment period began May 17, 2024, and ended at 5:00 p.m. on June 17, 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 June 2024 meeting. 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.

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

Approve for second reading and final adoption 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; and

Make an affirmative finding that immediate adoption of 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, 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

**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  
(Second Reading and Final Adoption)**

**June 28, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption the proposed repeal of 19 Texas Administrative Code (TAC) Chapter 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. No changes are recommended since approved for first reading.

**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.

At the April 2024 SBOE meeting, the board approved the proposed repeal of 19 TAC §§127.11, 127.12, 127.14-127.16, 127.309, 127.311, 127.402, 127.404-127.408, 127.412, 127.468, 127.473, 127.742, 127.743, 127.751, 127.752, 127.762, 127.763, 130.278, and 130.384 for first reading and filing authorization.

**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>.

**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, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by removing outdated CTE TEKS 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.

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

The proposal would have no data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April 2024 SBOE meeting, notice of the proposed repeal was filed with the Texas Register, initiating the public comment period. The public comment period began May 17, 2024, and ended at 5:00 p.m. on June 17, 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 June 2024 meeting. 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.

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

Approve for second reading and final adoption 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; and

Make an affirmative finding that immediate adoption of 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, 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

**Procedural Action Related to 19 TAC Chapter 74, Curriculum Requirements,  
Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs  
(First Reading and Filing Authorization)**

**June 28, 2024**

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

**SUMMARY:** In order to correct an error made by the Texas Education Agency (TEA), this item presents for first reading and filing authorization a proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs. This action would authorize TEA to re-file the proposal adopted by the State Board of Education (SBOE) in November 2023 and correct the criteria for innovative courses to be considered for sunset to align with the language approved by the SBOE.

**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 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.

**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 2025-2026 school year. The earlier effective date would correct an error prior to the 2025-2026 school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted §74.27 effective September 1, 1996, with amendments effective September 1, 1998; September 1, 2001; December 25, 2007; December 25, 2019; and February 26, 2023. A discussion item on §74.27 was presented to the Committee on Instruction at the June 2023 SBOE meeting. In September 2023, the SBOE approved for first reading and filing authorization the proposed amendment to §74.27. At the November 2023 SBOE meeting, the board approved the proposed amendment for second reading and final adoption.

**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. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the SBOE to approve innovative courses. Each year, TEA provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. TEA staff works with applicants to fine tune their applications, which are then submitted to the Committee on Instruction for consideration.

At the June 2023 meeting, the Committee on Instruction discussed an amendment to §74.27 to add a provision for the sunset of innovative courses that meet certain criteria. The board approved for first reading and filing authorization the proposed amendment to §74.27 at its August-September 2023

meeting. At the November 2023 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §74.27, which included as a criteria for consideration for sunset a provision that a course must have been approved for at least three years and meet at least one additional criteria. When TEA staff filed the rule as adopted with the Texas Register, the filing did not include the provision that a course must have been approved for at least three years and meet at least one additional criteria to be considered for sunset. The amendment became effective February 18, 2024.

In order to correct the error made by TEA, this item presents for first reading and filing authorization a proposed amendment to §74.27(a)(9). This action would authorize TEA to re-file the proposal adopted by the SBOE in November 2023 and correct the criteria for innovative courses to be considered for sunset to align with the language approved by the SBOE.

The proposed amendment was not presented as a discussion item. The SBOE, however, may wish to consider this item for first reading and filing authorization as authorized under its operating procedures. Therefore, this item is presented for first reading and filing authorization consideration at this meeting. It is recommended that the SBOE consider this item for first reading and filing authorization to ensure that the error can be corrected at the earliest possible date.

**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 limit an existing regulation by limiting the scope of innovative courses considered by criteria listed in §74.27(a)(9) to those that have been approved for at least three years.

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 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 correct the criteria for innovative courses to be considered for sunset to align with the language approved by the SBOE 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 or 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 August 2, 2024, and ends at 5:00 p.m. on September 3, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 August 2, 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 amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27(a)(9), Innovative Courses and Programs.

**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, §74.27(a)(9), Innovative Courses and Programs

**ATTACHMENT**  
**Text of Proposed Amendment to 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 discipline-based courses in the foundation or enrichment curriculum and courses that do 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) 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.
  - (3) To request approval from the SBOE, 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;
    - (H) the amount of credit requested; and
    - (I) a copy of or electronic access to any recommended instructional resources for the course.
  - (4) To request approval 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.
  - (5) 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.
  - (6) The requirements of paragraphs (3)(C) and (5) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.
  - (7) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.
  - (8) With the approval of the local board of trustees, a school district may offer, without changes or deletions to content, any state-approved innovative course.
  - (9) Texas Education Agency shall review all approved innovative courses once every two years and provide for consideration for sunset a list of innovative courses that have been approved as an innovative course for at least three years and meet one of the following criteria:
    - (A) zero enrollment for the previous two years;

- (B) average enrollment of less than 100 students statewide for the previous three years;
  - (C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;
  - (D) duplicative of another innovative or TEKS-based course; or
  - (E) approved for implementation as a TEKS-based course.
- (b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting 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 considered by the SBOE.
  - (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 SBOE approval of the innovative course.

## **Approval of Sunset of Innovative Courses**

**June 28, 2024**

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

**SUMMARY:** This item provides an opportunity for the committee to take action on possible sunset of certain innovative courses that meet certain criteria established in administrative rule.

**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, school districts and other entities have the opportunity to submit applications for proposed innovative courses. At the April 2023 SBOE meeting, Texas Education Agency (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 update the rules 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 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, including student enrollment, the number of districts or charter schools that are teaching the course, duplicative of another course, or approved for implementation as a TEKS-based course. At its April 2024 meeting, the Committee on Instruction discussed the list of all innovative courses that met any of the established criteria. The committee indicated it would further consider for sunset only those courses that met at least three of the adopted criteria and were not part of a career and technical education program of study. This item provides an opportunity for the committee to discuss and take action on the sunset of innovative courses that have been approved for at least three years and meet at least three of the adopted criteria outlined in §74.27.

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

Approve the sunset of innovative courses as indicated on the Final Spring 2024 Innovative Course Sunset Report.

**Staff Members Responsible:**

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

**Separate Exhibit:**

Final Spring 2024 Innovative Course Sunset Report  
(to be provided in advance of the June 2024 SBOE meeting)

## **Consideration of Proposed New Innovative Course and Extensions of Currently Approved Innovative Courses**

**June 28, 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, as well as the extension of approvals for 24 currently approved innovative courses that are part of career and technical education (CTE) programs of study.

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

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

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

**PREVIOUS BOARD ACTION:** The SBOE adopted 19 TAC §74.27, Innovative Courses and Programs, to be effective September 1, 1996, with amendments to be effective September 1, 1998, and December 25, 2007. In November 2019, the SBOE adopted additional amendments to 19 TAC §74.27 to be effective December 25, 2019. In November 2022, the SBOE again adopted amendments to 19 TAC §74.27 to be effective February 26, 2023. In November 2023, the SBOE adopted amendments 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 amendments 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, school districts and other entities have the opportunity 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 for Gaming Concepts: Fundamentals is included as an attachment to this item. If approved, the recommended effective date for the new 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.

New innovative courses are approved for a specified number of years before the applicant must resubmit for renewal. There are 24 currently approved innovative courses that are part of Texas Education Agency-designated CTE programs of study that are set to expire at the end of the 2024-2025 school year. These 24 courses are to be part of the SBOE's TEKS review and revision process in the coming years. It is recommended that the committee approve an extension for each of courses for a period of five years to allow sufficient time for the courses to be adopted as TEKS-based courses. This extension will ensure that the courses continue to be available to students.

**PUBLIC BENEFIT AND COST TO PERSONS:** Students would have access to a new innovative course that meets local district needs and continue to have access to courses that are included as part of CTE programs of study.

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

Approve the innovative course Gaming Concepts: Fundamentals; and

Approve for a period of five years the extension of the courses included in the Innovative Course Descriptions for Courses Seeking Extensions list.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment I:**

Text of 19 TAC §74.27, Innovative Courses and Programs

**Attachment II:**

Innovative Course Application: Gaming Concepts: Fundamentals

**Attachment III:**

Innovative Course Descriptions for Courses Seeking Extensions



## ATTACHMENT

### 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 discipline-based courses in the foundation or enrichment curriculum and courses that do 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) 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.
  - (3) To request approval from the SBOE, 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;
    - (H) the amount of credit requested; and
    - (I) a copy of or electronic access to any recommended instructional resources for the course.
  - (4) To request approval 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.
  - (5) 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.
  - (6) The requirements of paragraphs (3)(C) and (5) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.
  - (7) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.
  - (8) With the approval of the local board of trustees, a school district may offer, without changes or deletions to content, any state-approved innovative course.
  - (9) Texas Education Agency shall review all approved innovative courses once every two years and provide for consideration for sunset a list of innovative courses that meet the following criteria:
    - (A) zero enrollment for the previous two years;
    - (B) average enrollment of less than 100 students statewide for the previous three years;
    - (C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;

- (D) duplicative of another innovative or TEKS-based course; or
  - (E) approved for implementation as a TEKS-based course.
- (b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting 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 considered by the SBOE.
  - (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 SBOE approval of the innovative course.



**Title of proposed new innovative course:**

Gaming Concepts: Fundamentals

**Applicant information – All Information Is Required**

Name of applying school district, charter school, or organization: Generation Esports

Complete mailing address:

Generation Esports

908 Baltimore Ave.

Floor 2

Kansas City, MO 64105

Primary contact person: Dr. Kristy Custer

Primary contact person's title: President Educational Innovation

Primary contact person's email address: kristy@generationesports.com

Primary contact person's phone number, area code first: 316-706-3630

Secondary contact person: Heidi Albin

Secondary contact person's title: Learning Design Manager

Secondary contact person's email address: heidi@generationesports.com

Secondary contact person's phone number, area code first: (316) 208-9869

County District Number (if applicant is a Texas public school): N/A

Superintendent (if applicant is a Texas public school): N/A

Date of local board of trustees' approval of this innovative course application (if applicant is a Texas public school): N/A

### Proposed Course Information

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Subject area (choose only one): **Other**

Career cluster (CTE only): N/A

Number of credits per course: 0.5

Grade level(s) (high school only): 9–12

### Brief description of the proposed course (150 words or less, paragraph form):

*Gaming Concepts: Fundamentals* is tailored for students who are interested in gaming culture and are eager to further develop digital and teamwork skills. The central focus of this course is to introduce gaming knowledge and skills and connect the learned knowledge and skills to academic, social, and technical skill development. Students summarize the history of esports and gaming, practice strategic gaming skills, investigate good gamer health, apply basic technology information and hands-on troubleshooting for the gamer, explore Science, Technology, Engineering, and Math (STEM) -connected college and career options in the gaming industry, and recognize the applications of gaming on well-being.

### Brief justification of how/why the proposed course qualifies as “innovative” in terms of student need. (150 words or less, paragraph form):

*Gaming Concepts: Fundamentals* is different from any other TEKS-based course because it teaches esports-specific content and skills. By leveraging the popularity and relevance of esports and gaming culture, the course seeks to provide students with a multifaceted learning experience that goes beyond traditional academic subjects. Texas has seen a dramatic increase of scholastic esports teams over the past five years and an esports course is now needed to support the growth of a knowledge base in the burgeoning fields of esports and gaming. *Gaming Concepts: Fundamentals* is designed to not only capture student interest but also teach students the transferable skills found in gaming. The course aims to empower students with capabilities that extend beyond pastime or hobby, illuminating the potential for high-skill, high-wage careers in areas such as digital media, information technology, web and digital communications, and programming and software development.

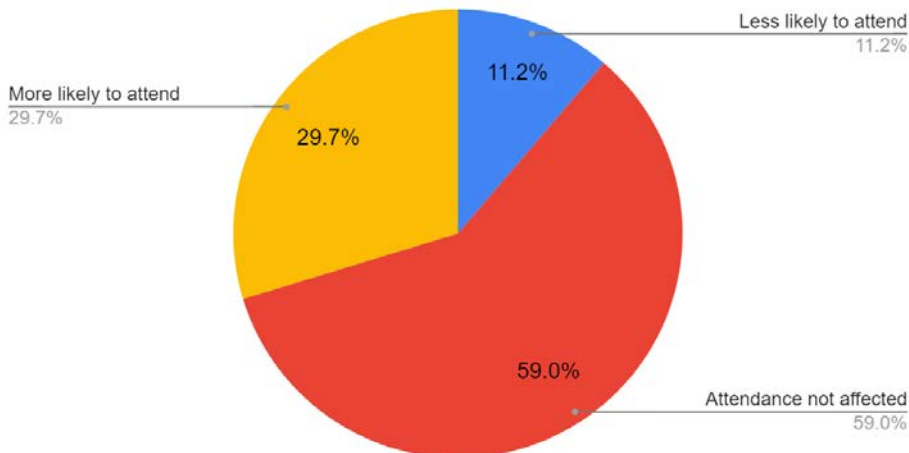
Pilot Information	Provide Answers in This Column
<b>2022-2023 Enrollment</b>	413 Students
<b>Years the Course Was Offered in Its Entirety</b>	1
<b>Name of Texas High School</b>	<ul style="list-style-type: none"> <li>• Texas High School</li> <li>• Waxahachie High School</li> <li>• La Vega High School</li> <li>• Humble High School</li> <li>• Atascocita High School</li> <li>• Brownsboro High School</li> <li>• Maud High School</li> <li>• Tuloso-Midway High School</li> <li>• Hudson High School</li> </ul>
<b>Pilot Information</b>	Provide Answers in This Column

Nine schools and 413 students piloted the *Gaming Concepts: Fundamentals* course during the 2022-2023 school year. The primary method of data collection for the pilot study was a pre- and post-survey. 413 students completed the pre-survey, and 251 students (61%) completed the post-survey. Some of the reasons that not all students completed the survey included being absent, dropping the class, teachers not requiring the surveys, and not having enough time to get through the course to get to the survey at the end.

The following are highlights of the data collected from the 251 students who completed the post-survey during the 2022-2023 pilot.

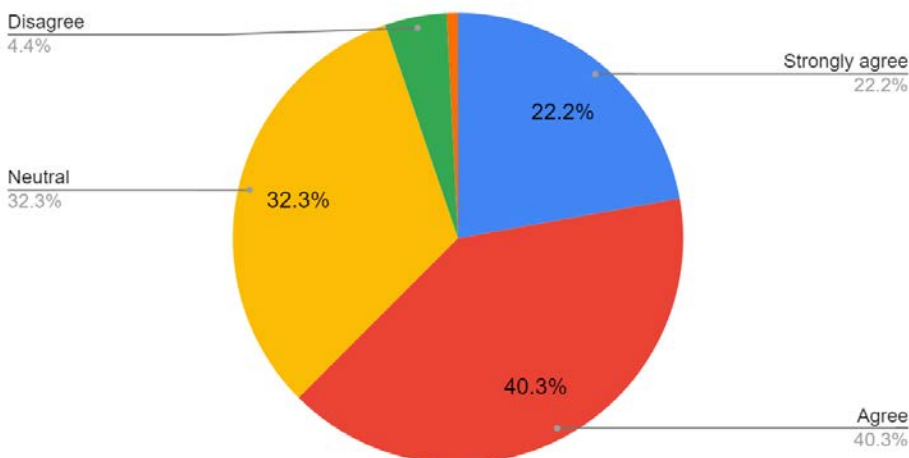
To leverage the burgeoning interest of students in esports, educators have strategically integrated esports content into their classes as a captivating "hook" to enhance engagement in traditional curriculum. This initial integration has sparked increased student interest, with learners expressing a desire for more lessons centered around esports. In response, instructors found themselves adapting to meet this demand with little or no esports background or knowledge. The *Gaming Concepts: Fundamentals* pilot course provided instructors with an esports-focused curriculum solution that not only imparted knowledge and skills not covered in other courses but also demonstrated a positive impact on students' perceptions of their school attendance. Notably, 29.7% of students self-reported that their enrollment in the *Gaming Concepts: Fundamentals* course made them "More likely to attend" school.

How did taking the Gaming Concepts course affect your attendance at school?



Despite prevailing sentiments reflected in both [Texas](#) data showing curriculum content does not prepare students for life after high school and [national data](#) showing a significant majority of students express negative feelings about school, a noteworthy 62.5% of students who participated in the pilot course concurred, either agreeing or strongly agreeing, that they perceived the content presented in the *Gaming Concepts: Fundamentals* course was both engaging and relevant.

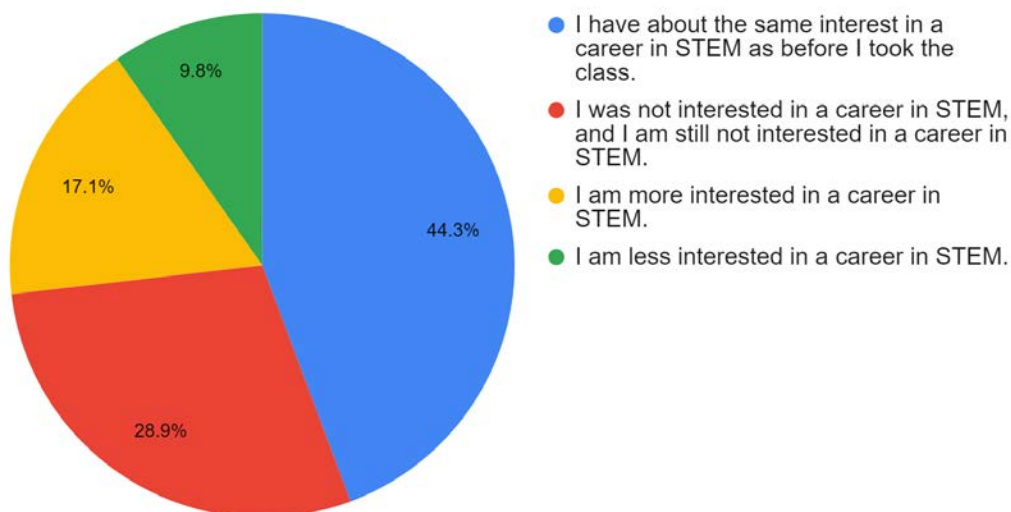
The content in the Gaming Concepts course was engaging and relevant.



The impact of the *Gaming Concepts: Fundamentals* course extends beyond immediate satisfaction, as evidenced by students' perceptions of their future career considerations. The career exploration focus

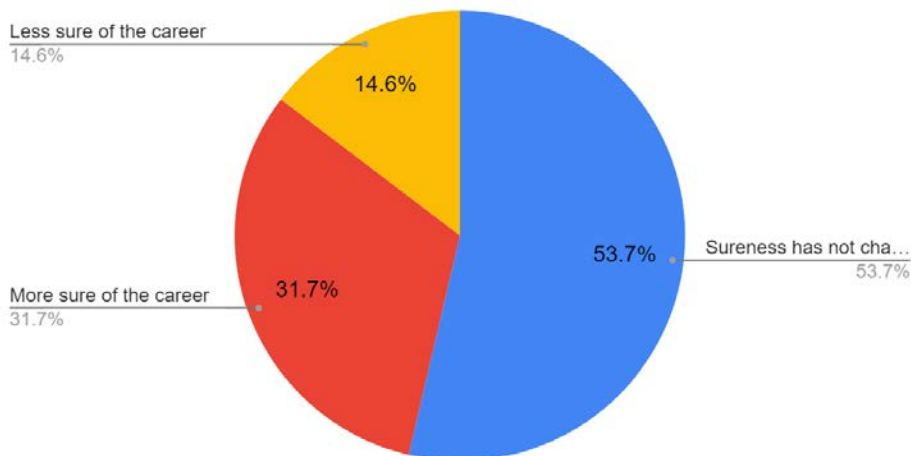
of the course not only seeks to enhance students’ knowledge about careers in gaming but also expands student perceptions of interest in highly-employable careers in STEM fields. This change is evidenced by 17.1% of students answering, “I am more interested in careers in STEM” in response to the survey question, “After taking the Gaming Concepts course, I am more or less interested in a career in Science, Technology, Engineering or Math (STEM).”

After taking the Gaming Concepts course, I am more or less interested in a career in Science, Technology, Engineering or Math (STEM).



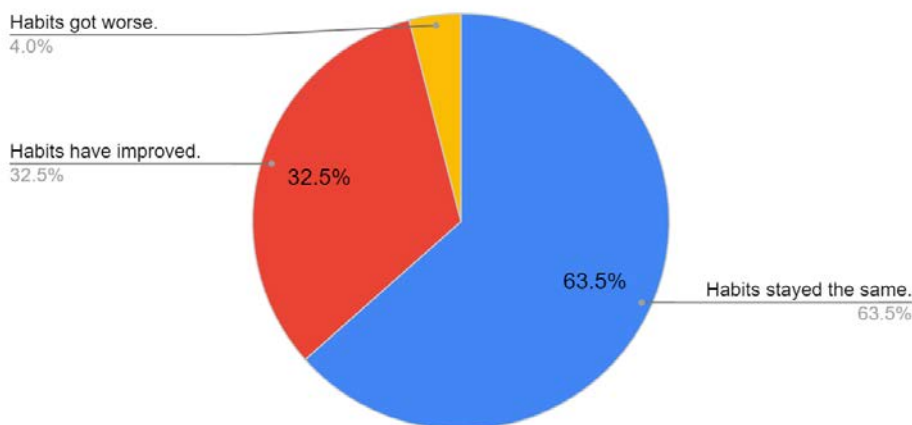
Notably, 31.7% of students reported enhanced clarity about their career plans, signifying a valuable outcome of the course. These findings suggest that the course plays a role in not only providing engaging content for students but also increasing interest toward STEM fields as potential career paths.

After taking the Gaming Concepts course, I am more or less sure of the future career I would like to pursue.



An additional aspect of significance within the data, particularly distinctive to the *Gaming Concepts: Fundamentals* course as a proposed innovative course, pertains to its influence on student video gaming habits. The course's distinct emphasis on video gamers and gamer health yielded noteworthy outcomes. 32.5% of students affirmed that their gaming habits, which encompass aspects such as sleep, nutrition, and exercise, experienced improvement as a direct result of their participation in the course. This not only underscores the course's positive impact on academic engagement but also on fostering healthier gaming practices among students.

How did the Gaming Concepts course affect your video gaming habits (ex. sleep, nutrition, exercise, etc.)?



A final point of interest, which is not Texas specific, includes a national study, in which Hudson High School was involved, on preventative mental health instruction included in the *Gaming Concepts: Fundamentals* course. Although individual data for Hudson High School is not available, national data indicate that *Gaming Concepts: Fundamentals* has been shown to produce “a clinically relevant migration of participants from abnormal low self-esteem baselines to a normal range” ([Jenson, Wolff, & Milkovich, 2023](#)). In addition, conclusions of the study state, “Scholarly gaming with +Mental Health Moments, a tech-based course that seems to capture the interest of many students, might serve as a successful conduit for embedded preventive mental health curriculum, improving the self-esteem of participants. This is particularly relevant, as scholarly gaming curricula often reach some of the most vulnerable youth through school-based interventions used” ([Jenson, Wolff, & Milkovich, 2023](#)).

Jenson C, Wolff S, Milkovich L. *Effects of a Preventive Mental Health Curriculum Embedded Into a Scholarly Gaming Course on Adolescent Self-Esteem: Prospective Matched Pairs Experiment*. JMIR Serious Games 2023;11:e48401.

### **Essential Knowledge and Skills for the Proposed Course:**

- a) General Requirements. This course is recommended for students in Grades 9–12. Students shall be awarded one-half credit for successful completion of this course.
- b) Introduction.



- (1) *Gaming Concepts: Fundamentals* is tailored for students who are interested in gaming culture and are eager to further develop digital and teamwork skills. The central focus of this course is to introduce gaming knowledge and skills and connect the learned knowledge and skills to academic, social, and technical skill development. Students summarize the history of esports and gaming, practice strategic gaming skills, investigate good gamer health, apply basic technology information and hands-on troubleshooting for the gamer, explore STEM-connected college and career options in the gaming industry, and recognize the applications of gaming on well-being.
  - (2) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.
- c) Knowledge and skills.
- (1) Goal-Setting and decision-making skills. The student creates goals related to career acquisition, educational paths, and health promotion and preventative care for gamers and predicts the immediate and long-term impact of decisions on the individual, esports team, and the broader gaming community. The student is expected to:
    - (A) discuss multiple strategies for making decisions related to gaming scenarios in the virtual world and discuss multiple strategies for making decisions related to gaming scenarios in personal experiences;
    - (B) use complex decision-making skills to formulate an action plan aimed at achieving academic, career, and personal goals;
    - (C) predict the short- and long-term consequences of personal decisions on gamers, esports teams, and the gaming community as a whole; and
    - (D) develop both immediate and future objectives concerning career advancement in gaming, educational decisions unique to gamers, and the promotion of health and preventative measures among gamers.
  - (2) Interpersonal communication. The student understands and exhibits interpersonal communication skills that respect self and others in online gaming settings. The student is expected to:
    - (A) describe and give examples of types of constructive and detrimental engagement within a team or collaborative learning group in online gaming environments;
    - (B) describe the value of participating in a gaming environment with players and team members of different skill levels;
    - (C) identify and practice refusal, negotiation, collaboration, mediation, and conflict-resolution skills to avoid potentially incendiary situations with other gamers and within teams;

- (D) respond to both success and disappointment experienced by others in esports practice and competition through verbal affirmations, supportive gestures, and empathetic reactions;
  - (E) demonstrate successful team communication through virtual channels in practice and competing in virtual environments within the course;
  - (F) analyze how teamwork enhances personal and professional growth; and
  - (G) analyze the importance of exhibiting appropriate etiquette in all online gaming settings and its impact on the potential for success.
- (3) Gaming skills. The student applies fine motor skills specific to gaming controls, during gaming activities. The student is expected to:
- (A) explain appropriate tactical decisions in gaming situations such as positioning and movement, team coordination, counterplay, and timing and execution of abilities, attacks, and movements;
  - (B) demonstrate appropriate motor skills for a self-selected game;
  - (C) demonstrate effective offensive and defensive skills in a variety of gaming activities;
  - (D) make appropriate technical skill changes to adapt to environmental conditions such as game updates, patches, meta shifts, and evolving strategies in a variety of gaming pursuits;
  - (E) exhibit quick decision making to perform immediate actions and hand-eye coordination in a virtual environment within modified, individual, or team situations; and
  - (F) compare movement concepts, principles, strategies, and tactics as they apply to specific games.
- (4) Technical skills. The student uses key functions of software and hardware pertinent to the esports industry. The student is expected to:
- (A) use recording and streaming software to capture gameplay footage for analysis and content creation purposes, while taking into consideration ethics and laws of intellectual property;
  - (B) enhance game visuals and performance by applying advanced settings within game engines or editing software;
  - (C) configure gaming peripherals and software settings for selected games; and
  - (D) troubleshoot common technical issues encountered during competitive gaming sessions.
- (5) Health promotion and preventative care for gamers. The student identifies common risks in gaming and risk-reducing strategies for gamers. The student is expected to:

- (A) describe the importance of the interrelationships of mental, emotional, social, and physical health through gaming;
  - (B) investigate strategies for maintaining mental well-being, including managing stress levels, setting boundaries on gaming time, and seeking social support from friends, family, or online communities;
  - (C) implement classroom habits and routines according to best practices related to gaming health and wellness to promote long-term physical and mental resilience;
  - (D) articulate the physical and mental health risks associated with prolonged gaming sessions, such as eye strain and sedentary behavior;
  - (E) explain the importance of taking regular breaks, meeting nutritional needs, and practicing physical exercises specifically tailored to counteract the sedentary nature of gaming; and
  - (F) model ergonomic principles to optimize gaming setups to reduce the risk of musculoskeletal issues and promote comfortable gameplay.
- (6) Esports industry. The student evaluates the state of the esports industry. The student is expected to:
- (A) explore and describe esports-related career paths within STEM fields, including the transferable skills gained through esports engagement;
  - (B) outline strategies for pursuing educational pathways in esports-related STEM fields, informed by insights gained from the course;
  - (C) discuss unique aspects of esports marketing and branding;
  - (D) summarize the key laws, regulations, and ethics influencing the esports industry; and
  - (E) summarize the various levels and formats of esports competition.
- (7) Influence of culture, media, and technology. The student evaluates the reciprocal influence of esports, culture, media, and technology, currently and historically. The student is expected to:
- (A) compare responses to gaming in the United States with those from cultures around the world;
  - (B) describe the relationship between esports and the media;
  - (C) summarize key historical events in the esports timeline;
  - (D) summarize key influencers and stakeholders shaping the esports culture; and
  - (E) evaluate how gaming has influenced culture.

- (8) Gaming Appreciation. The student identifies lifetime gaming options that provide for health, enjoyment, challenge, self-expression, and social interaction. The student is expected to:
- (A) discuss strategies to incorporate gaming into daily routines in a purposeful and meaningful manner that enhances wellbeing;
  - (B) demonstrate perseverance in acquiring proficiency with new games by consistently engaging with unfamiliar titles, actively seeking resources for improvement, and completing challenges;
  - (C) explain reasons for choosing to participate in selected games; and
  - (D) differentiate between intrinsic and extrinsic reasons for participating in gaming activities.

### **Recommendations for new proposed innovative course**

#### **Recommended resources, technology, and instructional materials to be used:**

It is required that instructors have a print or digital copy of *Gaming Concepts: Fundamentals* and *Gaming Concepts: Fundamentals Student Companion*.

#### **Textbooks:**

- Custer, Kristy, Michael Russell, Chris Jenson, Heidi Albin, and Alex Hirbe. *Gaming Concepts: Fundamentals*. Kansas City, MO: High School Esports League, 2021. (Teacher Edition)
  - Print copy cost: \$125 each
  - Digital copy cost: \$99 each
- Custer, Kristy, Michael Russell, Chris Jenson, Heidi Albin, and Alex Hirbe. *Gaming Concepts: Fundamentals Student Companion*. Kansas City, MO: High School Esports League, 2021. Cost: \$25 each.

#### **Technology:**

- Students should have access to a computing device with internet access that is capable of basic word processing and graphics content creation.
- Students should be able to access free and/or paid for video games of their choice (or as directed by the instructor) for Purposeful Play activities. Depending on the technology available to them, these games can be on PC, console, cell phone, or other computing device with internet connection.

#### **Optional Resources:**

Generation Esports. Digital Learning Platform. Accessed April 25, 2024.  
<https://www.blueprint.study/>.

**Recommended activities:**

- Demonstrate healthy gaming habits through reflective journaling.
- Perform preventive and corrective technological tasks.
- Explain the various roles and responsibilities within a team, detailing how each member contributes to the collective effort.
- Formulate educational and career plans.
- Analyze data and articulate reflections based on the data.

**Recommended assessment methods for evaluating student outcomes:**

- Formative and summative assessments are used throughout the course. Formative assessments take the form of classroom discussions, quizzes, concept mapping, gallery walks, and peer assessment. These instruments enable the evaluation of students' comprehension of essential concepts and allow for real-time adjustments as necessary.
- Summative assessments include a career research paper, hands-on technical performance task, and research analysis. Students also complete a summative portfolio which includes daily journal entries, gaming articles, additional research that students conduct, and screenshots depicting exciting events that happen in-game or demonstrate rank promotions. Students are also given a pre- and post- assessment to gauge their understanding and perceptions of gaming and careers in STEM fields.

**Recommended educator certifications:**

An assignment for *Gaming Concepts: Fundamentals* is allowed with one of the following certificates.

- Computer Science: Grades 8-12.
- Grades 6-12 or Grades 9-12--Computer Information Systems.
- Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- Secondary Computer Information Systems (Grades 6-12).
- Secondary Industrial Arts (Grades 6-12).
- Secondary Industrial Technology (Grades 6-12).
- Technology Applications: Early Childhood-Grade 12.
- Technology Applications: Grades 8-12.
- Technology Education: Grades 6-12.
- Mathematics/Physical Science/Engineering: Grades 6-12.
- Mathematics/Physical Science/Engineering: Grades 8-12.

**Required trainings, including associated costs, if applicable:**

N/A

## List of CTE Innovative Courses for Potential Extension, June 2024

The following list indicates CTE innovative courses that are part of a CTE program of study and are scheduled to expire at the end of the 2024-2025 school year.

Course Title	Year of First Approval	Year of Latest Approval	Program(s) of Study
<a href="#"><u>Basic Fluid Power</u></a>	2017-2018	2017-2018	Industrial Maintenance
<a href="#"><u>Beekeeping and Honey Processing</u></a>	2022-2023	2022-2023	Environmental and Natural Resources
<a href="#"><u>Blueprint Reading for Manufacturing Applications</u></a>	2017-2018	2017-2018	Manufacturing Technology
<a href="#"><u>Computer Aided Drafting for Architecture</u></a>	2020-2021	2020-2021	Architectural Design
<a href="#"><u>Computer Integrated Manufacturing</u></a>	2017-2018	2017-2018	Electrical Engineering Engineering Manufacturing Technology
<a href="#"><u>Dental Equipment and Procedures</u></a>	2022-2023	2022-2023	Diagnostic and Therapeutic Services
<a href="#"><u>Imaging Technology II</u></a>	2022-2023	2022-2023	Diagnostic and Therapeutic Services
<a href="#"><u>Introduction to Film Interpretation of Weldments</u></a>	2020-2021	2020-2021	Welding
<a href="#"><u>IT Troubleshooting</u></a>	2022-2023	2022-2023	Information Technology Support and Services

Course Title	Year of First Approval	Year of Latest Approval	Program(s) of Study
<a href="#"><u>Occupational Safety &amp; Environmental Technology I</u></a>	2015-2016	2017-2018	Oil and Gas Exploration and Production Manufacturing Technology Robotics and Automation Technology Welding Automotive and Collision Repair Aviation Maintenance Diesel and Heavy Equipment Maintenance and Commercial Drivers Distribution, Logistics, and Warehousing Maritime
<a href="#"><u>Occupational Safety &amp; Environmental Technology II</u></a>	2015-2016	2017-2018	Oil and Gas Exploration and Production Robotics and Automations Technology Manufacturing Technology
<a href="#"><u>Occupational Safety &amp; Environmental Technology III</u></a>	2015-2016	2017-2018	Manufacturing Technology
<a href="#"><u>Occupational Therapy I</u></a>	2022-2023	2022-2023	Exercise Science, Wellness, and Restoration
<a href="#"><u>Occupational Therapy II</u></a>	2022-2023	2022-2023	Exercise Science, Wellness, and Restoration
<a href="#"><u>Physical Therapy II</u></a>	2022-2023	2022-2023	Exercise Science, Wellness, and Restoration
<a href="#"><u>Pipefitting Technology I</u></a>	2017-2018	2017-2018	Plumbing and Pipefitting

Course Title	Year of First Approval	Year of Latest Approval	Program(s) of Study
<a href="#"><u>Pipefitting Technology I Lab</u></a>	2019-2020	2019-2020	Plumbing and Pipefitting
<a href="#"><u>Pipefitting Technology II</u></a>	2017-2018	2017-2018	Plumbing and Pipefitting
<a href="#"><u>Pipefitting Technology II Lab</u></a>	2019-2020	2019-2020	Plumbing and Pipefitting
<a href="#"><u>Programmable Logic Controller I</u></a>	2020-2021	2020-2021	Electrical Engineering Robotics and Automation Technology
<a href="#"><u>Programmable Logic Controller II</u></a>	2021-2022	2021-2022	Electrical Engineering Robotics and Automation Technology
<a href="#"><u>Quality Assurance for Biosciences</u></a>	2017-2018	2023-2024	Biomedical Science
<a href="#"><u>Sheet Metal Technology</u></a>	2020-2021	2020-2021	HVAC and Sheet Metal
<a href="#"><u>Topographical Drafting</u></a>	2017-2018	2017-2018	Civil Engineering



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

**June 27, 2024**

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

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

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§28.023](#).

TEC, §28.023 requires districts to develop or select for review examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects based on guidelines established by the State Board of Education (SBOE).

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

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

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

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

The SBOE established a process for the regular review and audit of examinations provided by Texas Tech University and The University of Texas at Austin for credit by examination and acceleration by examination. During the January 2008 meeting, the SBOE adopted a proposed amendment to 19 TAC §74.24 that added language in subsection (a)(2) specifying that these two entities must ensure that their assessments are aligned with the TEKS, arrange for a third-party audit of 20% of their assessments annually, and report the results of each audit to the TEA by May 31 of each year. In July 2009, TEA staff presented the first audit results. Audit results have been presented to the SBOE for discussion annually since 2009. This item presents the annual audit results that were due to the agency by May 31, 2024.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Current 19 TAC §74.24, Credit by Examination

**Separate Exhibit I:**

Audit Summary from Texas Tech University

(to be provided in advance of the June 2024 SBOE meeting)

**Separate Exhibit II:**

Audit Summary from The University of Texas at Austin

(to be provided in advance of the June 2024 SBOE meeting)

**ATTACHMENT**  
**Text of 19 TAC**

**Chapter 74. Curriculum Requirements**

**Subchapter C. Other Provisions**

**§74.24. Credit by Examination.**

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

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

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

**Proposed Amendments 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter D, Business Management and Administration, and Subchapter P, Transportation, Distribution, and Logistics**  
**(First Reading and Filing Authorization)**

**June 28, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization proposed amendments to 19 Texas Administrative Code (TAC) Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, §127.482, Food Science (One Credit), Adopted 2021; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education; Subchapter A, Agriculture, Food, and Natural Resources, §130.30, Agricultural Laboratory and Field Experience (One Credit), Adopted 2015; Subchapter D, Business Management and Administration, §130.136, Business Information Management I (One Credit), Adopted 2015; §130.137, Business Information Management II (One Credit), Adopted 2015; §130.138, Business Lab (One Credit), Adopted 2015; §130.143, Practicum in Business Management (Two Credits), Adopted 2015; §130.144, Extended Practicum in Business Management (One Credit), Adopted 2015; and Subchapter P, Transportation, Distribution, and Logistics, §130.445, Small Engine Technology I (One Credit), Adopted 2015, and §130.446, Small Engine Technology II (Two Credits), Adopted 2015. The proposed amendments would make technical adjustments to course titles, prerequisites, and corequisites to align with the recently revised career and technical education (CTE) programs of study.

**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 amendments is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2025-2026 school year. The earlier effective date will allow for technical adjustments to be made to course titles, prerequisites, and corequisites at the earliest possible date to avoid confusion and ensure students have access to appropriate corequisite courses.

**PREVIOUS BOARD ACTION:** The SBOE adopted §§130.30, 130.136-130.138, 130.143, 130.144, 130.445, and 130.446 to be effective August 28, 2017. The SBOE adopted §127.482 to be effective April 26, 2022.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The federal *Strengthening Career and Technical Education for the 21st Century Act*, commonly referred to as Perkins V, requires states that receive federal CTE funds to align CTE programs of study to high-wage, in-demand, and high-skill occupations. In fall 2023, the Texas Education Agency (TEA) engaged members of the workforce, secondary education, and higher education to advise on the development and refresh of programs of study, which include coherent course sequences, industry-based certifications, and work-based learning opportunities to ensure students are prepared for high-wage, in-demand, and high-skill careers in Texas.

The proposed amendments would align existing CTE course titles and language related to prerequisites and corequisites to ensure alignment with the refreshed programs of study.

The proposed amendments 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 amend the Texas Essential Knowledge and Skills to ensure alignment with the refreshed programs of study and eliminate 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 expand and limit existing regulations by adjusting the options for prerequisites and corequisites for some 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 create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align existing course titles and language related to prerequisites and corequisites with the refreshed CTE programs of study. It would also ensure students have access to appropriate corequisite courses, update titles to be accurate and consistent with courses in other programs of study, and eliminate 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 or 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 August 2, 2024, and ends at 5:00 p.m. on September 3, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 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 August 2, 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 proposed amendments to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, §127.482; and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education; Subchapter A, Agriculture, Food, and Natural Resources, §130.30; Subchapter D, Business Management and Administration, §§130.136-130.138, 130.143, and 130.144; and Subchapter P, Transportation, Distribution, and Logistics, §130.445 and §130.446.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendments to 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter J, Hospitality and Tourism, and Chapter 130, Texas Essential Knowledge and Skills for Career and Technical Education, Subchapter A, Agriculture, Food, and Natural Resources, Subchapter D, Business Management and Administration, and Subchapter P, Transportation, Distribution, and Logistics



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

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

**Subchapter J. Hospitality and Tourism**

**§127.482. Food Science (One Credit), Adopted 2021.**

- (a) (No change.)
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a Level 2 or higher course from the hospitality and tourism or agriculture, food, and natural resources career clusters ~~[cluster]~~. Recommended prerequisite: Principles of Hospitality and Tourism. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.
- (c)-(d) (No change.)

**Chapter 130. Texas Essential Knowledge and Skills for Career and Technical Education**

**Subchapter A. Agriculture, Food, and Natural Resources**

**§130.30. Agricultural Laboratory and Field Experience (One Credit), Adopted 2015.**

- (a) 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 Agriculture, Food, and Natural Resources or Energy career clusters ~~[Career Cluster]~~. This course provides an enhancement opportunity for students to develop the additional skills necessary to pursue industry certification.
  - (1) Recommended prerequisite: a minimum of one credit from a course ~~[the courses]~~ in the Agriculture, Food, and Natural Resources or Energy career clusters ~~[Career Cluster]~~.
  - (2) Corequisite: this ~~[any course in the Agriculture, Food, and Natural Resources Career Cluster, excluding Principles of Agriculture, Food, and Natural Resources. This]~~ course must be taken concurrently with a corequisite course from the Agriculture, Food, and Natural Resources or Energy career clusters ~~[Career Cluster]~~ and may not be taken as a stand-alone course. The following courses are permitted as corequisites:
    - (A) Agribusiness Management and Marketing;
    - (B) Livestock Production;
    - (C) Veterinary Medical Applications;
    - (D) Food Technology and Safety;
    - (E) Food Processing;
    - (F) Wildlife, Fisheries, and Ecology Management;
    - (G) Forestry and Woodland Ecosystems;
    - (H) Range Ecology and Management;
    - (I) Floral Design;
    - (J) Horticultural Science;

- (K) Greenhouse Operation and Production;
  - (L) Agricultural Mechanics and Metal Technologies;
  - (M) Agricultural Structures Design and Fabrication;
  - (N) Agricultural Equipment Design and Fabrication;
  - (O) Agricultural Power Systems;
  - (P) Oil and Gas Production I;
  - (Q) Oil and Gas Production II;
  - (R) Energy and Natural Resource Technology; and
  - (S) Advanced Energy and Natural Resource Technology.
- (3) 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.
- (b)-(c) (No change.)

## **Subchapter D. Business Management and Administration**

### **§130.136. Foundations of Business Communication and Technologies [~~Business Information Management I~~] (One Credit), Adopted 2015.**

- (a) (No change.)
- (b) Introduction.
  - (1) (No change.)
  - (2) (No change.)
  - (3) In Foundations of Business Communication and Technologies [~~Business Information Management I~~], students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and make a successful transition to the workforce and postsecondary education. Students apply technical skills to address business applications of emerging technologies, create word-processing documents, develop a spreadsheet, formulate a database, and make an electronic presentation using appropriate software.
  - (4) (No change.)
  - (5) (No change.)
- (c) (No change.)

### **§130.137. Business Communication and Technologies [~~Business Information Management II~~] (One Credit), Adopted 2015.**

- (a) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Foundations of Business Communication and Technologies [~~Business Information Management I~~]. Recommended Prerequisite: Touch System Data Entry. Recommended corequisite: Business Lab. Students shall be awarded one credit for successful completion of this course.
- (b) Introduction.
  - (1) (No change.)
  - (2) (No change.)

- (3) In Business Communication and Technologies [~~Business Information Management II~~] , students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and make a successful transition to the workforce or postsecondary education. Students apply technical skills to address business applications of emerging technologies, create complex word-processing documents, develop sophisticated spreadsheets using charts and graphs, and make an electronic presentation using appropriate multimedia software.
- (4) (No change.)
- (5) (No change.)
- (c) (No change.)

**§130.138. Business Lab (One Credit), Adopted 2015.**

- (a) General requirements. This course is recommended for students in Grades 9-12 as a corequisite course for students participating in a coherent sequence of career and technical education courses in the Business Management and Administration Career Cluster. This course provides an enhancement opportunity for students to develop the additional skills necessary to pursue industry certification. Corequisite: any course in the Business Management and Administration Career Cluster. Recommended corequisite: Foundations of Business Communication and Technologies or Business Communication and Technologies [~~Business Information Management I or Business Information Management II~~] . This course must be taken concurrently with a corequisite course from the Business Management and Administration Career Cluster 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.
- (b) Introduction.
  - (1) (No change.)
  - (2) (No change.)
  - (3) Business Lab is designed to provide students an opportunity to further enhance skills of previously studied knowledge and skills and may be used as an extension of Foundations of Business Communication and Technologies or Business Communication and Technologies [~~Business Information Management I or Business Information Management II~~] ; it is a recommended corequisite course [2] and may not be offered as a stand-alone course. Students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and to make a successful transition to the workforce or postsecondary education. Students apply technical skills to address business applications of emerging technologies. Students develop a foundation in the economic [~~economical~~] , financial, technological, international, social, and ethical aspects of business to become competent consumers, employees, and entrepreneurs. Students enhance reading, writing, computing, communication, and reasoning skills and apply them to the business environment. Students incorporate a broad base of knowledge that includes the legal, managerial, marketing, financial, ethical, and international dimensions of business to make appropriate business decisions.
  - (4) (No change.)
  - (5) (No change.)
- (c) (No change.)

**§130.143. Practicum in Business Management (Two Credits), Adopted 2015.**

- (a) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Touch System Data Entry and Business Management or Business Communication and Technologies [~~Business Information Management II~~] . Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is

experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

- (b) (No change.)
- (c) (No change.)

**§130.144. Extended Practicum in Business Management (One Credit), Adopted 2015.**

- (a) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or unpaid capstone experience for students participating in a coherent sequence of career and technical education courses in the Business Management and Administration Career Cluster. Recommended prerequisites: Touch System Data Entry and Business Management or Business Communication and Technologies [~~Business Information Management II~~]. Corequisite: Practicum in Business Management. This course must be taken concurrently with Practicum in Business Management 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.
- (b) (No change.)
- (c) (No change.)

## **Subchapter P. Transportation, Distribution, and Logistics**

**§130.445. Introduction to Small Engine Technology [I] (One Credit), Adopted 2015.**

- (a) (No change.)
- (b) Introduction.
  - (1) (No change.)
  - (2) (No change.)
  - (3) Introduction to Small Engine Technology [I] includes knowledge of the function and maintenance of the systems and components of all types of small engines such as outdoor power equipment, motorcycles, generators, and irrigation engines. This course is designed to provide training for employment in the small engine technology industry. Instruction includes the repair and service of cooling, air, fuel, lubricating, electrical, ignition, and mechanical systems. In addition, the student will receive instruction in safety, academic, and leadership skills as well as career opportunities.
  - (4) (No change.)
  - (5) (No change.)
- (c) (No change.)

**§130.446. Small Engine Technology [H] (Two Credits), Adopted 2015.**

- (a) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Introduction to Small Engine Technology [I]. Students shall be awarded two credits for successful completion of this course.
- (b) Introduction.
  - (1) (No change.)
  - (2) (No change.)
  - (3) Small Engine Technology [H] includes advanced knowledge of the function, diagnosis, and service of the systems and components of all types of small engines such as outdoor power

equipment, motorcycles, generators, and irrigation engines. This course is designed to provide hands-on and practical application for employment in the small engine technology industry. Instruction includes the repair and service of cooling, air, fuel, lubricating, electrical, ignition, and mechanical systems and small engine overhauls. In addition, students will receive instruction in safety, academic, and leadership skills as well as career opportunities.

- (4) (No change.)
- (5) (No change.)
- (c) (No change.)

## **Approval of Updates and Substitutions to Adopted Instructional Materials**

**June 28, 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. In April 2024, the SBOE approved a request from Ramsey Education (Dave Ramsey/Lampo), to update their Personal Financial Literacy instructional materials adopted under *Proclamation 2024*.

**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:**

[Cengage Social Studies, Grade 6](#)

**Separate Exhibit:**

Additional Updates and/or Substitutions Submitted for Approval  
(to be provided at the June 2024 SBOE meeting)

**Proposed Revisions to 19 TAC Chapter 89, Adaptations for Special Populations,  
Subchapter A, Gifted/Talented Education  
(Second Reading and Final Adoption)**

**June 28, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption proposed revisions to 19 Texas Administrative Code (TAC) Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education. The proposed revisions would implement House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. No changes are recommended since approved for first reading.

**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.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed revisions is 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. The board approved for first reading and filing authorization the proposed revisions to Chapter 89, Subchapter A, at its April 2024 meeting.



**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. A new paragraph (3) would include the addition of a performance measure by the board of trustees in alignment with the State Plan.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would 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:** No changes have been made to this section since published as proposed.

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

The proposal would have no new data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April SBOE meeting, notice of the proposed revisions to Chapter 89, Subchapter A, was filed with the Texas Register, initiating the public comment period. 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 June 2024 meeting. 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.

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

Approve for second reading and final adoption the proposed revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education; and

Make an affirmative finding that immediate adoption of the proposed revisions to 19 TAC Chapter 89, Adaptations for Special Populations, Subchapter A, Gifted/Talented Education, is

necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

**Staff Members Responsible:**

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

Laura Briones, Director, Special Populations Policy, Technical Assistance, and Systemwide Integration

Monica Brewer, Coordinator, Gifted and Talented, Policy, Technical Assistance, and Systemwide Integration

**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 one semester 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 ~~[development]~~ that includes nature and needs of gifted/talented students and program options with an update after legislative sessions .

**§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.

**Discussion of Proposed Amendment to the  
*Texas State Plan for the Education of Gifted/Talented Students***

**June 27, 2024**

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

**SUMMARY:** This item provides the opportunity for the board to discuss proposed amendments to the *Texas State Plan for the Education of Gifted/Talented Students*. The proposed amendments would clarify terminology and requirements related to gifted/talented education that are necessary to align with updates to the rule requirements of House Bill (HB) 1525, 87th Texas Legislature, 2021.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102 and §29.123.

TEC §7.102, requires the State Board of Education (SBOE) to adopt criteria for identifying gifted and talented students and develop and update a state plan for the education of gifted and talented students.

TEC, §29.123, requires the SBOE to 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.

**FUTURE ACTION EXPECTED:** The proposed amendments to the *Texas State Plan for the Education of Gifted/Talented Students* will be presented for discussion at the June 2024 SBOE meeting. *The Texas State Plan for the Education of Gifted/Talented Students* will be presented for action at the September 2024 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The State Plan was first approved and adopted by the SBOE in 1975 with the goal of assisting school districts in their efforts to meet the needs of gifted/talented students. The State Plan was then revised in 1980-81 to include a comprehensive outline of school district responsibilities and activities, and to provide guidance for planning, implementing, and providing appropriate educational services for gifted/talented students. In 1990-91, the State Plan was again revised to reflect the changes that had occurred during the previous ten years, including a 1990 statewide mandate for the education of gifted/talented (G/T) students. The 1990-91 revision included guidelines for school districts to follow that assisted with TAC rule compliance and in implementing exemplary programs to assure quality services to gifted/talented students.

In 1996, the SBOE adopted a revision of the State Plan that reorganized the guidance to school districts into a three-column format. The first column, labeled ‘Acceptable,’ established the basis of program accountability. The second and third columns, established a recognized and exemplary level, providing school districts with a guide for program improvement. The three-column format was continued in the 2000, and 2006 versions of the adopted State Plan. In 2009, the SBOE approved a revision of the State Plan that included updated language to the three-columns, establishing the ‘In Compliance’ column as the basis of accountability for gifted/talented services and programming. In addition, the second and third columns provided guidance to school districts on ‘Recommended’ and ‘Exemplary’ targets of service.

As pursuant to Section 29.123 of the Texas Education Code (TEC), the State Plan provides the basis of G/T services, accountability, and assistance to school districts, charging the SBOE with periodically updating the State Plan guidance. At the April 2019 Committee on Instruction meeting, the State Plan was

presented for discussion. It was then presented for action and approved by the board at the June 2019 SBOE meeting.

**Staff Members Responsible:**

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

Laura Briones, Director, Special Populations Policy, Technical Assistance, and Systemwide Integration

Monica Brewer, Coordinator, Gifted and Talented, Policy, Technical Assistance, and Systemwide Integration

**Attachment:**

Proposed Amendment to the *Texas State Plan for the Education of Gifted/Talented Students*

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Texas State Plan  
for the Education of  
**GIFTED/TALENTED**  
**STUDENTS**

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# TEXAS STATE PLAN FOR THE EDUCATION OF GIFTED/TALENTED STUDENTS

Revised June 2024 [~~2019~~]

Texas Education Agency  
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2024 [July 2019]

I am pleased to support the State Board of Education's (SBOE's) recent approval of a revised Texas State Plan for the Education of Gifted/Talented Students (State Plan). The 2024 ~~[2019]~~ version of this document provides accountability standards and guidance to districts as they meet the unique needs of an important special population in Texas.

The Texas Education Code (TEC) requires that the SBOE periodically update a state plan for the education of gifted/talented (G/T) students to guide school districts in establishing and improving services for identified students (TEC §29.123). The SBOE approved the updated language in September 2024 [June 2019]. The ~~[2019]~~ State Plan is formatted to accomplishable standards for accountability while recognizing exemplary actions. The accountability standards clarify requirements so that districts may more easily understand and meet them. It also makes use of language and recommendations which closely correspond to current research regarding best practices for G/T services.

The State Plan references and recommends the Texas Performance Standards Project (TPSP). First established through the General Appropriations Act of the 76<sup>th</sup> Texas Legislature, the TPSP is now established by TEC §39.236 (added by House Bill 3, 81<sup>st</sup> Texas Legislature) as the primary tool for assessing the effectiveness of gifted services. I am pleased to support the TPSP, the first assessment program of its kind in the nation for evaluation of G/T services.

Finally, the ~~[2019]~~ State Plan is fully aligned with the TEC requiring the responsibility for compliance monitoring of educational programs (TEC §7.028).

Through implementing the SBOE's ~~[newly approved]~~ State Plan ~~[beginning in school year 2019-2020]~~, Texas districts will be better equipped to impact the education experience for their G/T students.

Mike Morath

Commissioner of Education

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Georgina Pérez, Secretary

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# ACKNOWLEDGMENTS

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# FOREWORD

In 1977, the Texas Legislature passed its first legislation concerning the education of gifted/talented (G/T) students. In 1979, state funds for providing services to G/T children were made available, but providing such services was optional for school districts. In 1987, the Texas Legislature mandated that all school districts must identify and serve G/T students at all grade levels. In 1990, the *Texas State Plan for the Education of Gifted/Talented Students* (State Plan) was adopted by the Texas State Board of Education (SBOE) that included a commitment to high-level learning opportunities for G/T learners expressed in the following goal:

## STATE GOAL FOR SERVICES FOR GIFTED/TALENTED STUDENTS

Students who participate in services designed for gifted/talented students will demonstrate skills in self-directed learning, thinking, research, and communication as evidenced by the development of innovative products and performances that reflect individuality and creativity and are advanced in relation to students of similar age, experience, or environment. High school graduates who have participated in services for gifted/talented students will have produced products and performances of professional quality as part of their program services.

In 1999, the 76<sup>th</sup> Texas Legislature introduced Rider 69, which spurred the initial development and ongoing refinement of the Texas Performance Standards Project for Gifted/Talented Students (TPSP) as a vehicle through which districts might address the stated goal. With the TPSP and ongoing research to inform and improve practice, Texas educators are committed to meeting the unique needs of G/T students and to expanding the ways to do so. To learn more about programs and resources for G/T education in Texas, visit the Texas Education Agency (TEA) G/T website at

[https://tea.texas.gov/Academics/Special\\_Student\\_Populations/Gifted\\_and\\_Talented\\_Education/Gifted\\_Talented\\_Education](https://tea.texas.gov/Academics/Special_Student_Populations/Gifted_and_Talented_Education/Gifted_Talented_Education), contact a local Texas public school district or regional education service center (ESC), or email TEA at [gtd@tea.texas.gov](mailto:gtd@tea.texas.gov).

Pursuant to Section 29.123 of the Texas Education Code (TEC), the State Plan forms the basis of G/T standards of services and divides them into the categories of accountability and exemplary. The plan offers an outline for services without prohibitive regulation. Districts are accountable for services as described in the State Plan where performance measures are included for six aspects of G/T service design. The accountability standards reflect actions required in state law and/or SBOE rule. Many districts, in collaboration with their communities, will provide more comprehensive services incorporating research-based best practices for G/T learners.

To offer some guidance to those districts and campuses, standards for “exemplary” performance are included in the plan and provide viable targets that local district educators seeking excellence, both for their district and for their students, may strive to attain.

The TEA assists districts in providing comprehensive services to G/T learners in the following ways:

- Provides information on best practices, developments, and achievements in the field of G/T education to all interested parties
- Develops materials designed to assist districts in the development and implementation of model assessment procedures and services
- Facilitates partnerships among parents, institutions of higher education, communities, and school districts to design comprehensive G/T services
- Sponsors demonstration projects and develops materials that support the implementation of Advanced Placement and International Baccalaureate programs that are differentiated for the G/T students
- Collaborates with business and industry to provide additional opportunities for G/T students
- Monitors and implements any state and/or federal legislation designed to provide educational opportunities for G/T students

Through the combined efforts of the TEA, the Education Service Centers, local district personnel, colleges and universities, and the communities they serve, *all* children will experience an academically challenging education that enables them to maximize their potential.



## FIDELITY OF SERVICES

**School districts comply with gifted/talented accountability standards and monitor the effectiveness of assessment and services for gifted/talented students.**

Accountability	Exemplary
1.1 Student assessment and services are in compliance with the Texas State Plan for the Education of Gifted/Talented Students (19 TAC §89.5).	
1.2 Gifted/talented education policies and procedures are reviewed and recommendations for improvement are made by an advisory group of community members, parents of gifted/talented students, school staff, and gifted/talented education staff, who meet regularly for that purpose.	
1.3 <u>100% of the funds allocated to gifted/talented education is spent on identification and services for gifted/talented students. (TEC §48.109). <del>[To the extent that state funding is provided for gifted/talented student education, no more allocated to gifted/talented education is spent on assessment and services for gifted students (19 TAC §105.11).]</del></u>	<u>1.3.1 To the extent that state funding is provided for gifted/talented student education, from the basic allotment or additional funding from business partnerships, scholarships, parent group fundraisers, etc. is used to supplement the state and local funding.</u>
1.4 <u>Gifted/talented funding is used to meet the needs of gifted/talented students. <del>[To the extent that state funding is provided for gifted/talented student education, local funding for gifted/talented education programs is used to supplement the state funding.]</del></u>	
1.5 Annual evaluation activities are conducted for the purpose of continued service development. <u>The summary of the evaluation with program highlights is provided to school board upon completion.</u>	1.5.1 Ongoing formative and summative evaluation strategies, based on quantitative and qualitative data, are reviewed by the school board and used for substantive program improvement and development.
1.6 Long-range evaluation of services is based on evidence obtained through gifted/ talented-appropriate performance measures such as those provided through the Texas Performance Standards Project (TPSP).	
1.7 The development and delivery of curriculum for gifted/talented students is monitored regularly by trained administrators.	
1.8 District guidelines for evaluation of resources used to serve gifted/talented students are established and used in selecting materials that are appropriate for differentiated learning.	
1.9 Curriculum for gifted/talented students is modified based on annual evaluations.	1.9.1 Gifted/talented curriculum is designed and evaluated through collaboration by specialists in content areas, special populations, instructional techniques, and gifted/talented education.

Accountability	Exemplary
1.10Develop a comprehensive manual or program guide describing all gifted/ talented programs, services, assessments, and communication, which is accessible to parents, community and students and includes district G/T contact information.	1.10.1 Develop a comprehensive manual or program guide describing all gifted/talented programs, services, assessments, and communication which is accessible to parents, community and students including district G/T contact information that is reported to the state.
1.11For any standard of service for which the district is out of compliance, develop a written plan specifying actions and timelines for achieving compliance.	
1.12Funds used for programs and services must be determined effective and consistent with the standards set forth in this document.	
	1.13.1 Release time and/or extended contracts are provided to enable teachers at all levels to form horizontal and vertical teams that coordinate gifted/talented services in the district.

**STUDENT IDENTIFICATION [ASSESSMENT]**

Gifted/talented identification procedures and progress monitoring allow students to demonstrate and develop their diverse talents and abilities.

Accountability	Exemplary
2.1 Written policies on student identification for gifted/talented services are approved by the district board of trustees and disseminated to all parents (19 TAC §89.1).	2.1.1 Board-approved policies are reviewed at least once every three years and modified as needed.
2.2 Referral procedures for <u>identification of students for [assessment of] gifted/talented services [students]</u> are communicated to families in a language and form that the families understand or a translator or interpreter is provided to the extent possible.	
2.3 Referral forms for <u>identification of students for [assessment of] gifted/ talented services [students]</u> are provided to families in a language and form that the families understand, or a translator or interpreter is provided to the extent possible.	2.3.1 Referral forms for <u>identification of students [assessment of] for gifted/talented services [students]</u> are provided to families in a language and form that the families understand, or a translator or interpreter is provided.
2.4 Families and staff are informed of individual student assessment results and placement decisions as well as given opportunities to schedule conferences to discuss assessment data.	
2.5 An awareness session providing an overview of the <u>identification [assessment]</u> procedures and services for gifted/talented students is offered for families by the district and/or campus prior to the referral period.	
2.6 All family meetings are offered in a language families can understand or a translator or interpreter is provided to the extent possible.	
2.7 Provisions regarding transfer students, furloughs, reassessment, exiting of students from program services, and appeals of district decisions regarding program placement are included in board-approved policy (19 TAC §89.1(5)).	
2.8 Policy ensuring that transfer students are properly assessed and appropriately placed following notification of enrollment in the district is included in board-approved policy. Transfers from campus to campus within the district are also addressed in board-approved policy.	2.8.1 Equitable access to gifted/talented services for transfer students is provided through board-approved policy that is developed in consideration of current best-practice recommendations.
2.9 When a gifted/talented student transfers to another district either in or out of Texas, that district is provided with the student's assessment data by the sending district.	

Accountability	Exemplary
2.10 Policy is adopted allowing student furlough <del>[the opportunity for students to have a leave of absence from gifted/talented program services]</del> for specified reasons and for a certain period of time without being exited.	
2.11 Policy related to reassessment of gifted/ talented students is based on performance in response to gifted/talented services and if reassessment occurs at all, it is no more than once in elementary grades, once in middle school grades, and once in high school.	
2.12 Policy related to exiting of students from gifted/talented services is based on multiple criteria including student performance in response to services. Exiting of a student is finalized by committee decision after consultation with parents and student regarding the student's educational needs.	2.12.1 Policy related to exiting of students from gifted/talented services is based on multiple criteria including student performance in response to services. Interventions are provided prior to committee decision. Exiting of a student is finalized by committee decision after consultation with parents and student regarding the student's educational needs.
2.13 Policy related to appeals allows parents, students, and educators to appeal placement decisions in a timely manner and to present new data, if appropriate.	
2.14 Provisions for ongoing identification of students who perform or show potential for performing at remarkably high levels of accomplishment in each area of giftedness served by the district are included in board- approved policy (19 TAC §89.1(1)).	2.14.1 The identification process for gifted/ talented services is ongoing, and assessment of students occurs at any time the need arises.
2.15 Assessment opportunities for gifted/talented identification are made available to students at least once per school year.	2.15.1 Assessment opportunities for gifted/ talented identification are made available to students at least once a year at the elementary grades and once a semester at the secondary level.
2.16 Students in grades K–12 shall be assessed and, if identified, provided gifted/talented services (TEC §29.122 and 19 TAC §89.1(3)).	2.16.1 Students in grades K–12 are assessed and, if identified, served in all areas of giftedness included in TEC §29.121.
2.17 Data collected from multiple sources for each area of giftedness served by the district are included in the assessment process for gifted/talented services (19 TAC §89.1(2)). The assessment process allows for student exceptionalities to the extent possible.	
2.18 Based on a review of information gathered during the <del>identification</del> <del>[assessment]</del> process, students whose data reflect that gifted/talented services will be the most effective way to meet their identified educational needs are recommended by the <del>placement</del> <del>[selection]</del> committee for gifted/talented services.	
2.19 Students are assessed in languages they understand or with nonverbal assessments.	
2.20 All kindergarten students are automatically considered for gifted/talented <u>identification</u> and other advanced level services.	

Accountability	Exemplary
2.21At the kindergarten level, as many criteria as possible, and at least three (3), are used to assess students who perform at or show the potential of accomplishment relative to age peers.	
2.22In grades 1–12, qualitative and quantitative data are collected through three (3) or more measures and used to determine whether a student needs gifted/talented services.	
2.23If services are available in leadership, artistic, or <del>and</del> creativity areas, a minimum of three (3) criteria are aligned with the areas <del>assessed used for— assessment</del> .	
2.24Access to assessment <u>for identification</u> and, if needed, gifted/talented services is available to all populations of the district (19 TAC §89.1(3)).	
2.25The population of the gifted/talented services program is closely reflective of the population of the total district and/or campus.	
2.26Final determination of students' need for gifted/talented services is made by a <u>placement</u> committee of at least three (3) local district or campus educators who have received training in the nature and needs of gifted/ talented students and who have met and reviewed the individual student data (19 TAC§89.1(4)).	
2.27The <u>placement</u> <del>[selection]</del> committee is formed of members who have completed training as required by 19 TAC §89.2.	2.27.1 The <u>placement</u> <del>[selection]</del> committee is formed of a majority of members who have completed thirty (30) hours of training and are current with the six-hour training update as required by 19 TAC §89.2(2-3).
2.28A balanced examination of all assessment data collected through the district's gifted/ talented assessment process is conducted and used by the <u>placement</u> <del>[selection]</del> committee in making identification decisions. <u>The placement committee will consult with other committees or representatives to address student exceptionalities, language, and other circumstances.</u>	2.28.1 Additional data beyond that collected through the district's standard gifted/talented assessment process are considered, as needed, by the <u>placement</u> <del>[selection]</del> committee in making identification decisions in order to make the most appropriate placement.
2.29Student progress/performance in response to gifted/talented services is periodically assessed using standards in the areas served and identified in the written plan. Results are communicated to parents or guardians.	

## SERVICE DESIGN

**A flexible system of viable service options provides a research-based learning continuum that is developed and consistently implemented throughout the district to meet the needs and reinforce the strengths and interests of gifted/talented students.**

Accountability	Exemplary
3.1 Identified gifted/talented students are assured an array of learning opportunities that are commensurate with their abilities and that emphasize content in the four (4) foundation curricular areas. Services are available during the school day as well as the entire school year. Parents are informed of these options (19 TAC §89.3(3)).	3.1.1 Specialists and advocates for gifted/talented students are consulted in the development of program policies and options.
3.2 Information concerning special opportunities (i.e. contests, academic recognition, summer camps, community programs, volunteer opportunities, etc.) is available and disseminated to parents and community members.	
3.3 Services for gifted/talented students are comprehensive, structured, sequenced, and appropriately challenging, including options in the four (4) foundation curricular areas.	3.3.1 Services for gifted/talented students are comprehensive, structured, sequenced, and appropriately challenging, including options in the four (4) foundation curricular <u>areas</u> : <u>as well as</u> <del>areas</del> arts, leadership, creativity, and career & technical education.
3.4 Gifted/talented students are ensured opportunities to work together as a group, work with other students, and work independently during the school day as well as the entire school year as a direct result of gifted/talented service options (19 TAC §89.3(1)).	
3.5 Flexible grouping patterns and independent investigations are provided throughout the program design/services.	
3.6 Out-of-school options relevant to the students' areas of strength are provided by school districts whenever possible (19 TAC §89.3(3)).	3.6.1 Options that meet the needs of gifted/ talented students are available on a continuous basis outside the regular school day.
3.7 Local board policies are developed that are consistent with State Board of Education rules on credit by examination (19 TAC §74.24) and early high school graduation opportunities (TEC §56.203).	
3.8 Acceleration and flexible pacing are employed, allowing students to learn at the pace and level appropriate for their abilities and skills, and are actively facilitated by district administrators, counselors, and teachers.	
3.9 Local board policies are developed that enable students to participate in dual/concurrent enrollment, distance learning opportunities, and accelerated summer programs if available.	

Accountability	Exemplary
3.10 A person who has thirty (30) hours of professional learning in gifted/talented education and annual six (6) hour professional learning updates as required in 19 TAC §89.2(1) is assigned to coordinate district level services for gifted/talented students in grades K–12.	3.10.1.A person or persons with a gifted/ talented endorsement, supplementary certification, or advanced degree in gifted/talented education is assigned to coordinate the district’s K–12 gifted/ talented education services.
3.11 Develop and implement services to address the social and emotional needs of gifted/ talented students and their impact on student learning.	
	3.12.1 Gifted/Talented Education Plans for identified students detail the individual gifted/talented needs and services.

## CURRICULUM AND INSTRUCTION

**Districts meet the needs of gifted/talented students by modifying the depth, complexity, and pacing of the curriculum and instruction ordinarily provided by the school.**

Accountability	Exemplary
4.1 An array of appropriately challenging learning experiences in each of the four (4) foundation curricular areas is provided for gifted/talented students in grades K–12, and parents are informed of the opportunities (19 TAC §89.3).	4.1.1 Curriculum options in intellectual, creative and/or artistic areas; leadership; and specific academic fields are provided for gifted/talented students.
4.2 Opportunities are provided for students to pursue areas of interest in selected disciplines through guided and independent research.	
4.3 A continuum of learning experiences is provided that leads to the development of advanced-level products and/or performances such as those provided through the Texas Performance Standards Project (TPSP) (19 TAC §89.3(2)).	4.3.1 Students who have been served in a gifted program for one or more years are provided the opportunity, through gifted/talented curricula, to develop sophisticated products and/or performances assessed by external evaluators who are knowledgeable in the field that is the focus of the product.
4.4 Participation in the Texas Performance Standards Project (TPSP), or other experiences that result in the development of sophisticated products and/or performances that are targeted to an audience outside the classroom, is available through gifted/talented curricula.	
4.5 Opportunities are provided to accelerate in areas of student strengths (19 TAC §89.3(4)).	
4.6 Flexible pacing is employed, allowing students to learn at the pace and level appropriate to their abilities and skills.	
4.7 Scheduling modifications are implemented in order to meet the identified needs of individual students.	
4.8 Provisions to improve services to gifted/ talented students are included in district and campus improvement plans (TEC §§11.251- 11.253).	4.8.1 Resources and release time for staff are provided for curriculum development for gifted/talented services.
4.9 Educators adapt and/or modify the core or standard curriculum to meet the needs of gifted/talented students and those with <u>exceptionalities</u> <del>[special needs]</del> such as twice-exceptional, highly gifted, and <u>emergent bilingual</u> <del>[English language learners]</del> .	
	4.10.1 Release time and/or extended contracts are provided to enable teachers at all levels to form vertical teams that coordinate gifted/talented services in the district.



## PROFESSIONAL LEARNING

**All personnel involved in the planning, creation, delivery and administration of services to gifted/talented students possess the knowledge required to develop and provide differentiated programs and services.**

Accountability	Exemplary
<p>5.1 A minimum of thirty (30) clock hours of professional learning that includes nature and needs of gifted/talented students, identification and assessment of gifted/ talented students, and curriculum and instruction for gifted/talented students is required for teachers who provide instruction and services that are a part of the district's defined gifted/talented services. Teachers are required to have completed the thirty (30) hours of professional learning prior to their assignment to the district's gifted/talented services (19 TAC §89.2(1)).</p>	
<p>5.2 Teachers without required training who are assigned to provide instruction and services that are part of the district's defined gifted/ talented services are required to complete the thirty (30) hour training within one semester (19 TAC §89.2(1){2}).</p>	
<p>5.3 Teachers are encouraged to obtain additional professional learning in their teaching discipline and/or in gifted/talented education.</p>	<p>5.3.1 District support in the form of release time or tuition assistance is available for graduate studies in gifted/talented education for teachers who provide services to gifted/talented students.</p> <p>5.3.2 Teachers are encouraged to pursue advanced degrees in their teaching discipline and/or in gifted/talented education.</p> <p>5.3.3 Release time is provided for teachers and administrators to visit campuses or districts that have model services for gifted/talented students.</p>
<p>5.4 A written plan for professional learning in the area of gifted/talented education that is based on identified needs is implemented and updated annually.</p>	
<p>5.5 Opportunities for professional learning in the area of gifted/talented education are provided on a regular basis, and information on them is disseminated to professionals in the district.</p>	<p>5.5.1 Mentors and others who offer specialized instruction for gifted/talented students are provided training or resources to increase their understanding of the nature and needs of these students and the district goals for the students, including the state goal for gifted/talented students.</p>

Accountability	Exemplary
<p>5.6 Teachers who provide instruction and services that are a part of the district's defined gifted/talented services receive a minimum of six (6) hours annually of professional <u>learning [development]</u> in gifted/talented education that is related to state teacher gifted/talented education standards (19 TAC §89.2(3) and TAC §233.1).</p>	<p>5.6.1 Teachers who provide instruction and services that are a part of the district's defined gifted/talented services receive a minimum of six (6) hours annually of professional <u>learning [development]</u> in gifted/talented education based on evaluation of G/T services.</p> <p>5.6.2 All staff receive an orientation to the district's gifted/talented identification processes and gifted/talented services provided by the district or campus, along with training on the nature and needs of the gifted/talented.</p>
<p>5.7 Annually, each teacher new to the district receives an orientation to the district's gifted/ talented identification processes and the district's services for gifted/talented students.</p>	
<p>5.8 <del>Administrators [Teachers as well as administrators]</del> who have authority <del>[supervisory duties]</del> for program <del>[service]</del> decisions are required to complete a minimum of six (6) hours of professional <u>learning [development]</u> that includes nature and needs of gifted/talented students and <u>program [service]</u> options for gifted/talented students <u>with an update after each legislative session</u> (19 TAC §89.2(3)).</p>	<p>5.8.1 All administrators <del>as well as teachers who</del> have authority for <del>[gifted/talented]</del> <u>program [service]</u> decisions receive a minimum of six (6) hours <del>[annually]</del> of professional <u>learning [development]</u> in gifted/talented education <u>with an update after each legislative session</u> (19 TAC §89.2(3)).</p>
<p>5.9 Counselors who work with gifted/talented students are required to complete a minimum of six (6) hours of professional <u>learning [development]</u> that includes nature and needs of gifted/talented students, <u>program [service]</u> options for gifted/talented students, and social emotional learning <u>with an update after each legislative session</u> (19 TAC §89.2(3)).</p>	<p>5.9.1 Counselors who work with gifted/talented students receive a minimum of six (6) hours annually of professional <u>learning [development]</u> in gifted/talented education.</p>
<p>5.10 Local district boards of trustees are trained <u>on the Texas State Plan for the Education of Gifted/Talented Students</u> to ensure program accountability <del>[based on the Texas State Plan for the Education of Gifted/Talented Students]</del>. (19 TAC §89.5).</p>	<p>5.10.1 Local district boards of trustees are encouraged to pursue professional <u>learning [development]</u> on the Texas State Plan for the Education of Gifted/Talented Students.</p>
<p>5.11 Evaluation of professional learning <u>implementation for [activities for]</u> gifted/talented education is ongoing and related to state teacher gifted/talented education standards, and the results of the evaluation are used in making decisions regarding future staff development plans (19 TAC §89.5 and TAC §233.1).</p>	<p>5.11.1 A long-range plan for professional <u>learning [development]</u> that culminates in graduate studies in gifted/talented education, supplemental gifted/ talented certification, advanced degrees in gifted/talented education, and/or their teaching discipline is pursued by a majority of the teachers who provide advanced-level and/or gifted/talented services.</p>
<p>5.12 Gifted/talented services staff are involved in planning, reviewing, and/or conducting the district's gifted/talented professional learning.</p>	
<p><u>5.13 After each legislative session, an update is provided to administrators, counselors and board of trustees.</u></p>	

## FAMILY/COMMUNITY INVOLVEMENT

**The district involves family and community members in services designed for gifted/talented students throughout the school year.**

Accountability	Exemplary
6.1 Written policies are developed on gifted/ talented student identification, approved by the local board of trustees and disseminated to parents (19 TAC §89.1).	
6.2 Input from family and community representatives on gifted/talented identification and assessment procedures is <u>collected</u> <del>(invited)</del> annually.	
6.3 Information is shared or meetings are held annually requesting parent and community recommendations regarding students who may need gifted/talented services.	
6.4 The opportunity to participate in a parent association and/or gifted/talented advocacy groups is provided to parents and community members.	6.4.1 Support and assistance is provided to the district in gifted/talented service planning and improvement by a parent/community advisory committee.
6.5 An array of learning opportunities is provided for gifted/talented students in grades K–12, and parents are informed of all gifted/talented services and opportunities (19 TAC §89.3).	
6.6 Products, <u>performances</u> , and achievements of gifted/talented students are shared with the community.	
6.7 Orientation and periodic updates <u>pertaining to the district's gifted/talented services</u> are provided for parents of students who are identified as gifted/talented and provided gifted/talented services.	
6.8 The effectiveness of gifted/talented services is evaluated annually, shared with the board of trustees, and the data is used to modify and update district and campus improvement plans. Parents are included in the evaluation process, and the outcomes and findings of the evaluation are shared with parents (TEC§11.251–11.253).	
	6.9.1 Community volunteers are organized and provided an orientation about working with gifted/talented students.
	6.10.1 Liaisons with business and community organizations are established, and the use of community resources (retired community members, foundations, universities, etc.) is evident in the service options available for gifted/ talented students.

Accountability	Exemplary
	6.11.1 Professional learning <del>(development)</del> opportunities are offered by the gifted/talented coordinator in collaboration with the parent advisory committee to staff, parents, and community members.
	6.12.1 Presentations are given to community groups and organizations to solicit their involvement in services for gifted/talented students.
	6.13.1 A data bank of resources is compiled for use by gifted/talented students, their teachers, and their parents.
	6.14.1 Support for mentorship and independent study programs in the district is solicited by the parent/ community advisory committee.

## TEXAS EDUCATION CODE

## CHAPTER 29. EDUCATIONAL PROGRAMS

## Subchapter D. Educational Programs for Gifted and Talented Students

**§29.121. Definition.**

In this subchapter, “gifted and talented students” 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.

**§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.

**§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.

**~~§29.124. Certification and Reporting Required.~~**

- ~~(a) Each school district shall annually certify to the commissioner that the district has established a program for gifted and talented students as required by this subchapter and that the program is consistent with the state plan developed under Section 29.123.~~
- ~~(b) If the commissioner determines that a school district has failed to comply with Subsection (a) for a school year, the commissioner shall reduce the total amount of funding to which the district is entitled under Chapter 48 for that school year by an amount equal to the basic allotment multiplied by the product of:~~
  - ~~(1) 0.12; and~~
  - ~~(2) an amount equal to five percent of the students in average daily attendance in the district.~~
- ~~(c) The commissioner may restore to a school district all or part of the funding withheld from the district’s entitlement under Subsection (b) if during the school year the district complies with Subsection (a).~~
- ~~(d) At the same time that a school district makes the certification required under Subsection (a), the district shall report to the commissioner regarding the use of funds on the district’s program for gifted and talented students as provided by State Board of Education rule.~~
- ~~(e) Nothing in this section may be construed as limiting the number of students that a school district may identify as gifted and talented or serve under the district’s program for gifted and talented students.~~

## TEXAS EDUCATION CODE

### CHAPTER 39. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

#### Subchapter H. Additional Awards

##### §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](#).

Source: Amended by: Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 59, eff. June 19, 2009.

## TEXAS EDUCATION CODE

CHAPTER 48~~[2]~~. FOUNDATION SCHOOL PROGRAMSubchapter C. Student-Based ~~[Special]~~ Allotments**§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.

*Source: Added by Acts 2021, 87th Leg., R.S., Ch. 806 (H.B. 1525), Sec. 27, eff. September 1, 2021.*

**~~§42.156. 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 district's adjusted basic allotment as determined under Section 42.102 or Section 42.103, as applicable, multiplied by \_\_\_\_\_ .12 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 42.253.~~
- ~~(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 42.152 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. [Sections 42.157-42.200 reserved for expansion]~~

~~*Texas Education Code as repealed by the 86th Legislature of the State of Texas. Effective September 1, 1995.*~~



# TEXAS ADMINISTRATIVE CODE

## Title 19, Part II

### 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.

*Source: The provisions of this §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690.*

##### **§89.2 Professional Learning ~~[Development]~~.**

School districts shall ensure that:

- (1) prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented 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 students receive a minimum of six hours annually of professional learning ~~[development]~~ in gifted/talented education; and
- (3) ~~[(4)]~~ administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning [development every four years] that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

*Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776.*

### **§89.3. Student Services.**

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must include:

- (1) instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
- (2) a continuum of learning experiences that leads to the development of advanced-level products and performances;
- (3) in-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

*Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg*

### **§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.

*Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690.*

~~*Repealed. Please see §105.11 below.*~~

~~*Source: The provisions of this §89.4 repealed to be effective May 23, 2011, 36 TexReg 3187.*~~

### **§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.

*Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**~~§105.11. Maximum Allowable Indirect Cost.~~**

No more than 48% of each school district's Foundation School Program (FSP) special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to the following programs: compensatory education, bilingual education and special language programs, and special education. No more than 45% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to gifted and

talented education programs. No more than 42% of each school district's FSP special allotments under the Texas Education Code, Chapter 42, Subchapter C, may be expended for indirect costs related to career and technical education programs. Indirect costs may be attributed to the following expenditure function codes: 34—Student Transportation; 41—General Administration; 81—Facilities Acquisition and Construction; and the Function 90-series of the general fund, as defined in the Texas Education Agency publication, Financial Accountability System Resource Guide.

(b) For the 2012–2013 school year and each year thereafter, a school district may choose to use a greater indirect cost allotment under the Texas Education Code, §§ 42.151, 42.153, 42.154, and 42.156, to the extent the school district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–2012 school year. The commissioner of education shall develop a methodology for a school district to make a determination under this section and may require any information necessary to implement this subsection. The commissioner's methodology must limit the percentage increase in allowable indirect cost to no more than the percentage decrease in state and local maintenance and operations revenue from the 2011–2012 school year.

**~~Source: The provisions of this §105.11 adopted to be effective September 1, 1996, 21 TexReg 5710; amended to be effective December 5, 2004, 29 TexReg 11347; amended to be effective December 31, 2009, 34 TexReg 9439; amended to be effective December 26, 2011, 36 TexReg 8825.]~~**

## GLOSSARY

Term	Definition
<b>Acceleration</b>	<p>Acceleration is an academic intervention that matches the level, complexity, and pace of the curriculum with the readiness and motivation of the student. It involves mastering knowledge and skills at a rate faster or at an age earlier than the norm.</p> <p>From <i>A Nation Deceived</i>—Colangelo, N., Assouline, S., &amp; Gross, M. U. M. (2004). <i>A nation deceived: How schools hold back America's brightest students</i> (Vol. 1). Iowa City: University of Iowa, Connie Belin &amp; Jacqueline N. Blank International Center for Gifted Education and Talent Development</p>
<b>Area of Giftedness</b>	The specific set of abilities in which a student performs or shows potential to perform at a remarkably high level of accomplishment
<b><u>Areas of Student Strengths</u></b>	<u>Specific levels of achievement in the foundation curricular areas to include single subject acceleration in grades K-12</u>
<b>Array of Learning Experiences</b>	A menu of challenging activities or opportunities that fit the unique interests and abilities of advanced-level students
<b>Artistically Gifted</b>	Possessing outstanding ability in the visual and/or performing arts
<b><u>Cluster Group</u></b>	<p><u>To ensure successful delivery of differentiated instruction, modification of curricula (State Plan 4.9), access to the opportunities required in State Plan 3.1 and 3.4, and gifted programming consistent with the State Plan, the Commissioner's Advisory Council on the Education of Gifted Students provided input on guidelines for defining a group when G/T students are provided services in the regular classroom.</u></p> <ul style="list-style-type: none"> <li>• <u>A group is defined as a minimum of four.</u></li> <li>• <u>To be consistent with the State Plan, a group is composed of gifted students assigned to a classroom where a minimum of 33% or more of the classroom roster is made up of their G/T peers.</u></li> <li>• <u>Alternatively, if fewer students than 33% of a classroom roster are G/T identified in the campus grade level*, to be consistent with the State Plan:</u> <ul style="list-style-type: none"> <li>• <u>The G/T-identified students in a campus grade level* are placed in one group during core subject instruction.</u></li> <li>• <u>An LEA may make alternative grouping assignments with parent permission or when necessary to meet a G/T student's documented instructional needs. G/T services must be delivered in the alternative grouping assignment unless the furlough or exit process has been completed for the student. The rationale for alternative grouping assignments should be described in LEA certification submitted under TEC §29.124</u></li> </ul> </li> </ul>
<b>Complexity</b>	Extension of content in, between, and across disciplines through the study of themes, problems, and issues; seeing relationships between and among ideas in/within the topic, discipline, and disciplines; examining relationships in, between, and across disciplines over time and from multiple points of view

Term	Definition
<b>Concurrent Enrollment</b>	The practice of enrolling in a college or university to earn college or university credit while in high school
<b>Continuum of Learning Experiences</b>	Articulated intellectual, artistic, creative, and/or leadership activities and opportunities that build upon one another each year a student is in school
<b>Creatively Gifted</b>	Possessing outstanding imagination, thinking ability, innovative or creative reasoning ability, ability in problem solving, and/or high attainment in original or creative thinking
<b>Credit by Exam (CBE)</b>	Method in which a student may receive credit for a subject/ course or accelerate through a grade by taking one or more exams
<b>Depth</b>	Exploration of content within a discipline to include analyzing from the concrete to the abstract, the familiar to the unfamiliar, the known to the unknown; exploring the discipline by going beyond facts and concepts into generalizations, principles, theories, laws; investigating the layers of experience within a discipline through details, patterns, trends, unanswered questions, and/or ethical considerations
<b>Differentiation</b>	Modification of curriculum and instruction according to content, pacing, process, and/or product to meet unique student needs in the classroom
<b>Diversity</b>	The presence of difference between individuals and among groups including but not limited to age, socioeconomics, education, race and ethnicity, gender, sexual orientation, culture, and religious beliefs
<b>Dual Credit</b>	An opportunity for a student to earn high school credit for successful completion of a college course
<b><u>Exit</u></b>	<u>The cessation of gifted/talented services. The identification committee will make the final decision. A parent, student or gifted/talented educator may submit the request.</u>
<b>Flexible Pacing</b>	Flexible pacing is defined as placing students at an appropriate instructional level and allowing them to move forward in the curriculum as they master content and skills. Flexible pacing is achieved by such methods as continuous progress, compacted course, advanced level courses, grade skipping, early entrance, concurrent or dual enrollment, and credit by examination.
<b>Foundation Curricular Areas</b>	English language arts/reading, mathematics, science, and social studies
<b>Furlough</b>	A leave of absence from program services
<b>Gifted in Leadership</b>	Possessing the natural ability to influence others; possessing skills in interpersonal relationships demonstrated, for example, by outstanding ability in such activities as student government
<b>Gifted in Specific Academic Fields</b>	Possessing superior ability or potential in a specific course of study such as English language arts/reading, mathematics, science, or social studies
<b>Gifted/Talented Services</b>	Services and activities not ordinarily provided by the school that are specifically designed to fully develop the capabilities of students who give evidence of high achievement or capability in areas such as intellectual, creative, artistic, or leadership capacity

Term	Definition
<b><u>Grouping</u></b>	<p><u>To ensure successful delivery of differentiated instruction, modification of curricula (State Plan 4.9), access to the opportunities required in State Plan 3.1 and 3.4, and gifted programming consistent with the State Plan, the Commissioner's Advisory Council on the Education of Gifted Students provided input on guidelines for defining a group when G/T students are provided services in the regular classroom.</u></p> <ul style="list-style-type: none"> <li>• <u>A group is defined as a minimum of four.</u></li> <li>• <u>To be consistent with the State Plan, a group is composed of gifted students assigned to a classroom where a minimum of 33% or more of the classroom roster is made up of their G/T peers.</u></li> <li>• <u>Alternatively, if fewer students than 33% of a classroom roster are G/T identified in the campus grade level*, to be consistent with the State Plan:</u> <ul style="list-style-type: none"> <li>• <u>The G/T-identified students in a campus grade level* are placed in one group during core subject instruction.</u></li> <li>• <u>An LEA may make alternative grouping assignments with parent permission or when necessary to meet a G/T student's documented instructional needs. G/T services must be delivered in the alternative grouping assignment unless the furlough or exit process has been completed for the student. The rationale for alternative grouping assignments should be described in LEA certification submitted under TEC §29.124</u></li> </ul> </li> </ul>
<b><u>Highly Gifted</u></b>	<p><u>A "highly gifted" student is defined as a student who has:</u></p> <p><u>(1) scores at or above the 99th percentile in either the overall score or in a verbal (reading) or quantitative (math) subscore of a nationally normed aptitude or ability test, or</u></p> <p><u>(2) academic achievement scores at or above the 99th percentile in one or more subject areas as measured using a nationally normed test.</u></p>
<b>Independent Study</b>	Self-directed learning strategy where the teacher acts as guide or facilitator, and the student plays a more active role in designing and managing his or her own learning
<b>Intellectually Gifted</b>	Possessing superior intelligence, with potential or demonstrated accomplishments in several fields of study; ability to perform complex mental tasks
<b>Mentor</b>	An individual who shares his or her expertise with a student of similar career or field-of-study aspirations
<b>Qualitative Measures</b>	Performance indicators that cannot be recorded numerically and that include observations, anecdotal records, checklists, interviews, student products, performances, etc.

Term	Definition
<b>Quantitative Measures</b>	Performance indicators that can be expressed in terms of definite numbers or amounts such as scores on achievement tests
<b>Texas Performance Standards Project (TPSP)</b>	Statewide standards and assessment system which includes instructional materials designed to provide assistance as districts achieve the state goal for gifted/talented students (complete information at <a href="http://www.texaspsp.org/">http://www.texaspsp.org/</a> )
<b>Twice-Exceptional</b>	<p>A “twice-exceptional learner” is a child or youth who performs at—<u>or shows the potential</u> for performing at—a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:</p> <ol style="list-style-type: none"> <li>1. exhibits high performance capability in an intellectual, creative, or artistic area;</li> <li>2. possesses an unusual capacity for leadership; or</li> <li>3. excels in a specific academic field (<a href="#">TEC §29.121</a>)</li> </ol> <p>and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria.</p>

## COMPLIANCE STATEMENT

### **TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION**

Reviews of local education agencies pertaining to compliance with the Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

- (1) acceptance policies on student transfers from other school districts;
- (2) operation of school bus routes or runs on a nonsegregated basis;
- (3) nondiscrimination in extracurricular activities and the use of school facilities;
- (4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;
- (5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;
- (6) nondiscriminatory practices relating to the use of a student's first language; and
- (7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

### **TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.**

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/ Affirmative Action employer.



**Public Hearing Regarding Instructional Materials Submitted for Approval by the  
State Board of Education Under Instructional Materials Review and Approvals Cycle 2024**

**June 27, 2024**

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

**SUMMARY:** A public hearing is scheduled for Thursday, June 27, 2024, in the William B. Travis Building, Room 1-100. Testimony will be presented regarding instructional materials submitted for adoption under Instructional Materials Review and Approvals (IMRA) Cycle 2024. The Request for Instructional Materials (IMRA Cycle 2024) calls for instructional materials that includes K–5 English language arts and reading and Spanish language arts and reading, K–3 English and Spanish phonics, and K–12 mathematics. Products submitted in response to IMRA Cycle 2024 began review in May and continues to be reviewed through the summer of 2024. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§7.110](#) and [§31.023](#).

TEC, §7.110, requires the SBOE to create and implement policies that allow the public an opportunity to appear before and speak to the board.

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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The IMRA Cycle 24 was issued by the SBOE in February 2024.

The review of IMRA Cycle 2024 instructional materials will take place in the summer 2024.

**Staff Member Responsible:**

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

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

## **Per Capita Apportionment Rate for the 2023-2024 School Year**

**June 27, 2024**

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

**SUMMARY:** A per capita apportionment rate for each school year is set by the commissioner of education based on an estimate of the amount available for expenditure from the Available School Fund (ASF). A preliminary 2023–2024 per capita apportionment rate of \$414.884 was set in September 2023. A final per capita apportionment rate is set by commissioner of education based on actual funds available for expenditure. Agency staff will present the final rate for the 2023–2024 school year at the June 2024 meeting of the Committee on School Finance/Permanent School Fund.

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

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

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

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

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

**PREVIOUS BOARD ACTION:** A preliminary 2023–2024 per capita apportionment rate of \$414.884 was established in September 2023.

**BACKGROUND INFORMATION AND JUSTIFICATION:** House Bill 1, the General Appropriations Bill enacted by the 88th Texas Legislature, Regular Session, 2023, contains an estimate of the amount that will be available for expenditures from the ASF for the 2023-2024 school year. The per capita apportionment will include distributions from the Permanent School Fund and funds from state occupation taxes and from the Motor Fuels Tax. The preliminary per capita apportionment rate set by the commissioner of education is based on an estimate of the funds available for expenditure. A final rate is established later in the school year by the commissioner of education based on actual funds available for expenditure.

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

**Staff Members Responsible:**

Mike Meyer, Deputy Commissioner for Finance

Amy Copeland, Chief School Finance Officer, Associate Commissioner

Sara Kohn, Director of State Funding, Forecasting, and Fiscal Analysis

**Separate Exhibit:**

Per Capita Rate for 2023-2024

(to be provided at the June 2024 SBOE meeting)

## **COMMITTEE ON SCHOOL INITIATIVES**

## Open-Enrollment Charter School Generation 30 Application Updates

June 27, 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 30 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 30 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 30 application.

Public information concerning open-enrollment charter schools is available at the division of Charter Schools – Applications page found on the Texas Education Agency's website (<https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>). The Generation Thirty applications and required attachments will also be linked on that page upon publication.

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

Kelvey Oeser, Deputy Commissioner, Educator and System Support

Marian Schutte, Deputy Associate Commissioner, Authorizing and Policy

## **Discussion of the State Board of Education's Oversight of Special-Purpose School Districts**

**June 27, 2024**

### **COMMITTEE ON SCHOOL INITIATIVES: DISCUSSION STATE BOARD OF EDUCATION: NO ACTION**

**SUMMARY:** This item provides an opportunity for the committee to discuss the State Board of Education's (SBOE's) oversight of special-purpose school districts.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [§11.351](#) and [§11.352](#).

TEC, §11.351, grants the SBOE the authority to establish special-purpose school districts for the education of students in special situations whose educational needs are not adequately met by regular school districts.

TEC, §11.352, requires the SBOE to appoint a board of three or five trustees for each special-purpose school districts. It also requires to the SBOE to adopt rules for the governance of special-purpose school districts.

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

**FUTURE ACTION EXPECTED:** A proposed revision to 19 Texas Administrative Code (TAC) Chapter 61 may be presented for first reading and filing authorization at a future SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, §11.351, grants the SBOE the authority to establish special-purpose school districts for the education of students in special situations whose educational needs are not adequately met by regular school districts. TEC, §11.352, requires the SBOE to appoint a board of three or five trustees for each special-purpose school district established under TEC, §11.351. Additionally, TEC, §11.352, requires the SBOE to adopt rules for the governance of special-purpose school districts. In the absence of rules adopted for this purpose, the laws applicable to independent school districts apply to special-purpose school districts. The SBOE has adopted three rules in 19 TAC Chapter 61 related to the operation of special-purpose school districts: §61.2, [Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District](#); §61.101, [Applicability of State Law for Special Purpose School Districts](#); and §61.111, [Applicability of State Law to Boys Ranch Independent School District](#).

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

Steve Lecholop, Deputy Commissioner, Governance

Christopher Lucas, Director, Policy, Planning, and Operations, Governance

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

**June 28, 2024**

**COMMITTEE ON SCHOOL INITIATIVES: ACTION  
STATE BOARD OF EDUCATION: CONSENT**

**SUMMARY:** This item provides an opportunity for the board to consider one reappointment and one appointment to the board of trustees of Fort Sam Houston Independent School District (ISD). The appointments are necessary due to the expiration 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, 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 two trustees of the Fort Sam Houston ISD are due to expire. Brigadier General Driggers recommends the reappointment of Dr. LaToya E. Sizer and the appointment of Colonel Rebecca A. Zinnante to the Fort Sam Houston ISD Board of Trustees.

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

Based on Brigadier General Driggers's recommendation, approve the reappointment of Dr. LaToya E. Sizer and the appointment of Colonel Rebecca A. Zinnante to serve terms of office from June 28, 2024, to June 27, 2026, on the Fort Sam Houston 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 Driggers that includes biographical information and supporting documentations for the nominees





**DEPARTMENT OF THE AIR FORCE  
502D AIR BASE WING  
JOINT BASE SAN ANTONIO**



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 Dr. LaToya E. Sizer and Appointment of COL Rebecca A. Zinnante  
to the Fort Sam Houston Independent School District (FSHISD) Board of Trustees

1. Please consider this my formal request to reappoint Dr. Latoya E. Sizer and to newly appoint COL Rebecca A. Zinnante to the FSHISD Board of Trustees. Enclosed are their resumes, as required by Texas Administrative Code Section 61.2a (1), along with their signed statement expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. Dr. Laytoya E. Sizer is eligible for reappointment and COL Rebecca A. Zinnante is eligible for appointment under the general school laws of Texas and lives or works on Joint Base San Antonio-Fort Sam Houston. 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 with six candidates submitting packages. The membership composition of the board of trustees is in compliance with the provisions of Texas Education Code 11.352.
3. I recognize the power of the Board of Trustees to govern and manage the operations of the FSHISD 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. Andrea Black at (210) 221-5151 or [andrea.black@us.af.mil](mailto:andrea.black@us.af.mil).

DRIGGERS.RU | Digitally signed by  
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01233 | 24001233  
Date: 2024.04.12 14:07:54  
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RUSSELL D. DRIGGERS  
Brigadier General, USAF  
Commander

2 Attachments:

1. Dr. Latoya E. Sizer Eligibility Statement and Resume
2. COL Rebecca A. Zinnante Eligibility Statement and Resume



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Rebecca Anne Zinnante

Residential Address: 2775 Artillery Post

Fort Sam Houston

Texas

78234

Physical Address of Employer: 3599 Winfield Scott Rd

Texas

Texas

78234

Board of Trustees Location Applying For: FSHISD

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.

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ANNE.1047455762 ZINNANTE.REBECCA.ANNE.1047455762  
Date: 2024.04.03 17:35:55 -05'00'

Signature of Applicant

Rebecca A. Zinnante

Printed Name of Applicant

4 Apr 2024

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.***

**Rebecca A. Zinnante**  
**Colonel, U.S. Army**

Medical Center of Excellence

Address: 3630 Stanley Rd, BLDG 2841, JBSA- Fort Sam Houston, TX 78234  
Work Phone Number: (210) 221-7719; E-mail: rebecca.a.zinnante.mil@army.mil

Personal

Home Address: 2775 Artillery Post Road, JBSA-Fort Sam Houston, TX 78234  
Phone: (254) 768-7796; E-mail: rzinnante@yahoo.com

**Civilian Education:**

University of Maryland University College, MD 2008  
Master of Science-Environmental Management

Cameron University, OK 1998  
Bachelor of Science-Biology

**Military Work Experience:**

U.S. Army Medical Center of Excellence, JBSA-Fort Sam Houston, TX 2023-Present  
Title: Director, Department of Force Health Protection  
Overview: Responsible for the training and education of over 1500 students (military, civilian, and international) annually, with focus on behavioral health, public health, dental sciences, and veterinary science career fields.

U.S. Army Medical Center of Excellence, JBSA-Fort Sam Houston, TX 2022-2023  
Title: Interim, Commandant, Academy of Health Sciences  
Overview: Responsible for all aspects of training and education for over 32,000 students annually. Management of 6 academic departments and 10 support divisions -responsible for 250 diverse medical courses and 12 graduate and doctoral programs.

U.S. Army Medical Center of Excellence, JBSA-Fort Sam Houston, TX 2021-2022  
Title: Director, Department of Force Health Protection  
Overview: Responsible for the training and education of over 1500 students annually, with focus on behavioral health, public health, dental sciences, and veterinary science career fields in the US Army.

U.S. Army Fires Center of Excellence, Fort Sill, OK 2019-2022  
Title: Deputy Chief of Staff-Readiness  
Overview: Responsible for coordination and synchronization of health service and support and force health protection for the Field Artillery and Air Defense Schools. Public Health advisor to the command during COVID-19 pandemic and coordinated installation response plan with local and state officials.

U.S. Army Medical Center of Excellence, JBSA-Fort Sam Houston, TX 2018-2019  
Title: Chief, Environmental Health Branch and Instructor

**Rebecca A. Zinnante**  
**Colonel, U.S. Army**

III Corps Headquarters, Fort Hood, TX 2015-2018  
Title: Deputy Surgeon

U.S. Army Public Health Command, Aberdeen Proving Ground, MD 2013-2015  
Title: Director, Support Operations

224<sup>th</sup> Preventive Medicine Detachment, Fort Hood, TX 2012-2013  
Title: Commander

Darnall Army Medical Center, Fort Hood, TX  
2010-2012  
Title: Chief, Environmental Health Division

**Military Education:**

Senior Training Management Course	2022
Common Faculty Development-Instructor Course	2018
Common Faculty Development-Developers Course Cadre Training Course	2018
Company Commander's/First Sergeant Course Joint Planners Course	2011
Command and General Staff College	2009
Preventive Medicine Senior Leaders Course	2009
DoD Pest Management Certification Course	2006
Combined Arms and Services Staff School	2004
Army Medical Department Officer Advanced Course Airborne School	2003
Medical Effects of Ionizing Radiation Course	2001
Basic Industrial Hygiene Techniques Course	2001
Principles of Military Preventive Medicine Course	1998
Officer Basic Course	1998
Military Science (ROTC)	1998

**MILITARY DECORATIONS AND AWARDS:**

Individual Awards: Defense Meritorious Service Medal, Meritorious Service Medal (7), Joint Service Accommodation Medal (1), Army Commendation Medal (4), Army Achievement Medal (2), National Defense Service Medal (1), Armed Force Expeditionary Medal, Afghanistan Campaign Medal (2), Iraq Campaign Medal (2), Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal (1), Army Service Ribbon (1)

Unit Awards: Meritorious Unit Award

Individual Badges: Combat Medical Badge, Parachutist Badge



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: LaToya Evett Sizer

Residential Address: 3202 Black Elk

San Antonio

TX

78261

Physical Address of Employer: 2261 Gun Shed Road

Fort Sam Houston

Fort Sam H 78234

Board of Trustees Location Applying For: FSHISD

I hereby make a formal application for the above indicated Board of Trustees. In doing so, I confirm that:

- I am qualified under the general school laws of Texas and live or am employed on JBSA.
- I attest the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve in this capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

SIZER.LATOYA.EVET  
T.1089783344

Digitally signed by  
SIZER.LATOYA.EVETT.1089783344  
Date: 2024.04.03 18:12:52 -05'00'

Signature of Applicant

LaToya Evett Sizer

Printed Name of Applicant

3 APR 2024

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.***

**Dr. LaToya Evett Sizer**  
[latoya.e.sizer.civ@army.mil](mailto:latoya.e.sizer.civ@army.mil)  
**210-556-4163 (personal); 210-428-9149 (work)**

### **PROFESSIONAL SUMMARY**

Transformational leader with more than 35 years of military and civilian experience in leadership, management, training, education, decision-making strategic communication, human resources, and public affairs. Accomplished measurable goals while cultivating teams in dynamic, demanding environments. Maintains high emotional intelligence. Adept at identifying problems and applying the right resources/intellect for successful resolution. Embodies the executive competencies of orchestrating change, influencing people, applying purposeful approaches, business acumen, and building coalitions. Performs highest under stressful and complex situations. Proven high personal integrity. Lifelong learner.

### **SCHOOL BOARD EXPERIENCE**

**School Board Trustee, Fort Sam Houston Independent School District, Fort Sam Houston, Texas**  
**04/2022 to Present**

Dedicated and passionate school board trustee with a proven track record of advocating for quality education and student success at the local, Congressional and Federal levels. Serves as Region Vice President of Texas Caucus of Black School Board Members, ensuring FSHISD Seniors compete for and receive scholarships. Voted as the FSHISD Board of Trustees' Secretary. Committed to fostering a positive and inclusive learning environment that meets the needs of diverse student populations within the Fort Sam Houston Independent School District. Collaborates with diverse stakeholders. Knowledgeable of educational policies and procedures. Proficient in data analysis and evidence-based decision-making. Attends monthly board members, school board functions, training events and conferences. Actively takes part in monthly board meetings, committees, and community forums to make informed decisions and address the needs of students, parents, and educators. Collaborates with fellow trustees to develop and implement effective policies that align with the district's strategic goals. Advocates for adequate funding and resources to support student achievement and well-being. Engages with parents, students, and community members to address concerns and gathers feedback on district initiatives. Supports the hiring and evaluation of district superintendent, ensuring that qualified and resolute individuals are leading district schools. Supplies oversight and accountability, ensuring the district operates in the best interest of students. Collaborates with local school districts to capitalize on education/training opportunities for FSHISD children. Actively promotes school district achievements, hiring actions and activities through various social media platforms.

## **WORK EXPERIENCE**

### **Chief, Institutional Training, GS-1701-14**

**Headquarters, Installation Management Command, Fort Sam Houston, Texas**

**04/2019 to Present**

Directly supervises a fulltime and adjunct staff of DA Civilian educators and trainers ranging in grades GS12-14 in San Antonio and across 80 global Army installations. Plans their work, establishes priorities and ensures quality work is pursuant to curriculum and milestones. Evaluates performance and provides advice, counsel and guidance to subordinates. Responsible for independently planning, designing, and executing the command's education and training program for its 80k-plus global employees. Manages graduate-level courses such as the General Officer Senior Commander Course for Army Senior Commanders; the Garrison Pre-Command Course for all newly selected Garrison Commanders, Garrison Command Sergeants Major, and Deputy Garrison Commanders; the Supervisors Leader Development Program for more than 200 senior Army Civilians in grades GS-13 to 15; and a variety of customer service courses, programs and services. Coordinates with Army Management Staff College for Mobile Training Teams to teach all levels of Civilian Education System courses to Fort Sam Houston civilian employees. Manages \$2.5-million state-of-the-art training and education facility.

### **Director, School for Installation Management, GS-1701-14**

**Headquarters, Installation Management Command, Fort Sam Houston, Texas**

**07/2015 to 04/2016; 11/2016 to 03/2019**

Directed an organization responsible for planning and implementing programs designed to educate, train, and develop IMCOM military and Civilian leaders Army-wide. Served as the academic leader and chief executive agent for the school's continuing education courses in decision making, leadership, management, administration, Civilian and Military personnel management and supervision, safety and security, and contracting. Supervised a subordinate staff up to seven professional educators and more than 150 adjunct professors.

### **Interim Dean, College for Installation Management, GS-1701-15**

**Headquarters, Installation Management Command, Fort Sam Houston, Texas**

**05/2016 to 10/2016**

Hand-selected over peers by General Officer to serve as interim Dean, College of Installation Management of a 55-person staff at the College for Installation Management (CIM) that consisted of three schools: School for Installation Management, School for Family and Morale, Welfare, and Recreation; and School for Service Culture. Supervised staff of 52 APF and NAF/MWR employees consisting of senior Army civilians in grades GS-14, NAF 4-5, GS-13, GS-12, and contract personnel supporting the college. Performed under the guidance of the 3-star Commanding General.

## **EDUCATION**

Doctor of Philosophy, Educational Leadership (Magna Cum Laude)  
Trident University International, Cypress, CA

## **TRAINING AND CERTIFICATIONS**

Texas Association of School Boards Summer Leader Institute 2023-2024; New Board Member Launch; TASA/TASB Convention 2024; Orientation to Texas Education Code; Child Abuse Prevention; Leadership Federal Executive Board; Army Supervisor Development Course; Human Resource Training for Supervisors; Conflict Management and Resolution; US Army Faculty Development; US Army Garrison Pre-Command Course; Supervisor Development Course; Staff Officer Orientation Course; Continuing Education for Senior Leaders Civilian Education System Advanced, Intermediate and Basic courses; Brigade/Battalion Pre-Command Course; Budgeting and Accounting for Non-Financial Personnel; Army Command Sergeants Major Course; Army Sergeants Major Academy; Army First Sergeants Course; Equal Opportunity Representatives Course; Facilitator Training Course; Army Instructor; Army specialized training in management, supervision, training, instruction, facilitation, equal opportunity, prevention of sexual harassment, conflict and resolution, public affairs, fitness and nutrition.

## **VOLUNTEER SERVICE**

Fort Sam Houston Independent School District School Board Trustee (since 2022); Region Vice President, Texas Caucus of Black School Board Members (since 2023); Member/Mentor for Mentoring Moments with Dr. Allie (2024); Veterans 2 Government Jobs website moderator (since 2020); WoW: Worthy of your Worth website administrator (since 2019); US Army Installation Management Command Planning Teams (since 2010); Johnson High School Junior ROTC Program (since 2010); Fort Sam Houston Association of Sergeants Major (since 2009); Department of Defense Education Activity Disciplinary Board Member.

## **AWARDS AND MEDALS**

Meritorious Civilian Service Award, Commanders Award for Civilian Service, Defense Meritorious Service Medal, Army Meritorious Service Medals, Joint Service Commendation Medals, Army Commendation Medals, Various Department of the Army Journalism Awards, US Army Physical Fitness for Excellence Badge, San Antonio Rock and Roll Half Marathon Medals

## **REFERENCES**

Provided upon request.



**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  
(Second Reading and Final Adoption)**

**June 28, 2024**

**COMMITTEE ON SCHOOL INITIATIVES: 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 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 add a definition for the term "commanding officer." No changes are recommended since approved for first reading.

**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 2025-2026 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 2024-2025 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. At its April 2024 meeting, the SBOE approved the proposed amendment to §61.2 for first reading and filing authorization.

**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(e) 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.

In addition, the amendment would define "commanding officer" for the purposes of this section.

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

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

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

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

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

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

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

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

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

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

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

TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by defining "commanding officer" for the purpose of this rule and 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:** No changes have been made to this section since published as proposed.

The proposal would update the eligibility of people to serve on military reservation schools districts to conform to HB 4210, provide clarity to the public on who is eligible to serve on a board of trustees of a military reservation school district, and establish a definition for "commanding officer" for the purpose of the rule. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no data and reporting impact.

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

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

**PUBLIC COMMENTS:** Following the April 2024 SBOE meeting, notice of proposed amendment to §61.2 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. No comments had been received at the time this item was prepared. A summary of any public comments received regarding the proposal will be provided to the SBOE during the June 2024 meeting. 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.

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

Approve for second reading and final adoption the 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; and

Make an affirmative finding that immediate adoption of the 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, 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:**

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) For purposes of this section, commanding officer is defined as the officer who is assigned to serve physically on the installation or military reservation on which the military reservation school district is located and who provides leadership for the functional support of and contingency or emergency coordination for the military reservation school district.
- (b) ~~(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.
- (c) ~~(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.
- (d) ~~(e)~~ 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.
- (e) Notwithstanding subsection (d) 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.

## Discussion of Ongoing State Board for Educator Certification Activities

**June 27, 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 is the Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

**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:**

Kelvey Oeser, Deputy Commissioner, Educator and System Support



**Review of Adoption of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates**

**June 28, 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 227, Provisions for Educator Preparation Candidates. The proposed amendments would make conforming changes to the Chapter 227 rules given the adopted updates to Chapter 228, Requirements for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification. The proposed changes would also update the Pre-Admission Content Test (PACT) figure to include the adopted new certificates and aligned PACT exams as well as adopted cut scores.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 227, Subchapter A, §§227.1, 227.5, and 227.10, is the Texas Education Code (TEC), §§21.031; 21.041(b)(1) and (4); 21.044(a) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code (TOC), §§53.151, 53.152, and 53.153. The statutory authority for 19 TAC Chapter 227, Subchapter B, §227.103, is the TOC, §53.105.

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)(4), specifies the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044(a), 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, §21.044(g)(2) and (3), requires each educator preparation program (EPP) to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP.

TEC, §21.0441, requires the SBEC to adopt rules setting certain admission requirements for EPPs.

TEC, §21.0489(c), requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate.

TEC, §21.049(a), authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs.

TEC, §21.050(a), requires a person who applies for a teaching certificate for which SBEC 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 the TEC, Chapter 28, Subchapter A.

TOC, §53.151, sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001.

TOC, §53.152, requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules regarding the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter.

TOC, §53.153, requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

TOC, §53.105, specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter.

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 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an EPP and preliminary evaluation of certification eligibility.

These requirements ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

The following is a description of the proposed amendments to 19 TAC Chapter 227 that are reflected in Attachments I and II. The proposed amendments would update rule references based on the adopted revisions to 19 TAC Chapter 228 and would update the PACT figure to include the new certificate names and aligned PACT names and associated passing standards based on the adopted revisions to 19 TAC Chapter 230.

### **Subchapter A. Admission to Educator Preparation Programs**

#### ***Proposed Amendment to 19 TAC §227.1. General Provisions***

The proposed amendment to 19 TAC §227.1(c)(3) would update the statutory reference from TEC, §21.044(e)(3), to TEC, §21.044(g), to conform with updates to statute.

### Proposed Amendment to 19 TAC §227.5. Definitions

The proposed amendment to the definition for *alternative certification program* in 19 TAC §227.5(2) would update the reference from 19 TAC §228.20(a) to adopted new 19 TAC §228.25, Governance of Educator Preparation Programs. The proposed amendment to the definition for *clinical teaching* in 19 TAC §227.5(7) would update the reference from 19 TAC §228.35 to adopted new 19 TAC §228.67, Clinical Teaching. The proposed amendment to the definition for *content pedagogy examinations* in 19 TAC §227.5(9) would change “examinations” to “examination” to mirror use of the singular term in the definition for *content certification examination* in 19 TAC §227.5(8).

### Proposed Amendment to 19 TAC §227.10. Admission Criteria

The proposed amendment to 19 TAC §227.10(a)(1) would update the language from “an undergraduate university program” to “a university undergraduate or post-baccalaureate program” to align with the exit policy in adopted new 19 TAC §228.31(b), Minimum Educator Preparation Program Obligations to All Candidates.

The proposed amendment to 19 TAC §227.10(g) would update the reference from 19 TAC §228.35(i)(2) to adopted new 19 TAC §228.45(b), Coursework and Training Requirements for Early Childhood-Grade 3. The proposed amendment would also expand the list of certificates, from 17 to 22, that a certified educator may hold to enroll in an EPP and complete the course of instruction that qualifies him or her to pursue the early childhood certification, including five adopted new Core: Early Childhood–Grade 6 certificates, which are adopted updates to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.

### Proposed Amendment to 19 TAC §227.10(a)(4)(C)

#### *Update to Figure for Pre-Admission Content Test Requirements*

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would provide two technical edits, including moving the certificate Early Childhood: Prekindergarten–Grade 3 from Core Subjects to Early Childhood and removing the section header language for “Certification category (continued)” throughout to align with adopted updates to Figure: 19 TAC §230.21(e).

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would remove the certificates 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 to align with adopted updates to Figure: 19 TAC §230.21(e)

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would adjust the passing standard for 790 Texas PACT Core Subjects 4–8 from 94 out of 160 selected response items to 82 out of 128 selected response items, based on updated standard setting committee recommendations.

The proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would also add the certificates for 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 with the Science of Teaching Reading: Early Childhood–Grade 6, and Special Education Specialist: Early Childhood–Grade 12 to align with adopted updates to Figure: 19 TAC §230.21(e), including the adopted PACT and associated passing standard.

Finally, the proposed amendment to Figure: 19 TAC §227.10(a)(4)(C) would add a new certification category and PACT for Tamil: Early Childhood–Grade 12, in alignment with adopted updates to Figure: 19 TAC §230.21(e). The proposed amendment would also clarify that a passing standard for Tamil: Early Childhood–Grade 12 would be established in the future, in alignment with the launch of the certificate and associated exam in September 2025, which would be codified in future rulemaking.

## **Subchapter B. Preliminary Evaluation of Certification Eligibility**

### **Proposed Amendment to 19 TAC §227.103. Application**

The proposed amendment to 19 TAC §227.103(a) would update the section to mirror language used in 19 TAC §227.107(a) to reference the schedule of fees for certification services.

### **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 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 support EPPs in ensuring that educator candidates have the appropriate content knowledge in the subject they intend to teach upon admission to the program.

**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.

**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.

**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.

**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:** That the State Board of Education:

Take no action on the proposed amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates.

**Staff Members Responsible:**

Jessica McLoughlin, Senior Director, Educator Quality

Marilyn Cook, Senior Director, Education Preparation and Certification

**Attachment I:**

Text of Proposed Amendments to 19 TAC Chapter 227, Provisions for Educator Preparation Candidates

**Attachment II:**

Text of Proposed Figure: 19 TAC §227.10(a)(4)(C)

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

**Chapter 227. Provisions for Educator Preparation Candidates**

**Subchapter A. Admission to Educator Preparation Programs**

**§227.1. General Provisions.**

- (a) It is the responsibility of the education profession as a whole to attract applicants and to retain educators who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.
- (b) Educator preparation programs (EPPs) shall inform all applicants that:
  - (1) pursuant to the Texas Education Code (TEC), §22.083, candidates must undergo a criminal history background check prior to employment as an educator; and
  - (2) pursuant to the TEC, §22.0835, candidates must undergo a criminal history background check prior to clinical teaching.
- (c) EPPs shall inform all applicants, in writing, of the following:
  - (1) the admission requirements as specified in this chapter;
  - (2) the requirements for program completion as specified in Chapter 228 of this title (relating to Requirements for Educator Preparation Programs); and
  - (3) in accordance with TEC, §21.044(g): [~~§21.044(e)(3):~~]
    - (A) the effect of supply and demand forces on the educator workforce in this state; and
    - (B) the performance over time of the EPP for the past five years.
- (d) EPPs shall notify, in writing by mail, personal delivery, facsimile, email, or an electronic notification, each applicant to and enrollee in the EPP of the following regardless of whether the applicant or enrollee has been convicted of an offense:
  - (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of a certificate on completion of the EPP;
  - (2) the current State Board for Educator Certification (SBEC) rules prescribed in §249.16 of this title (relating to Eligibility of Persons with Criminal History for a Certificate under Texas Occupations Code, Chapter 53, and Texas Education Code, Chapter 21); and
  - (3) the right to request a criminal history evaluation letter as provided in Chapter 227, Subchapter B, of this title (relating to Preliminary Evaluation of Certification Eligibility).
- (e) If the SBEC determines that an EPP has failed to provide the notice required by subsection (d) of this section to an individual entitled to receive the notice and that the individual's application for a certificate for which the EPP prepares the individual was denied because the individual has been convicted of an offense prior to the EPP providing notice, the SBEC shall order the EPP to:
  - (1) refund the amount of any tuition paid by the individual to the EPP; and
  - (2) pay to the individual an amount equal to the total of the following, as applicable:
    - (A) the amount of any application fees paid by the individual to the SBEC; and
    - (B) the amount of any examination fees paid by the individual to the SBEC and/or to a provider of examinations required for certification. An EPP is not liable for examination fees if the examination was not required to be passed to meet the admission requirements of the EPP and/or the EPP did not provide test approval for the examination.

- (f) If the governor of Texas 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 as necessary to accommodate persons in the affected disaster areas.

#### **§227.5. Definitions.**

The following words and terms, when used in this chapter, 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) Alternative certification program--An approved educator preparation program, delivered by entities described in §228.25 of this title (relating to Governance of Educator Preparation Programs), ~~[§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.
- (3) Applicant--An individual seeking admission to an educator preparation program for any class of certificate.
- (4) Candidate--An individual who has been formally or contingently admitted to an educator preparation program; also referred to as an enrollee or participant.
- (5) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (6) 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.
- (7) Clinical teaching--An assignment, as described in §228.67 of this title (relating to Clinical Teaching), ~~[§228.35 of this title (relating to Preparation Program Coursework and/or Training)]~~.
- (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 examination ~~[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) Contingency admission--Conditional admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.
- (11) Educator preparation program--An entity that must be approved by the State Board for Educator Certification to recommend candidates in one or more classes of certificates.
- (12) Formal admission--Admission to an educator preparation program when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).
- (13) Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an educator preparation program.
- (14) 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 from an accredited institution of higher education and are seeking an additional degree.

- (15) Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited institution of higher education.
- (16) Undergraduate degree--A bachelor's degree earned from and conferred by an accredited institution of higher education.

**§227.10. Admission Criteria.**

- (a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.
  - (1) For a university undergraduate or post-baccalaureate program, ~~[an undergraduate university program]~~, an applicant shall be enrolled in an accredited institution of higher education (IHE).
  - (2) For an alternative certification program or post-baccalaureate program, an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE.
  - (3) For an undergraduate university program, alternative certification program, or post-baccalaureate program, to be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.5 before admission.
    - (A) The GPA shall be calculated from an official transcript as follows:
      - (i) 2.5 on all coursework previously attempted by the person at an accredited IHE:
        - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission); or
        - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred (alternative certification program formal admission or post-baccalaureate program formal admission); or
      - (ii) 2.5 in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:
        - (I) at which the applicant is currently enrolled (undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission). If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or
        - (II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE (alternative certification program formal admission or post-baccalaureate program formal admission).
    - (B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception if:



- (i) documentation and certification from the program director that an applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and
    - (ii) in accordance with the TEC, §21.0441(a)(2)(B), an applicant must pass an appropriate content certification examination as specified in paragraph (4)(C) of this subsection for each subject in which the applicant seeks certification prior to admission. In accordance with the TEC, §21.0441(b), applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.
  - (C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE is exempt from the minimum GPA requirement.
  - (D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.5 GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.
- (4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:
- (A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or
  - (B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or
  - (C) a passing score on the appropriate content certification examination as specified in the figure provided in this subparagraph.
- Figure: 19 TAC §227.10(a)(4)(C) ~~[Figure: 19 TAC §227.10(a)(4)(C)]~~
- (5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Certification as Principal ~~[Certificate]~~ ); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.
  - (6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).
  - (7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).
    - (A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.

- (B) An applicant to a university undergraduate program that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.
- (8) An applicant must submit an application and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.
- (9) An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.
- (b) An EPP may adopt admission requirements in addition to and not in conflict with those required in this section.
- (c) An EPP may not admit an applicant who:
  - (1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or
  - (2) has been employed for three years in a public school under a permit, intern, or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.
- (d) An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).
- (e) An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met the following requirements:
  - (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 paragraph (2) of this subsection, 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.
- (f) An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.
- (g) An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.45(b) [~~§228.35(i)(2)~~] of this title (relating to Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification [~~Preparation Program Coursework and/or Training~~], that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:
  - (1) Bilingual Generalist: Early Childhood-Grade 4;
  - (2) Bilingual Generalist: Early Childhood-Grade 6;
  - (3) Core Subjects: Early Childhood-Grade 6;

- (4) Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6;
- (5) Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6;
- (6) Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6;
- (7) Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6;
- (8) Core with the Science of Teaching Reading: Early Childhood-Grade 6;
- (9) ~~(4)~~ Early Childhood Education;
- (10) ~~(5)~~ Elementary--General;
- (11) ~~(6)~~ Elementary--General (Grades 1-6);
- (12) ~~(7)~~ Elementary--General (Grades 1-8);
- (13) ~~(8)~~ Elementary Early Childhood Education (Prekindergarten-Grade 6);
- (14) ~~(9)~~ Elementary Self-Contained (Grades 1-8);
- (15) ~~(10)~~ English as a Second Language Generalist: Early Childhood-Grade 4;
- (16) ~~(11)~~ English as a Second Language Generalist: Early Childhood-Grade 6;
- (17) ~~(12)~~ Generalist: Early Childhood-Grade 4;
- (18) ~~(13)~~ Generalist: Early Childhood-Grade 6;
- (19) ~~(14)~~ Kindergarten;
- (20) ~~(15)~~ Prekindergarten-Grade 5--General;
- (21) ~~(16)~~ Prekindergarten-Grade 6--General; or
- (22) ~~(17)~~ Teacher of Young Children--General.

### **Subchapter B. Preliminary Evaluation of Certification Eligibility**

#### **§227.103. Application.**

- (a) A request for preliminary criminal history evaluation must be preceded by payment of the required criminal history evaluation fee specified in §230.101 of this title (relating to Schedule of Fees for Certification Services. [~~§230.101(a)(19) of this title (relating to Schedule of Fees for Certification Services).~~]
- (b) A request for preliminary criminal history evaluation must include the following:
  - (1) a signed and dated application, in the form provided on the Texas Education Agency (TEA) website, containing contact information and the date and description of each offense requested to be evaluated;
  - (2) an attached statement of the circumstances upon which the arrest is based and the disposition relating to each offense to be evaluated;
  - (3) court documentation relating to each offense, including, at a minimum, the formal disposition of the offense(s) and related charge(s) (e.g., Judgment, Order of Probation, Sentence, Deferred Adjudication Order, etc.); and
  - (4) a copy of the receipt for the request for preliminary criminal history evaluation fee.
- (c) All required documents and information specified in subsection (b) of this section must be provided with the request for preliminary criminal history evaluation. Any documents or information not provided in the original request will not be considered reasonably available.

- (d) The preliminary criminal history evaluation will be based solely on the application and court or law enforcement documents provided. Any information not provided by the requestor shall be considered not reasonably available at the time of the request and may be considered at the time the requestor subsequently applies for a certificate issued by the State Board for Educator Certification. Additional documentation that should be provided, if possible, includes the following:
  - (1) the formal charge(s) (e.g., indictment, information, or complaint);
  - (2) evidence that the condition(s) of the court have been met (e.g., completion of probation, receipt for restitution, etc.); and
  - (3) any available law enforcement report(s) describing the offense or the investigation of the offense.
- (e) The application, the statement of circumstances, the required court documentation, and a copy of the receipt for the request for preliminary criminal history evaluation fee must be submitted to the TEA division responsible for educator investigations by United States certified mail, return receipt requested, to the address provided on the application or by facsimile to the facsimile number provided on the application.
- (f) A request for preliminary criminal history evaluation is incomplete unless it includes a copy of the receipt for the request for preliminary criminal history evaluation fee, a completed application, a statement of circumstances, and the required court documentation. The TEA staff will take no action on a request that is incomplete.
- (g) All documents submitted in connection with a request for preliminary criminal history evaluation, whether complete or incomplete, will not be returned to the requestor. All documents will be retained or destroyed by the TEA in accordance with the TEA records retention schedule.

**ATTACHMENT II**  
**Text of Proposed Figure: 19 TAC §227.10(a)(4)(C)**

**Figure: 19 TAC §227.10(a)(4)(C) [Figure: 19 TAC §227.10(a)(4)(C)]**

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
<b>Art</b>			
§233.10	Art: Early Childhood–Grade 12	778 TX PACT Art: Early Childhood–Grade 12	63 out of 100 selected-response items
<b>Career and Technical Education</b>			
§233.13	Technology Education: Grades 6–12	771 TX PACT: Technology Education: Grades 6–12	40 out of 80 selected-response items
§233.13	Family and Consumer Sciences, Composite: Grades 6–12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Human Development and Family Studies: Grades 8–12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Hospitality, Nutrition, and Food Sciences: Grades 8–12	721 TX PACT: Family and Consumer Sciences, Composite	51 out of 100 selected-response items
§233.13	Agriculture, Food, and Natural Resources: Grades 6–12	772 TX PACT: Agriculture, Food, and Natural Resources: Grades 6–12	52 out of 100 selected-response items
§233.13	Business and Finance: Grades 6–12	776 TX PACT: Business and Finance: Grades 6–12	64 out of 100 selected-response items
<b>Computer Science and Technology Applications</b>			
§233.5	Computer Science: Grades 8–12	741 TX PACT Computer Science: Grades 8–12	52 out of 80 selected-response items
§233.5	Technology Applications: Early Childhood–Grade 12	742 TX PACT Technology Applications: Early Childhood–Grade 12	52 out of 80 selected-response items

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
<b>Core Subjects</b>			
[§233.2	<del>Early Childhood: Prekindergarten–Grade 3</del>	<del>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</del>	<del>(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items</del>
§233.2	<del>Core Subjects: Early Childhood–Grade 6</del>	<del>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics) or  790 TX PACT Core Subjects: Grades 4–8</del>	<del>(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items  (790) 94 out of 160 selected-response items]</del>
§233.2	Core Subjects with Science of Teaching Reading: Early Childhood–Grade 6	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics) or  790 TX PACT Core Subjects: Grades 4–8	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items (790) [94 out of 160] 82 out of 128 selected-response items
[§233.2	<del>Core Subjects: Grades 4–8</del>	<del>790 TX PACT Core Subjects: Grades 4–8</del>	<del>94 out of 160 selected-response items]</del>
§233.2	Core Subjects with Science of Teaching Reading: Grades 4–8	790 TX PACT Core Subjects: Grades 4–8	[94 out of 160] 82 out of 128 selected-response items

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
<u>§233.2</u>	<u>Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood–Grade 6</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>
<u>§233.2</u>	<u>Core/Special Education with the Science of Teaching Reading: Early Childhood–Grade 6</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>
<u>§233.2</u>	<u>Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood–Grade 6</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>
<u>§233.2</u>	<u>Core/English as a Second Language with the Science of Teaching Reading: Early Childhood–Grade 6</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>

Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
<b><u>Early Childhood</u></b>			
<u>§233.2</u>	<u>Early Childhood: Prekindergarten–Grade 3</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>
<b>Dance</b>			
§233.10	Dance: Grades 6–12	779 TX PACT Dance: Grades 6–12	53 out of 80 selected-response items
<b>English Language Arts and Reading</b>			
<del>[§233.3</del>	<del>English Language Arts and Reading: Grades 4–8</del>	<del>717 TX PACT English Language Arts and Reading: Grades 4–8</del>	<del>71 out of 100 selected-response items]</del>
§233.3	English Language Arts and Reading with Science of Teaching Reading: Grades 4–8	717 TX PACT English Language Arts and Reading: Grades 4–8	71 out of 100 selected-response items
§233.3	English Language Arts and Reading: Grades 7–12	731 TX PACT English Language Arts and Reading: Grades 7–12	59 out of 100 selected-response items
<del>[§233.3</del>	<del>English Language Arts and Reading/Social Studies: Grades 4–8</del>	<del>717 TX PACT English Language Arts and Reading: Grades 4–8 and 718 TX PACT Social Studies: Grades 4–8</del>	<del>(717) 71 out of 100 selected-response items</del> <del>(718) 57 out of 100 selected-response items]</del>
§233.3	English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4–8	717 TX PACT English Language Arts and Reading: Grades 4–8 and 718 TX PACT Social Studies: Grades 4–8	(717) 71 out of 100 selected-response items (718) 57 out of 100 selected-response items
<b>Health</b>			
§233.11	Health: Early Childhood–Grade 12	757 TX PACT Health: Early Childhood–Grade 12	57 out of 80 selected-response items



Certificate TAC Reference	Certificate Name	Pre-Admission Content Test	Passing Standard
<b>Journalism</b>			
§233.3	Journalism: Grades 7–12	756 TX PACT Journalism: Grades 7–12	45 out of 72 selected-response items
<b>Languages Other Than English</b>			
§233.15	American Sign Language: Early Childhood–Grade 12	784 TX PACT American Sign Language: Early Childhood–Grade 12 (Subtest I) and 785 TX PACT: American Sign Language (ASL): Early Childhood–Grade 12 (Subtest II)	(784) 22 out of 40 selected-response items (785) 23 out of 40 selected-response items (785) 19 out of 32 score points (4 constructed-response items)
§233.15	Arabic: Early Childhood–Grade 12	ACTFL 605 OPI – Arabic and 600 WPT – Arabic	ACTFL 605 OPI – Arabic: Advanced Low; 600 WPT – Arabic: Advanced Low
§233.15	Chinese: Early Childhood–Grade 12	714 TX PACT: LOTE Chinese: Early Childhood–Grade–12	58 out of 80 selected-response items 11 out of 16 score points (2 constructed-response items)
§233.15	French: Early Childhood–Grade 12	710 TX PACT LOTE French: Early Childhood–Grade 12	57 out of 80 selected-response items 10 out of 16 score points (2 constructed-response items)
<b>[Languages Other Than English (continued)]</b>			
§233.15	German: Early Childhood–Grade 12	711 TX PACT LOTE German: Early Childhood–Grade 12	59 out of 80 selected-response items 11 out of 16 score points (2 constructed-response items)
§233.15	Hindi: Early Childhood–Grade 12	ACTFL 622 OPI – Hindi and 623 WPT – Hindi	ACTFL 622 OPI – Hindi: Advanced Low; 623 WPT – Hindi: Advanced Low

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
§233.15	Italian: Early Childhood–Grade 12	ACTFL 624 OPI – Italian and 625 WPT – Italian	ACTFL 624 OPI – Italian: Advanced Low; 625 WPT – Italian: Advanced Low
§233.15	Japanese: Early Childhood–Grade 12	ACTFL 607 OPI – Japanese and 602 WPT – Japanese	ACTFL 607 OPI – Japanese: Intermediate High; 602 WPT – Japanese: Intermediate High
§233.15	Korean: Early Childhood–Grade 12	ACTFL 630 OPI – Korean and 631 WPT – Korean	ACTFL 630 OPI – Korean: Advanced Low; 631 WPT – Korean: Advanced Low
§233.15	Latin: Early Childhood–Grade 12	712 TX PACT LOTE Latin: Early Childhood–Grade 12	31 out of 50 selected-response items 11 out of 16 score points (2 constructed-response items)
<b>[<del>Languages Other Than English</del> (continued)]</b>			
§233.15	Portuguese: Early Childhood–Grade 12	ACTFL 632 OPI – Portuguese and 633 WPT – Portuguese	ACTFL 632 OPI – Portuguese: Advanced Low; 633 WPT – Portuguese: Advanced Low
§233.15	Russian: Early Childhood–Grade 12	ACTFL 608 OPI – Russian and 603 WPT – Russian	ACTFL 608 OPI – Russian: Intermediate High; 603 WPT – Russian: Intermediate High
§233.15	Spanish: Early Childhood–Grade 12	713 TX PACT LOTE Spanish: Early Childhood–Grade 12	55 out of 80 selected-response items 12 out of 16 score points (2 constructed-response items)
<u>§233.15</u>	<u>Tamil: Early Childhood–Grade 12</u>	<u>ACTFL 634 OPI—Tamil</u>	<u>To be established (starting no earlier than 9/1/2025)</u>

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
§233.15	Turkish: Early Childhood–Grade 12	ACTFL 626 OPI – Turkish and 627 WPT – Turkish	ACTFL 626 OPI – Turkish: Advanced Low; 627 WPT – Turkish: Intermediate High
§233.15	Vietnamese: Early Childhood–Grade 12	ACTFL 609 OPI – Vietnamese and 604 WPT – Vietnamese	ACTFL 609 OPI – Vietnamese: Advanced Mid; 604 WPT – Vietnamese: Advanced Low
<b>Mathematics and Science</b>			
§233.4	Mathematics: Grades 4–8	715 TX PACT Mathematics: Grades 4–8	58 out of 100 selected-response items
§233.4	Science: Grades 4–8	716 TX PACT Science: Grades 4–8	62 out of 100 selected-response items
<b>[Mathematics and Science (continued)]</b>			
§233.4	Mathematics/Science: Grades 4–8	715 TX PACT Mathematics: Grades 4–8 and 716 TX PACT Science: Grades 4–8	(715) 58 out of 100 selected-response items (716) 62 out of 100 selected-response items
§233.4	Mathematics: Grades 7–12	735 TX PACT Mathematics: Grades 7–12	52 out of 100 selected-response items
§233.4	Science: Grades 7–12	736 TX PACT Science: Grades 7–12	48 out of 100 selected-response items
§233.4	Life Science: Grades 7–12	738 TX PACT Life Science: Grades 7–12	63 out of 100 selected-response items
§233.4	Physical Science: Grades 6–12	737 TX PACT Physical Science: Grades 6–12	61 out of 100 selected-response items
§233.4	Physics/Mathematics Grades 7–12	735 TX PACT: Mathematics: Grades 7–12 and 739 TX PACT: Physics Grades 7–12	(735) 52 out of 100 selected-response items (739) 52 out of 100 selected-response items
§233.4	Mathematics/Physical Science/Engineering: Grades 6–12	735 TX PACT Mathematics: Grades 7–12 and 737 TX	(735) 52 out of 100 selected-response items

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
		PACT Physical Science: Grades 6–12	(737) 61 out of 100 selected-response items
§233.4	Chemistry: Grades 7–12	740 TX PACT Chemistry: Grades 7–12	62 out of 100 selected-response items
<b>Music</b>			
§233.10	Music: Early Childhood–Grade 12	777 TX PACT Music: Early Childhood–Grade 12	68 out of 100 selected-response items
<b>Physical Education</b>			
§233.12	Physical Education: Early Childhood–Grade 12	758 TX PACT Physical Education: Early Childhood–Grade 12	52 out of 80 selected-response items
<b>Social Studies</b>			
§233.3	Social Studies: Grades 4–8	718 TX PACT Social Studies: Grades 4–8	57 out of 100 selected-response items
§233.3	Social Studies: Grades 7–12	732 TX PACT Social Studies: Grades 7–12	62 out of 100 selected-response items
§233.3	History: Grades 7–12	733 TX PACT History: Grades 7–12	57 out of 100 selected-response items
<b>Speech Communications</b>			
§233.3	Speech: Grades 7–12	729 TX PACT Speech: Grades 7–12	40 out of 64 selected-response items 5 out of 8 score points (1 constructed-response item)
<b>Special Education</b>			
<u>§233.8</u>	<u>Special Education Specialist: Early Childhood–Grade 12</u>	<u>701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)</u>	<u>(701) 25 out of 35 selected-response items</u> <u>(702) 20 out of 30 selected-response items</u> <u>(702) 5 out of 8 score points (1 constructed-response item)</u> <u>(703) 23 out of 36 selected-response items</u>

<b>Certificate TAC Reference</b>	<b>Certificate Name</b>	<b>Pre-Admission Content Test</b>	<b>Passing Standard</b>
§233.8	Special Education: Early Childhood—Grade 12	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items
<b>[Special Education (continued)]</b>			
§233.8	Teacher of the Deaf and Hard of Hearing: Early Childhood—Grade 12	701 TX PACT: Essential Academic Skills (Subtest I: Reading) and 702 TX PACT: Essential Academic Skills (Subtest II: Writing) and 703 TX PACT: Essential Academic Skills (Subtest III: Mathematics)	(701) 25 out of 35 selected-response items (702) 20 out of 30 selected-response items (702) 5 out of 8 score points (1 constructed-response item) (703) 23 out of 36 selected-response items
<b>Theatre</b>			
§233.10	Theatre: Early Childhood—Grade 12	780 TX PACT Theatre: Early Childhood—Grade 12	48 out of 80 selected-response items

## **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 to 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

**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
<b>Chapter 74. Curriculum Requirements</b>	<i>Subchapter A. Required Curriculum</i>	Curriculum	September 2021
	<i>Subchapter B. Graduation Requirements</i>		
	<i>Subchapter C. Other Provisions</i>		
	<i>Subchapter D. Graduation Requirements, Beginning with School Year 2001-2002</i>		
	<i>Subchapter E. Graduation Requirements, Beginning with School Year 2004-2005</i>		
	<i>Subchapter F. Graduation Requirements, Beginning with School Year 2007-2008</i>		
	<i>Subchapter G. Graduation Requirements, Beginning with School Year 2012-2013</i>		
<b>Chapter 89. Adaptations for Special Populations</b>	<i>Subchapter A. Gifted/Talented Education</i>	Special Populations	January 2022
	<i>Subchapter C. Texas Certificate of High School Equivalency</i>		
	<i>Subchapter D. Special Education Services and Settings</i>		
<b>Chapter 61. School Districts</b>	<i>Subchapter A. Board of Trustees Relationship</i>	Administration	April 2022
	<i>Subchapter B. Special Purpose School Districts</i>		

Review Period: September 2022–August 2023			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 129. Student Attendance</b>	<i>Subchapter A. Student Attendance Allowed</i>	Finance	January 2023
	<i>Subchapter B. Student Attendance Accounting</i>		
<b>Chapter 157. Hearings and Appeals</b>	<i>Subchapter A. General Provisions for Hearings Before the State Board of Education</i>	Personnel	January 2023
	<i>Subchapter D. Independent Hearing Examiners</i>		

Review Period: September 2023–August 2024			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund</b>	<i>Subchapter A. State Board of Education Rules</i>	Finance	September 2023
<b>Chapter 66. State Adoption and Distribution of Instructional Materials</b>	<i>Subchapter A. General Provisions</i>	Instructional Materials	November 2023
	<i>Subchapter B. State Adoption of Instructional Materials</i>		
	<i>Subchapter C. Local Operations</i>		
<b>Chapter 100. Charters</b>	<i>Subchapter A. Open-Enrollment Charter Schools</i>	Charter Schools	January 2024
	<i>Subchapter B. Home-Rule School District Charters</i>		

Review Period: September 2024–August 2025			
Chapter Title	Subchapter Title	Topic	Begin Review
<b>Chapter 30. Administration</b>	<i>Subchapter A. State Board of Education: General Provisions</i>	Administration	November 2024
	<i>Subchapter B. State Board of Education: Purchasing and Contracts</i>		
<b>Chapter 101. Assessment</b>	<i>Subchapter A. General Provisions</i>	Assessment	January 2025
	<i>Subchapter B. Implementation of Assessments</i>		
	<i>Subchapter C. Local Option</i>		
<b>Chapter 109. Budgeting, Accounting, and Auditing</b>	<i>Subchapter A. Budgeting, Accounting, Financial Reporting, and Auditing for School Districts</i>	Finance	January 2025
	<i>Subchapter B. Texas Education Agency Audit Functions</i>		
	<i>Subchapter C. Adoptions by Reference</i>		
	<i>Subchapter D. Uniform Bank Bid or Request for Proposal and Depository Contract</i>		

## SAMPLES

### Attachment II

#### **Notice of Proposed Review (Intention to review)**

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist.

The public comment period on the review begins December 18, 2020, and ends at 5:00 p.m. on January 22, 2021. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/SBOE\\_Rules\\_\(TAC\)/State\\_Board\\_of\\_Education\\_Rule\\_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in January 2021 in accordance with the SBOE board operating policies and procedures.

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#### **Notice of Adopted Review (with no changes to rule) (Readoption)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code, §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

The SBOE finds that the reasons for adopting 19 TAC Chapter 30, Subchapters A and B, continue to exist and readopts the rules. The SBOE received no comments related to the review.

No changes are necessary as a result of the review.

**Notice of Adopted Review (with changes to rule)**  
**(Readoption with changes)**

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 30, Administration, pursuant to Texas Government Code (TGC), §2001.039. The rules in 19 TAC Chapter 30 are organized under the following subchapters: Subchapter A, State Board of Education: General Provisions, and Subchapter B, State Board of Education: Purchasing and Contracts. The SBOE proposed the review of 19 TAC Chapter 30, Subchapters A and B, in the December 18, 2020 issue of the *Texas Register* (45 TexReg 9253).

Relating to the review of 19 TAC Chapter 30, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rule. The SBOE received no comments related to the review of Subchapter A. As a result of the review, the SBOE approved a proposed amendment to 19 TAC §30.1, which can be found in the Proposed Rules section of this issue. The proposed amendment would update the SBOE petition procedures to allow for electronic submission of a petition authorized under TGC, §2001.021.

Relating to the review of 19 TAC Chapter 30, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.



**Review of Annual Audit Plan of the Division of Financial Compliance  
for 2024-2025 School Year**

**June 28, 2024**

**STATE BOARD OF EDUCATION: INFORMATION**

**SUMMARY:** This item covers the annual audit plan of the Division of Financial Compliance for the 2024-2025 school year for field and independent financial reviews as specifically described in 19 TAC Chapter 109, Texas Education Agency Audit Functions, §109.21, Annual Audit Plan.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Title 19 Texas Administrative Code (TAC) §109.21 requires the commissioner of education to annually submit for review of the Committee on School Finance/Permanent School Fund, an audit plan for field and independent financial reviews. The commissioner may amend the plan as needed.

**Staff Member Responsible:**

David Marx, Director, Financial Compliance

**Attachment:**

Audit Plan of the Division of Financial Compliance for 2024-2025 School Year

**Audit Plan for the 2024-2025 School Year**

*The commissioner of education shall submit an annual audit plan for field and independent audits for review of the designated committee of the State Board of Education. The plan may be amended as needed by the commissioner of education. The designated committee of the State Board of Education shall be informed at least annually by the commissioner of education on the progress of and amendments to the plan.*

*Texas Administrative Code §109.21; Texas Education Code, §44.001*

This required audit plan is submitted by the Division of Financial Compliance. It includes the division's functional work responsibilities, which primarily are reviews of student attendance data, annual financial and compliance reports, fiscal management reviews, certified public accountant work paper reviews, school health and related services, and special allotment reviews.

**Audit Plan Items:**

- 1. Reviews of Student Attendance Data**
- 2. Reviews of Annual Financial and Compliance Reports**
- 3. Reviews of Certified Public Accountant Work Papers**
- 4. Follow-up and Fiscal Management Reviews**
- 5. Special Allotment Expenditure Reviews**
- 6. Tax Interest Rate Reviews**
- 7. Additional Reviews**

## Audit Plan

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1. **Reviews of Student Attendance** – The Division of Financial Compliance will review the student attendance systems and processes of selected school districts and open-enrollment charter schools to determine compliance with the *Student Attendance Accounting Handbook* (SAAH).
  - a. Reviews will be based on a risk assessment and available resources.
  - b. The division will forward adjustments to Foundation School Program (FSP) funds to the State Funding Division for enforcement actions. The division will report issues of noncompliance to the appropriate division.
  - c. Projected Number of Reviews: 100-125

### Primary Authorizing Rules:

Section 2.1 of the SAAH (adopted by reference in 19 Texas Administrative Code [TAC] §129.1025):

Your district must make available and provide to the Financial Compliance Division of the TEA copies of all required attendance records within 20 working days of written request by the agency.

19 TAC §129.21(a):

All public schools in Texas must maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). Superintendents, principals, and teachers are responsible to their school boards and to the state to maintain accurate, current attendance records.

19 TAC §100.1029(a):

Agency authority. The Texas Education Agency (TEA) may conduct routine audits, monitoring, and other investigations of the charter school or charter holder to determine compliance with the terms of the open-enrollment charter, with the terms of federal or state grants, or as authorized in the Texas Education Code (TEC) or other law.

### Additional Authorizing Rules:

19 TAC §129.21(d); Section 1.5 of the SAAH (19 TAC §129.1025)

2. **Reviews of Annual Financial and Compliance Reports (AFRs)** – The division will review the AFRs that all school districts, open-enrollment charter schools, and regional education service centers (local education agencies [LEAs]) are required to submit. The division will conduct reviews to verify that recipients (both LEAs and non-LEAs) of federal funds over a certain threshold have had an independent audit conducted, as required for compliance with Office of Management and Budget (OMB) Circular 2-Code of Federal Regulations (CFR) 200.
  - a. The division will review all independently audited AFRs, including associated reports such as single audits, reports on internal control over compliance, and electronically submitted information.
  - b. The division will:
    - i. report issues of noncompliance to the individual school district or charter school,
    - ii. report questioned costs noted by the independent auditor to the Division of Federal Fiscal Compliance and Reporting for enforcement action, and
    - iii. report issues of noncompliance noted by the independent auditor to the appropriate division or state or federal agency, if applicable.
  - c. Projected Number of Reviews: 1,200

Primary Authorizing Statutes and Rules:

TEC, §44.008(a) and (e) (excerpts):

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make.

Title 2 CFR §200.331(d):

- (d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

19 TAC §109.23(c) (excerpt):

Auditors from the Texas Education Agency must review independent audit reports.

Additional Authorizing Statutes and Rules: TEC, §§ 44.001, 44.007(d), 44.009(a), and 44.010; Sections 4.2.3 and 4.2.7 of the FASRG (19 TAC §109.41); 19 TAC §109.1 and §109.25(c)

3. **Reviews of Certified Public Accountant (CPA) Work Papers** – The division will review the work papers of independent auditors engaged by school districts, open-enrollment charter schools, and regional education service centers to determine whether the independent auditors complied with applicable standards.

- a. Reviews will be based on a risk assessment and available resources.
- b. The division will report issues of noncompliance to the Texas State Board of Public Accountancy.
- c. Projected Number of Reviews: 5-10

Primary Authorizing Statute:

TEC, §44.008(a) (excerpt):

The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy.

19 TAC §109.23(c) (excerpt):

Auditors from the Texas Education Agency must review independent audit reports.

19 TAC §109.23(e) (excerpt):

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers . . . .

Additional Authorizing Statutes and Rules:

TEC, §44.007(a) and §44.008(b); Sections 4.2.3 and 4.2.6 of the FASRG (19 TAC §109.41); 19 TAC §109.1(a) and §109.23(c).

4. **Follow-up and Fiscal Management and Compliance Reviews** – The division will review the business office procedures and internal controls of school districts and open-enrollment charter schools for compliance with the FASRG, generally accepted accounting principles, and best practices. Reviews will include verifying that school districts and charter schools have corrected problems that are identified in AFR findings and FIRST indicators.
  - a. Reviews will be based on a risk assessment and available resources.
  - b. The division will report issues of noncompliance to the individual school district or charter school and the appropriate division or state or federal agency, if applicable.
  - c. Projected Number of Reviews: 10-20

Primary Authorizing Statute:

TEC, §44.008(a) (excerpt):

The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy.

TEC, §7.021(a)(13):

The agency shall review school district budgets, audit reports, and other fiscal reports as required under Sections 44.008 and 44.010 and prescribe forms for financial reports made by or for school districts to the commissioner or the agency as required under Section 44.009.

19 TAC §100.1029(a):

Agency authority. The Texas Education Agency (TEA) may conduct routine audits, monitoring, and other investigations of the charter school or charter holder to determine compliance with the terms of the open-enrollment charter, with the terms of federal or state grants, or as authorized in the Texas Education Code (TEC) or other law.

5. **Special Allotment Expenditure Reviews** - The division will review the expenditure levels for FSP programs, including special education, state compensatory education, bilingual education, gifted and talented education, career and technical education, early education, dyslexia education, and college, career and military readiness education, to determine whether a school district or charter school has complied with state laws and rules.
  - a. Reviews will be based on a risk assessment and available resources.
  - b. The division will report issues of noncompliance to the individual school district or charter school and to the appropriate division or state or federal agency, if applicable.
  - c. Projected Number of Reviews: 5

Primary Authorizing Statute:

TEC, §44.008(a) and (e) (excerpts):

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make.

19 TAC §109.25(a) (excerpt):

The commissioner of education shall ensure that districts follow guidelines contained in the "Financial Accountability System Resource Guide" in attributing supplemental direct costs to state compensatory education and accelerated instruction programs and services.

Additional Authorizing Statutes and Rules:

TEC, §§39.234, 48.102, 48.103, 48.104, 48.105, 48.106, 48.108, 48.109, 48.110; 19 TAC §§109.23(b) and (c), and 109.25

6. **Tax Interest Rate Reviews** – The division will review independent school district tax rates for both the maintenance and operations and interest and sinking to determine the district has not intentionally transferred maintenance and operation funding to pay for interest and sinking debt payments. Number of reviews is determined by analysis each year.

Primary Authorizing Statute:

TEC, §45.021(a) and (c) (excerpts):

(a) A school district may not levy the district's maintenance taxes described by Section 45.002 at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service.

(c) The agency shall:

(1) develop a method to identify school districts that may have adopted a maintenance tax rate in violation of Subsection (a), which must include a review of data over multiple years;

(2) for each school district identified under the method developed under Subdivision (1), investigate as necessary to determine whether the district has adopted a maintenance tax rate in violation of Subsection (a);

(3) if the agency determines that a school district has adopted a maintenance tax rate in violation of Subsection (a):

(A) order the district to comply with Subsection (a) not later than three years after the date of the order; and

(B) assist the district in developing a corrective action plan that, to the extent feasible, does not result in a net increase in the district's total tax rate; and

(4) post on the agency's Internet website a list of each school district the agency has determined to have adopted a maintenance tax rate in violation of Subsection (a).

7. **Additional Reviews Performed by the Division of Financial Compliance** – These reviews do not fall under the “field and independent audits” specified in 19 TAC §109.21.

- **Superintendent Severance Payments** – On receiving a school district’s disclosure of a severance payment to a superintendent, the division will review the superintendent’s contractual agreement and supporting documentation to determine any necessary adjustments to the district’s FSP payments. (TEC, §11.201[c]; 19 TAC §105.1021)
- **Fiscal Year Changes** – The division will review and document receipt of the forms that school districts and open-enrollment charter schools must submit when changing the start and end dates of their fiscal year.

- **Depository Contracts** – The division will document the information each school district and charter school is required to report each year regarding the school’s main depository bank account. (19 TAC §§100.1043[b], 109.51, and 109.52)
- **New Charter School Visits** – The division will consult with all new charter schools in their first year of operations. Guidance provided will include guidance on student attendance accounting, business office organization, governance, and working with the division and agency.
- **Other types of reviews** – As a way of providing transparency for the public, the division is undertaking reviewing other types of projects for compliance with applicable laws and rules. Types of reviews the division is considering are procurement and construction projects, travel and reimbursement, transportation recording and reporting, and cash management and activity funds.

Throughout the year, the division will adjust this audit plan to accommodate the effects of unplanned and unscheduled work. Examples of unplanned and unscheduled work are: public information requests and production requests; record reviews; increased audit and examination activity from the United States Department of Education and other external partners and stakeholders; school consolidations and charter revocations; and resource allocation.



## **State Board of Education Meeting Schedule for 2025**

**June 28, 2024**

### **STATE BOARD OF EDUCATION: INFORMATION**

**SUMMARY:** According to the Texas Education Code, §7.106, the State Board of Education (SBOE) is to hold four meetings a year in Austin, Texas on dates determined by the chair. The SBOE may also hold other meetings as may be called by the chair. The purpose of this item is to announce SBOE meeting dates in 2025.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Advance notice of future SBOE meetings will provide an opportunity for the SBOE, agency staff, and the public to be informed of upcoming meetings and to plan activities accordingly. The following dates for SBOE meetings in 2025 have been scheduled by the SBOE chair:

January 28-31, 2025

April 8-11, 2025

June 24-27, 2025

September 9-12, 2025

November 18-21, 2025

**Staff Member Responsible:**

Yolanda M. Walker, Executive Director, State Board of Education Support Division

**STATUTORY AUTHORITY REFERENCE SECTION:**

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

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SECTION 2

**Sec. 2. PERMANENT SCHOOL FUND.**

All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent school fund.

**Sec. 2A. RELEASE OF STATE CLAIM TO CERTAIN LANDS AND MINERALS WITHIN SHELBY, FRAZIER, AND MCCORMICK LEAGUE AND IN BASTROP COUNTY.**

- (a) The State of Texas hereby relinquishes and releases any claim of sovereign ownership or title to an undivided one-third interest in and to the lands and minerals within the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the interest in that league originally granted under the Mexican Colonization Law of 1823 to John McCormick on or about July 24, 1824, and subsequently voided by the governing body of Austin's Original Colony on or about December 15, 1830.
- (b) The State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the lands, excluding the minerals, in Tracts 2-5, 13, 15-17, 19-20, 23-26, 29-32, and 34-37, in the A. P. Nance Survey, Bastrop County, as said tracts are:
  - (1) shown on Bastrop County Rolled Sketch No. 4, recorded in the General Land Office on December 15, 1999; and
  - (2) further described by the field notes prepared by a licensed state land surveyor of Travis County in September through November 1999 and May 2000.
- (c) Title to such interest in the lands and minerals described by Subsection (a) is confirmed to the owners of the remaining interests in such lands and minerals. Title to the lands, excluding the minerals, described by Subsection (b) is confirmed to the holder of record title to each tract. Any outstanding land award or land payment obligation owed to the state for lands described by Subsection (b) is canceled, and any funds previously paid related to an outstanding land award or land payment obligation may not be refunded.
- (d) The General Land Office shall issue a patent to the holder of record title to each tract described by Subsection (b). The patent shall be issued in the same manner as other patents except that no filing fee or patent fee may be required.
- (e) A patent issued under Subsection (d) shall include a provision reserving all mineral interest in the land to the state.
- (f) This section is self-executing.

**Sec. 2B. AUTHORITY TO RELEASE STATE'S INTEREST IN CERTAIN PERMANENT SCHOOL FUND LAND HELD BY PERSON UNDER COLOR OF TITLE.**

- (a) The legislature by law may provide for the release of all or part of the state's interest in land, excluding mineral rights, if:
  - (1) the land is surveyed, unsold, permanent school fund land according to the records of the General Land Office;
  - (2) the land is not patentable under the law in effect before January 1, 2002; and
  - (3) the person claiming title to the land:

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- (A) holds the land under color of title;
  - (B) holds the land under a chain of title that originated on or before January 1, 1952;
  - (C) acquired the land without actual knowledge that title to the land was vested in the State of Texas;
  - (D) has a deed to the land recorded in the appropriate county; and
  - (E) has paid all taxes assessed on the land and any interest and penalties associated with any period of tax delinquency.
- (b) This section does not apply to:
- (1) beach land, submerged or filled land, or islands; or
  - (2) land that has been determined to be state-owned by judicial decree.
- (c) This section may not be used to:
- (1) resolve boundary disputes; or
  - (2) change the mineral reservation in an existing patent.

**Sec. 2C. RELEASE OF STATE CLAIM TO CERTAIN LANDS IN UPSHUR AND SMITH COUNTIES.**

- (a) Except as provided by Subsection (b) of this section, the State of Texas relinquishes and releases any claim of sovereign ownership or title to an interest in and to the tracts of land, including mineral rights, described as follows:

**Tract 1:**

The first tract of land is situated in Upshur County, Texas, about 14 miles South 30 degrees east from Gilmer, the county seat, and is bounded as follows: Bound on the North by the J. Manning Survey, A-314 the S.W. Beasley Survey A-66 and the David Meredith Survey A-315 and bound on the East by the M. Mann Survey, A-302 and by the M. Chandler Survey, A-84 and bound on the South by the G. W. Hooper Survey, A-657 and by the D. Ferguson Survey, A-158 and bound on the West by the J. R. Wadkins Survey, A-562 and the H. Alsup Survey, A-20, and by the W. Bratton Survey, A-57 and the G. H. Burroughs Survey, A-30 and the M. Tidwell Survey, A-498 of Upshur County, Texas.

**Tract 2:**

The second tract of land is situated in Smith County, Texas, north of Tyler and is bounded as follows: on the north and west by the S. Leeper A-559, the Frost Thorn Four League Grant A-3, A-9, A-7, A-19, and the H. Jacobs A-504 and on the south and east by the following surveys: John Carver A-247, A. Loverly A-609, J. Gimble A-408, R. Conner A-239, N.J. Blythe A-88, N.J. Blythe A-89, J. Choate A-195, Daniel Minor A-644, William Keys A-527, James H. Thomas A-971, Seaborn Smith A-899, and Samuel Leeper A-559.

- (b) This section does not apply to:
- (1) any public right-of-way, including a public road right-of-way, or related interest owned by a governmental entity;
  - (2) any navigable waterway or related interest owned by a governmental entity; or
  - (3) any land owned by a governmental entity and reserved for public use, including a park, recreation area, wildlife area, scientific area, or historic site.
- (c) This section is self-executing.

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**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, §7.110. PUBLIC TESTIMONY.**

The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

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, §11.351. AUTHORITY TO ESTABLISH SPECIAL-PURPOSE SCHOOL DISTRICT.**

- (a) On the recommendation of the commissioner and after consulting with the school districts involved and obtaining the approval of a majority of those districts in each affected county in which a proposed school district is located, the State Board of Education may establish a special-purpose school district for the education of students in special situations whose educational needs are not adequately met by regular school districts. The board may impose duties or limitations on the school district as necessary for the special purpose of the district. The board shall exercise the powers as provided by this section relating to the districts established under this section.
- (b) The State Board of Education shall grant to the districts the right to share in the available school fund apportionment and other privileges as are granted to independent and common school districts.
- (c) A special-purpose school district established under this section that is operated by a general academic teaching institution, as that term is defined by Section [61.003](#), may:
  - (1) in enrolling students or creating a waitlist for student enrollment, prioritize military-connected students, as that term is defined by Section [25.006](#)(d); and
  - (2) enroll a student who:
    - (A) is a dependent of a member of the United States military;
    - (B) was previously enrolled in school in this state; and
    - (C) does not reside in this state due to a military deployment or transfer.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1041 (H.B. [4124](#)), Sec. 1, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

**TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.**

- (a) The State Board of Education shall appoint for each district established under Section [11.351](#) a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section [11.061](#) and who live 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 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.

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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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**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, §21.041. 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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**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, §21.0441. 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, §21.0489. 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.



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 B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.023. CREDIT BY EXAMINATION.**

- (a) Using guidelines established by the State Board of Education, a school district shall develop or select for review by the district board of trustees examinations for acceleration for each primary school grade level and for credit for secondary school academic subjects. The guidelines must provide for the examinations to thoroughly test comprehension of the information presented in the applicable grade level or subject. The board of trustees shall approve for each subject, to the extent available, at least four examinations that satisfy State Board of Education guidelines. The examinations approved by the board of trustees must include:
  - (1) advanced placement examinations developed by the College Board; and
  - (2) examinations administered through the College-Level Examination Program.
- (b) A school district shall give a student in a primary grade level credit for a grade level and advance the student one grade level on the basis of an examination for acceleration approved by the board of trustees under Subsection (a) if:
  - (1) the student scores in the 80th percentile or above on each section of the examination;
  - (2) a district representative recommends that the student be advanced; and
  - (3) the student's parent or guardian gives written approval of the advancement.
- (c) A school district shall give a student in grade level six or above credit for a subject on the basis of an examination for credit in the subject approved by the board of trustees under Subsection (a) if the student scores in the 80th percentile or above on the examination or if the student achieves a score as provided by Subsection (c-1). If a student is given credit in a subject on the basis of an examination, the district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course assessment instrument adopted under Section 39.023(c) for that subject.
- (c-1) A school district shall give a student in grade level six or above credit for a subject if the student scores:

- (1) a three or higher on an advanced placement examination approved by the board of trustees under Subsection (a) and developed by the College Board; or
  - (2) a scaled score of 50 or higher on an examination approved by the board of trustees under Subsection (a) and administered through the College-Level Examination Program.
- (d) Each district shall administer each examination approved by the board of trustees under Subsection (a) not fewer than four times each year, at times to be determined by the State Board of Education.
- (e) Subsection (d) does not apply to an examination that has an administration date that is established by an entity other than the school district.
- (f) A student may not attempt more than two times to receive credit for a particular subject on the basis of an examination for credit in that subject.
- (g) If a student fails to achieve the designated score described by Subsection (c) or (c-1) on an applicable examination described by Subsection (c) or (c-1) for a subject before the beginning of the school year in which the student would ordinarily be required to enroll in a course in that subject in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.
- (h) This subsection applies only to a school district surrounded by a school district described by Section 11.065(a). Notwithstanding any other provision of this section, a school district's board of trustees may establish a minimum required score for each section of an examination for acceleration or an examination for credit approved by the board under Subsection (a) that is higher than the minimum required scores under Subsections (b) and (c), respectively. A minimum required score established by a board of trustees under this subsection:
  - (1) may be no greater than a score in the 90th percentile;
  - (2) must be established before the beginning of a school year for examinations to be administered in the school year; and
  - (3) must apply for at least the entire school year.

TEXAS EDUCATION CODE  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.**

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002](#)(a)(1) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
  - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
  - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
  - (1) four credits in English language arts under Section [28.002](#)(a)(1)(A), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
  - (2) three credits in mathematics under Section [28.002](#)(a)(1)(B), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
  - (3) three credits in science under Section [28.002](#)(a)(1)(C), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
  - (4) three credits in social studies under Section [28.002](#)(a)(1)(D), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics 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 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.

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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.

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TITLE 2. PUBLIC EDUCATION  
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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 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, §43.001. COMPOSITION OF PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND.**

- (a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:
  - (1) all land appropriated for the public schools by the constitution and laws of this state;
  - (2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as described by Section [88.111](#) and property described by Section [12.128](#);
  - (3) all proceeds from the authorized sale of permanent school fund land;
  - (4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;
  - (5) all investments authorized by Section [43.003](#) of assets belonging to the permanent school fund; and
  - (6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.
- (b) The available school fund, which shall be apportioned annually to each county according to its scholastic population, consists of:
  - (1) the distributions to the fund from the permanent school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution;
  - (2) one-fourth of all revenue derived from all state occupation taxes, exclusive of delinquencies and cost of collection;
  - (3) one-fourth of revenue derived from state gasoline and special fuels excise taxes as provided by law; and
  - (4) all other appropriations to the available school fund made by the legislature for public school purposes.
- (c) The term "scholastic population" in Subsection (b) or any other law governing the apportionment, distribution, and transfer of the available school fund means all students of school age enrolled in average daily attendance the preceding school year in the public elementary and high school grades of school districts within or under the jurisdiction of a county of this state.
- (d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Sections [5\(a\)](#) and (g), Article VII, Texas Constitution, to be placed, subject to the

General Appropriations Act, in the state instructional materials and technology fund established under Section [31.021](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 36, eff. June 10, 2003; Acts 2003, 78th Leg., ch. 328, Sec. 2.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 65, eff. July 19, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 66, eff. July 19, 2011.

Acts 2015, 84th Leg., R.S., Ch. 731 (H.B. [1474](#)), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 581 (S.B. [810](#)), Sec. 34, eff. June 9, 2017.

Acts 2017, 85th Leg., R.S., Ch. 705 (H.B. [3526](#)), Sec. 22, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 1, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 461 (H.B. [4611](#)), Sec. 2, eff. January 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 5.028, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. [1454](#)), Sec. 12, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 875 (S.B. [1232](#)), Sec. 1.02, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2: PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 48 [42]. FOUNDATION SCHOOL PROGRAM  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §48.004 ADMINISTRATION OF THE PROGRAM.**

The commissioner shall adopt rules and take action and require reports consistent with this chapter as necessary to implement and administer the Foundation School Program.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Transferred, redesignated and amended from Education Code, Section 42.004 by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 1.013, eff. September 1, 2019.



TEXAS EDUCATION CODE  
TITLE 2: PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 48. FOUNDATION SCHOOL PROGRAM  
SUBCHAPTER C. STUDENT-BASED ALLOTMENTS

**TEC, §48.109. 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 EDUCATION CODE  
TITLE 2: PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 48. FOUNDATION SCHOOL PROGRAM  
SUBCHAPTER F. FINANCING THE PROGRAM

**TEC, §48.251. FINANCING; GENERAL RULE.**

- (a) The cost of the Foundation School Program for a school district is the total sum of:
  - (1) the sum of the tier one allotments and other funding as follows:
    - (A) the basic allotment under Subchapter B;
    - (B) the student-based allotments under Subchapter C; and
    - (C) the additional funding under Subchapter D; and
  - (2) the tier two allotment under Subchapter E.
- (b) The sum of the Foundation School Program maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the Foundation School Program.
- (c) The program shall be financed by:
  - (1) state available school funds distributed in accordance with the law;
  - (2) ad valorem tax revenue generated by local school district effort; and
  - (3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

**TOC, §53.105. FEES.**

A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

**TOC, §53.151. DEFINITIONS.**

Notwithstanding Section [53.001](#), in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section [58.001](#).

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

**TOC, §53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS.**

- (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:
  - (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
  - (2) the current guidelines issued under Section [53.025](#) by any licensing authority that may issue an occupational license to an individual who completes the educational program;
  - (3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
  - (4) the right to request a criminal history evaluation letter under Section [53.102](#).
- (b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION  
SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

**TOC, §53.153. REFUND AND ORDERED PAYMENTS.**

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section [53.152](#) to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

- (1) refund the amount of any tuition paid by the individual to the entity; and
- (2) pay to the individual an amount equal to the total of the following, as applicable:
  - (A) the amount of any application fees paid by the individual to the licensing authority; and
  - (B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

MINUTES

STATE BOARD OF EDUCATION

APRIL 2024

Minutes

State Board of Education

April 12, 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, April 12, 2024**

The State Board of Education Committee of the Full Board met at 9:02 a.m. on Friday, April 12, 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 (virtual); Patricia Hardy; Will Hickman; Keven Ellis; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young; Aicha Davis

Absent: LJ Francis

**Student Performance**

A student performance was provided by the Lubbock High School Mariachi and Ballet Folklorico Dr Oro in the Lubbock Independent School District.

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

State Board of Education, February 2, 2024

**MOTION AND VOTE:** *The State Board of Education approved, without objection, the minutes of the February 2, 2024, meeting of the State Board of Education.*

**1. Resolutions**

**Resolution honoring the former State Board of Education Chair, Dr. Keven Ellis**

*The State Board of Education, by unanimous consent, adopted a resolution honoring the former State Board of Education Chair, Dr. Keven Ellis.*

(ATTACHMENT 1, page 10)

**Public Testimony**

Public Testimony was provided by the following individuals:

NAME: Jackie Besinger  
AFFILIATION: National Alliance for Education Freedom

NAME: Bob Whistler  
AFFILIATION: Citizen Potawatomi Nation

NAME: Terry Kosobud  
AFFILIATION: Grandparents for Public Schools

NAME: Robert Norris  
AFFILIATION: Grandparents for Public Schools

NAME: Lena Martinez-Wolfinger  
AFFILIATION: Self

NAME: Kennedy Cortez  
AFFILIATION: Self

NAME: Orlando Lara  
AFFILIATION: Self

## 2. Approval of Consent Agenda

Any agenda item may be placed on the consent agenda by any State Board of Education committee. The State Board of Education may elect to take separate action on any item on the consent agenda. *By unanimous consent, the State Board of Education approved the following items on the consent agenda.*

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

The State Board of Education removed this item from the consent agenda.

(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)

The State Board of Education approved 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

Made an affirmative finding that the 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 20 days after filing as adopted with the Texas Register.

(ATTACHMENT 2, page 13)

(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)

The State Board of Education approved 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

Made an affirmative finding that the 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 20 days after filing as adopted with the Texas Register.

(ATTACHMENT 3, page 15)

- (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)

The State Board of Education approved 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, as recommended by the Committee on Instruction.

- (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)

The State Board of Education approved 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, as recommended by the Committee on Instruction.

- (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)

The State Board of Education approved 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, as recommended by the Committee on Instruction.

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

The State Board of Education removed this item from the consent agenda.

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

The State Board of Education approved the request from Ramsey Education (Dave Ramsey/Lampo), to update their adopted Personal Financial Literacy instructional materials, as recommended by the Committee on Instruction.

**(9) Adoption of the Annual Report on the Status of the Bond Guarantee Program**  
(Board agenda page III -1)

The State Board of Education adopted the annual report on the status of the Bond Guarantee Program as of August 31, 2023.

**(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**

The State Board of Education adopted the review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters, as recommended by the Committee on School Initiatives.

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

The State Board of Education, based on Brigadier General Driggers's recommendation, approved 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 Independent School District Board of Trustees.

**(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 – 19)

The State Board of Education removed this item from the consent agenda.

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

The State Board of Education approved the revisions to the school safety training curriculum proposed by the Texas School Safety Center.

**COMMITTEE OF THE FULL BOARD**

**3. Update on the Instructional Materials Review and Approval Process**

(Board agenda page I-7)

[Official agenda item #3]

**MOTION AND VOTE:** *No motion was made by the State Board of Education.*

**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)**

(Board agenda page I-14)

[Official agenda item #4]

**MOTION:** *It was moved by Mrs. Little that the State Board of Education approve for second reading and final adoption 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; as amended and*

*Make an affirmative finding that immediate adoption of 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, is necessary and shall have an effective date of 20 days after filing with the Texas Register.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Hickman, to suspend the operating procedures and take up an amendment at second reading. The motion carried unanimously.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Francis, that the State Board of Education amend §127.33 (1)(E), .46-.47, .51.54, and .56-.58 to read: “describe and demonstrate characteristics of good citizenship in the agricultural workplace including promoting stewardship, community leadership, civic engagement, and ~~promotion of industry awareness and~~ agricultural awareness and literacy,” The motion carried.*

**VOTE:** *A vote was taken by the State Board of Education on the main motion. The motion carried unanimously.*

(ATTACHMENT 4, page 18)

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

(Board agenda page I-117)

[Official agenda item #5]

**MOTION AND VOTE:** *It was moved by Mrs. Little that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.11, High School Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements, as amended.*

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

(Board agenda page I-127)

**MOTION AND VOTE:** *It was moved by Mrs. Little that the State Board of Education approve updates to the Texas State Plan for Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V). The motion carried.*

**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)**

(Board agenda page II -1)

[Official agenda item #6]

**MOTION AND VOTE:** *It was moved by Dr. Young that 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. The motion carried.*

**MOTION AND VOTE:** *It was moved by Dr. Young that the State Board of Education permit TEA staff to make non-substantive technical edits to the Dyslexia Handbook. The motion carried unanimously.*

(ATTACHMENT 5, page 119).



7. **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)  
[Official agenda item #7]

**MOTION AND VOTE:** *It was moved by Dr. Young that 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, as substituted (Attachment B). The motion carried unanimously.*

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

**MOTION AND VOTE:** *It was moved by Dr. Young that the State Board of Education withdraw the Consideration of Proposed New Innovative Course and be reconsidered in June. The motion carried.*

#### **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 - 19)

**MOTION:** *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 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.*

**MOTION AND VOTE:** *It was moved by Mrs. Perez-Diaz, seconded by Mrs. Pickren, that §61.2 be amended by adding (a) “For the purposes of this section, ‘Commanding Officer’ is defined as the officer who is assigned to serve physically on the installation or military reservation on which the military reservation school district is located and who provides leadership for the functional support of and contingency or emergency coordination for the military reservation school district.” The motion carried.*

**VOTE:** *A vote was taken on the main motion by the State Board of Education. The motion carried unanimously.*

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)  
(Board agenda page IV - 27)  
[Official agenda item #8]

**MOTION AND VOTE:** *It was moved by Mr. Hickman that 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, 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. The motion carried unanimously.*

(ATTACHMENT 6, page 123).

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

(Board agenda page IV - 33)

[Official agenda item #9]

**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 233, Categories of Classroom Teaching Certificates. The motion carried.*

**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**

(Board agenda page IV - 38)

[Official agenda item #10]

**MOTION AND VOTE:** *It was moved by Mr. Hickman that 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. The motion carried.*

**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**

(Board agenda page IV – 43)

[Official agenda item #11]

**MOTION AND VOTE:** *It was moved by Mr. Hickman that 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. The motion carried.*

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

(Board agenda page I-7)

[Official agenda item #12]

**MOTION AND VOTE:** *It was moved by Mr. Hickman that the State Board of Action Take no action on the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs. 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 BOARDS 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.

Chairman Kinsey adjourned the meeting at 2:05 p.m.

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Patricia Hardy, Secretary

**RESOLUTION**

**WHEREAS** Keven Ellis was first elected to the State Board of Education (SBOE) in 2016; and

**WHEREAS** it quickly became apparent that Keven Ellis possessed strong leadership skills and became a trusted sounding board for SBOE members; and

**WHEREAS** in 2017-2018 he was selected and served as vice chair of the legislatively created Texas Commission on Public School Finance, which laid the groundwork for sweeping changes to the way Texas funds its public schools; and

**WHEREAS** having served ably on this state commission, Governor Greg Abbott appointed Keven Ellis as chair of the SBOE on September 16, 2019 for a two-year term and subsequently reappointed him to a second term in 2021; Ellis was confirmed by the Texas Senate in April 2023 with a unanimous vote of 31-0; and

**WHEREAS** during his tenure as chair, Keven Ellis presided over numerous revisions to the Texas Essential Knowledge and Skills standards and helped implement major changes to the administration of the Texas Permanent School Fund; and

**WHEREAS** his strength as a leader has been recognized both within and outside the state of Texas as evidenced by his selection as chair-elect of the National Association of State Boards of Education; and

**WHEREAS** as the leader of the board, the doctor diagnosed what needed to be done to keep the board functioning efficiently and made necessary adjustments to allow the board to handle a range of motions without experiencing curvatures of the process; and

**WHEREAS** he has now served the maximum length of time as board chair; but

**WHEREAS** he will remain a member of the board allowing members to continue to turn to him for wisdom and guidance; now, therefore be it

**RESOLVED**, that the State Board of Education expresses its appreciation and gratitude to Keven Ellis for his strong and thoughtful leadership as board chair; and be it further

**RESOLVED**, that members look forward to his continuing service on the board as he represents his northeast Texas constituents and the state at large.

**WITNESS** our signatures this 12<sup>th</sup> day of April, two thousand and twenty-four, in Austin, Texas.

\_\_\_\_\_  
Melissa Ortega, SBOE District 1

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Audrey Young, SBOE District 8

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LJ Francis, SBOE District 2

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Tom Maynard, SBOE District 10

\_\_\_\_\_  
Marisa Perez-Diaz, SBOE District 3

\_\_\_\_\_  
Patricia Hardy, SBOE District 11

\_\_\_\_\_  
Staci Childs, SBOE District 4

\_\_\_\_\_  
Pam Little, SBOE District 12

\_\_\_\_\_  
Rebecca Bell-Metereau, SBOE District 5

\_\_\_\_\_  
Aicha Davis, SBOE District 13

\_\_\_\_\_  
Will Hickman, SBOE District 6

\_\_\_\_\_  
Evelyn Brooks, SBOE District 14

\_\_\_\_\_  
Julie Pickren, SBOE District 7

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Aaron Kinsey, SBOE District 15

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## 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 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) The training shall have 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) 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) of this section, an instructor of this training is not required to be certified in CPR.
- (e) 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) A school district or an open-enrollment charter school may waive the requirement under this section for a student 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 will be made by:
  - (1) the student's ARD committee if the student receives special education services under 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 TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (g) The requirement to receive instruction in CPR 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.

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## 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.

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## 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 ~~in the agricultural workplace, including promoting~~ [such as] ~~stewardship, community leadership, civic engagement, and agricultural~~ [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 in the agricultural workplace, including promoting [such as] stewardship, community leadership, civic engagement, and agricultural [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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.
    - ~~(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 domestic and 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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.
  - ~~(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 **in the agricultural workplace, including promoting [such as] stewardship, community leadership, civic engagement, and agricultural [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 ~~in the agricultural workplace, including promoting [such as]~~ stewardship, community leadership, ~~civic engagement, and agricultural [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 ~~in the agricultural workplace, including promoting~~ [such as] ~~stewardship, community leadership, civic engagement, and agricultural~~ [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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.

~~(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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.

- [(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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.
  - [(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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.
- ~~[(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 ~~in the agricultural workplace, including promoting [such as]~~ stewardship, community leadership, ~~civic engagement, and agricultural [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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.
  - ~~(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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.~~
- ~~(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) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.~~
- ~~[(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; ~~and~~
- (C) explain growing plants without soil (hydroponic techniques); and
- (D) evaluate advantages and disadvantages of hydroponics.

- (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) licensure 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.

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

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

#### **§127.795. Physics For [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 spectroscopes, 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.

## **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 overheating 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 overheating 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 I, 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) identify cotter pin requirements and techniques;
  - (F) ~~(E)~~ describe precision measurement tools, principles, and procedures;
  - (G) ~~(F)~~ explain soldering preparation, types of solder, and flux usage;
  - (H) ~~(G)~~ analyze torquing tools, principles, and procedures and the relationship between torque and fastener preload; and
  - (I) ~~(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) install cotter pins on hardware such as nuts and bolts;
  - (D) ~~(C)~~ check for proper calibration of a precision-measurement tool and record precision measurements with an instrument that has a Vernier scale;
  - (E) ~~(D)~~ determine required torque values and properly torque aircraft hardware; and
  - (F) ~~(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 (FOD) 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 (FOD) 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.



## 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) ~~(4k)~~ 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) ~~(4l)~~ 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) ~~(4n)~~ 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.

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## 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.
- (1) 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.

# Minutes

State Board of Education Committees

April 9-11, 2024



**Report of the State Board of Education  
Committee of the Full Board  
Tuesday, April 9, 2024**

The State Board of Education Committee of the Full Board met at 9:21 a.m. on Tuesday, April 9, 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

Absent: Aicha Davis

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda item #5. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**DISCUSSION ITEMS**

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

No public testimony was received on this item.

- 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)

Shelly Ramos, senior director, curriculum standards and student support, provided a brief overview of the draft recommendations for proposed new English Language Proficiency Standards (ELPS). Ms. Ramos summarized the review and revision process and the work that has been done by multiple work groups to produce the draft recommendations. She also addressed the expected timeline for adoption of new ELPS.

Board members requested that staff ask the next work group to consider specific recommendations as they finalize the recommendations for the new ELPS.

- 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)

Colin Dempsey, director, district operations, technology & sustainability supports, explained 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 as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

#### **ACTION ITEM**

##### **4. Update on the Instructional Materials Review and Approval Process**

(Board agenda page I-7)

[Official agenda item #3]

Colin Dempsey, director, district operations, technology & sustainability supports, explained 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. Updates were provided on the rubrics and scoring of those rubrics, the progress on recruitment of reviewers, and a list of products under consideration for IMRA review were shared.

#### **DISCUSSION ITEM**

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

(Board agenda page I-7)

Public testimony was provided by the following individuals:

NAME: Ryan Castle

AFFILIATION: Mesquite Independent School District

NAME: Martin Cardenas

AFFILIATION: Grand Prairie Independent School District

Todd Davis, associate commissioner of instructional strategy, and Monica Martinez, associate commissioner for standards and programs, provided an overview of upcoming interrelated needs for TEKS review and revision and IMRA. They explained the needs related to development and amendment of career and technical education (CTE) courses and recommendations for completing the work in batches as well a recommendation for including CTE in the next three cycles of IMRA. Dr. Davis explained a proposed timeline for inclusion of fine arts and character traits instructional materials in IMRA. They also identified two needs related to mathematics including options for instructional materials for accelerated learning and establishing TEKS to support middle school advanced mathematics pathways. Additionally, Ms. Martinez presented a list of individuals who will be included in the CTE TEKS Review Engineering Advisory Group.

Chairman Kinsey summarized the board discussion, options the board must consider, and next steps. He acknowledged that the board has an established plan in place to review CTE TEKS over time, and in order to continue making progress on CTE the established plan will continue. The board will need to establish a plan to begin development of a framework to guide the structure of the social studies TEKS to be used when the social studies TEKS are revised. Mr. Kinsey stated that he has not yet heard an explanation of the specific problem that exists with the mathematics TEKS. Consequently, the board should develop a plan to identify the specific issue(s) impacting math outcomes and a plan to address identified issue(s) through the IMRA process or potential TEKS revision. Mr. Kinsey indicated that he would follow up with individual board members regarding fine arts in order to

determine if the TEKS need to be revised or if fine arts should be included in the IMRA process in 2026 without a TEKS revision.

Chairman Kinsey adjourned the meeting at 6:48 p.m.

**Report of the State Board of Education  
Committee of the Full Board  
Wednesday, April 10, 2024**

The State Board of Education Committee of the Full Board met at 9:05 a.m. on Wednesday, April 10, 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 received no presentations of public testimony.

**DISCUSSION ITEM**

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

Commissioner Mike Morath provided an update to the work the agency has undertaken on programs of study as it pertains to career and technical education. He explained the updated timelines for the programs of study refresh, IBC's, TEKS-based CTE courses, and how that might impact the work of the SBOE and the Instructional Materials Review & Approval (IMRA) process. Commissioner Morath then provided an update on teacher employment, attrition, and hiring data.

**ACTION ITEMS**

**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)  
[Official agenda item #4]

Ms. Ramos explained that feedback on the proposal had been collected through the official public comment process and through a business and industry survey that TEA staff distributed. She explained that public comments had been shared with members of the advisory group and, based on advisory group member feedback, minor revisions were identified for consideration for a course within the aviation maintenance program of study. In addition, Ms. Ramos suggested that the board consider revising the course title, Applied Physics and Engineering, as it is very similar to an existing STEM course title which will cause confusion.

**MOTION:** *It was moved by Mr. Maynard and seconded by Mr. Francis to recommend that 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.*

**MOTION AND VOTE:** *It was moved by Mrs. Brooks and seconded by Mrs. Little to recommend that the State Board of Education amend §127.45(d)(10)(D) to read:*

*“identify key concepts related to digital citizenship and civic responsibility and demonstrate appropriate use of technology for the workplace.”*

*The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Brooks, seconded by Mrs. Little, and carried to recommend that the State Board of Education amend §127.46(d)(4)(B) to read:*

*“research and describe the domestic and global context of agricultural industries and careers;”*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried without objection to recommend that the State Board of Education add new §127.58(d)(18)(C) and (D) to read:*

*“(C) explain growing plants without soil (hydroponic techniques); and”*

*“(D) evaluate advantages and disadvantages of hydroponics.”*

**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 add new §127.890(d)(18)(E) to read:*

*“(E) identify cotter pin requirements and techniques;”*

**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 add new §127.890(d)(19)(C) to read:*

*“(C) install cotter pins on hardware such as nuts and bolts;”*

**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 the course title of §127.795 to read:*

*“§127.795. Physics for Engineering Applied Physics and Engineering (One Credit), Adopted 2024.”*

**VOTE:** *A vote was taken on the main motion to recommend that 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, as amended; 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. The motion carried unanimously.*

**3. Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements**

**(First Reading and Filing Authorization)**

(Board agenda page I-117)

[Official agenda item #5]

Ms. Ramos explained that this item would update names of courses and career and technical education (CTE) career clusters, specify the amount of credit that may be earned for physical education courses, and align endorsements with the refreshed programs of study. She highlighted the proposed language in §74.13 that would address the transition to the proposed endorsement changes. In addition, Ms. Ramos explained that the board may wish to align the language in §74.13 with recent changes to the board's rules on innovative courses.

**MOTION:** *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program; and §74.13, Endorsements.*

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education strike the words "approved by the commissioner of education" from §74.13(f)(1)(A), (2)(A), and (3)(A).*

**VOTE:** *A vote was taken on the main motion to recommend that the State Board of Education approve for first reading and filing authorization proposed amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements; §74.12, Foundation High School Program; and §74.13, Endorsements, as amended. The motion carried.*

**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)

[Consent agenda item #1]

Alexis Bauserman, director of college, career, and military preparation, provided a brief overview of the proposed updates to the *Texas State Plan for Strengthening Career and Technical Education for the 21st Century Act* (Perkins V). Ms. Bauserman explained that proposed updates to the state plan were posted for public comment from March 1-31 and no comments had been received. She stated that a few typographical errors had been corrected before the draft was finalized. If approved by the

State Board of Education, the plan will be submitted to the governor's office for final signature and will be submitted to the United States Department of Education by May 10, 2024.

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mrs. Little, and carried to recommend that 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).*

## **DISCUSSION ITEMS**

### **5. Ethics Training**

(Board agenda page I-129)

Christopher Maska, TEA Ethics Provider, presented a recent Texas Ethics Commission Opinion that concerns how the three statewide revolving door statutes apply to former SBOE Members and discussed the Texas Education Code revolving door provision and prohibitions of certain individuals from making campaign contributions and participating in campaigns of SBOE Members. Mr. Maska also answered ethics questions from the SBOE Members.

### **6. Discussion of Pending Litigation**

(Board agenda page I-159)

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, COFB – 11/15/2023 14 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.

Chairman Kinsey adjourned the meeting at 5:04 p.m.

**Report of the State Board of Education  
Committee on Instruction  
Thursday, April 11, 2024**

The State Board of Education Committee on Instruction met at 9:00 a.m. on Thursday, April 11, 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 on Instruction heard public testimony on agenda items #1 and #8. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**ACTION ITEMS**

1. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders**  
(Second Reading and Final Adoption)  
(Board agenda page II-1)  
[Official agenda item #6]

Public testimony was provided by the following individuals:

NAME:	Lori Harris
AFFILIATION:	Self
NAME:	Jennifer Luftop
AFFILIATION:	Texas Chapter of Academic Language Therapy Association
NAME:	Georgene Moon
AFFILIATION:	Texas Educational Diagnosticians Association
NAME:	Andrea Chevalier
AFFILIATION:	Texas Council of Administrators of Special Education (TCASE)
NAME:	Sara Furlich
AFFILIATION:	Lakemere Learning
NAME:	Cindy Connolly
AFFILIATION:	Texas Chapter of Academic Language Therapy Association
NAME:	Jennifer Hyland
AFFILIATION:	Self



Kristin McGuire, senior director, special education policy, programs, and reporting division, provided a summary of public comments that were received during the public comment period and explained adjustments that were made to the rule and to the Dyslexia Handbook in response to public comment. She also explained that TEA staff proposed removal of the appendices to the Dyslexia Handbook from the figure that is included in administrative rule.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Dr. Ortega, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, as substituted (Attachment A); 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.*

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Ms. Davis, and carried unanimously to recommend that the State Board of Education permit TEA staff to make non-substantive technical edits to the Dyslexia Handbook.*

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)  
[Consent agenda item #(2)]

Jessica Snyder, director, special projects, curriculum standards and student support division, explained that the proposed amendment would implement House Bill 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in cardiopulmonary resuscitation (CPR) for students in grades 7-12.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Ms. Davis, 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 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.*

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)  
[Consent agenda item #(3)]

Ms. Snyder explained that 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 included on a student's academic achievement record, or transcript.

**MOTION AND VOTE:** *It was moved by Dr. Ortega, seconded by Mrs. Little, 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 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.*

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)  
[Consent agenda item #(4)]

Ms. Snyder explained that the proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for Kindergarten-Grade 12 science and related implementation language that will be replaced with the revised science TEKS that will be implemented beginning with the 2024-2025 school year.

**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 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.*

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)  
[Consent agenda item #(5)]

Ms. Snyder explained that 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 replaced with the revised technology applications TEKS that will be implemented beginning with the 2024-2025 school year.

**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 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.*

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)  
[Consent agenda item #(6)]

Ms. Snyder explained that the proposed repeals would remove the Texas Essential Knowledge and Skills (TEKS) for certain CTE courses that will be replaced with revised CTE TEKS for those courses that will be implemented beginning with the 2024-2025 school year.

**MOTION AND VOTE:** *It was moved by Dr. Ortega, seconded by Mrs. Little, 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 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.*

**7. Consideration of Proposed New Innovative Course**

(Board agenda page II-127)

[Consent agenda item #(7)]

Ms. Snyder explained that this item presents for approval a new innovative course, Gaming Concepts: Fundamentals. She provided a brief overview of the proposed new innovative course.

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education postpone consideration of the innovative course, Gaming Concepts: Fundamentals, until the June 2024 meeting to allow time for the committee to review the instructional materials for the proposed course.*

**DISCUSSION ITEM**

**8. Discussion of Innovative Course Sunset List**

(Board agenda page II-131)

Shelly Ramos, senior director, curriculum standards and student support, explained that this item provides an opportunity for the committee to discuss the innovative course sunset report that was provided by TEA. She explained that the committee would have an opportunity to take action on the sunset list at a future meeting. Ms. Ramos provided a brief overview of the criteria that qualified innovative courses for inclusion on the sunset report and explained that any courses that the board might sunset would expire at the end of the 2024-2025 school year.

Public testimony was provided by the following individuals:

NAME: Everette Penn  
AFFILIATION: Teen and Police Service Academy

NAME: Barbara Copeland  
AFFILIATION: AVID Center

NAME: Brit Budd  
AFFILIATION: Round Rock Independent School District

NAME: Araceli Ortiz  
AFFILIATION: Texas Pre freshman Engineering Program

NAME: Chris Miller  
AFFILIATION: Flippen Group

NAME: Angela Wolf  
AFFILIATION: Texas School for the Blind and Visually Impaired

Monica Martinez, associate commissioner, standards and programs, explained that TEA was not recommending any courses for sunset. She stated that the report produced by staff reflected the criteria in SBOE rule and that the committee would need to determine what action to take, if any, based on the information in the report. Dr. Young specified that the committee should focus on the innovative courses that met 3 or 4 of the criteria established in rule and focus only on those courses that are not associated with a CTE program of study. The committee requested that staff prepare an action item

for the June 2024 SBOE meeting for the committee to consider for sunset innovative courses that met the conditions outlined by Dr. Young.

## **ACTION ITEMS**

### **9. Approval of Updates and Substitutions to Adopted Instructional Materials**

(Board agenda page II-132)

[Consent agenda item #(8)]

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 request received from Ramsey Education (Dave Ramsey/Lampo), to update their Personal Financial Literacy instructional material adopted under *Proclamation 2024*. 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 Ms. Davis, and carried without objection to recommend that the State Board of Education approve a request from Ramsey Education (Dave Ramsey/Lampo), to update their adopted Personal Financial Literacy instructional materials.*

### **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-132)

[Official agenda item #7]

Monica Brewer, coordinator, gifted and talented, outlined proposed revisions that would update rules to align with requirements of House Bill 1525, 87th Texas Legislature, Regular Session, 2021, and codify current program practices. She explained recommended changes to the proposal that was published in the agenda.

**MOTION AND VOTE:** *It was moved by Ms. Davis, seconded by Dr. Ortega, and carried without objection to recommend that 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, as substituted (Attachment B).*

The meeting of the Committee on Instruction adjourned at 12:12 p.m.

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) ~~[(4e)]~~ 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) ~~(4)~~ 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) ~~(4)~~ 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]~~-

New cover on next page.

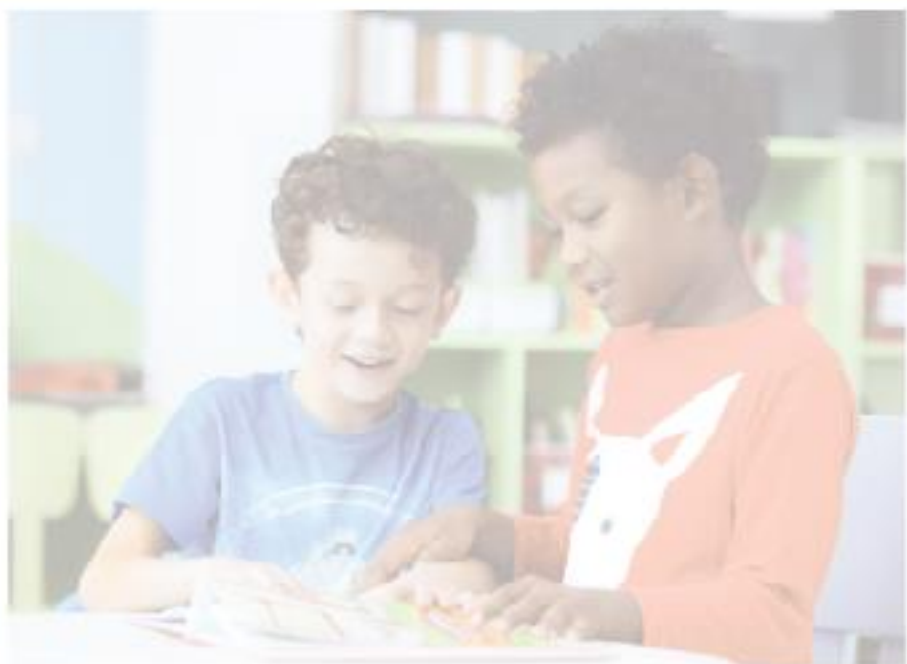
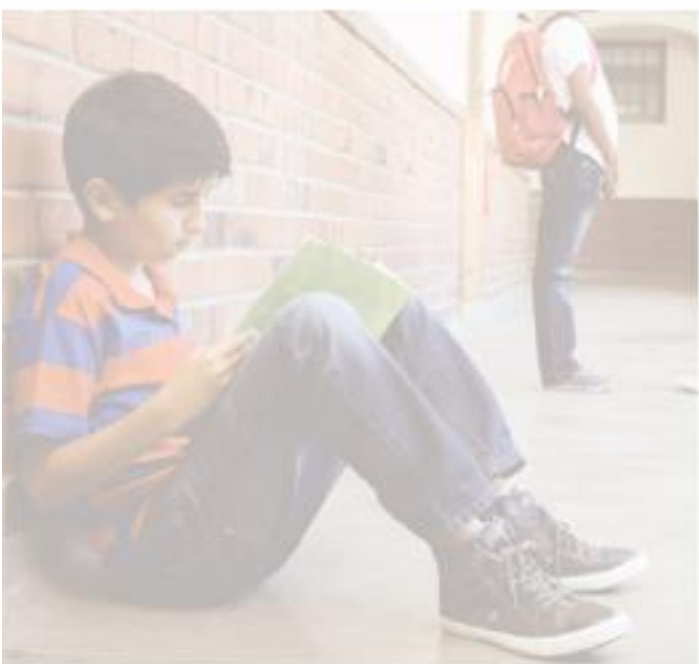


# THE DYSLEXIA HANDBOOK

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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***NOTE: Table of Contents and Figures, including page numbers and links to the sections will be updated upon final adoption.***

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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 88<sup>th</sup> 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 88<sup>th</sup> 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

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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.

## 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 86<sup>th</sup> 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* (3<sup>rd</sup> 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 “efttr”)
- 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,<sup>[+]</sup> 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.

<sup>[+]</sup>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 as close to [no later than] the middle of the school year as possible, but [by] [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 close to [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 close to [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

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*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**

<b>Kindergarten</b>	<b>First Grade</b>
<ul style="list-style-type: none"><li>• Letter Sounds Knowledge or Letter Naming Fluency</li><li>• Phonological Awareness</li></ul>	<ul style="list-style-type: none"><li>• Word Reading Accuracy or Fluency</li><li>• Phonological Awareness</li></ul>

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**

- 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 reading [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/](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 as close to the middle of the school year as possible, but 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"> <li>• Current screening instruments</li> <li>• Previous screening instruments</li> <li>• Formal and informal classroom reading assessments</li> <li>• Additional brief and targeted skill assessments</li> </ul>	<ul style="list-style-type: none"> <li>• Observations of student during screening (See Figure 2.3, Student Behaviors Observed During Screening)</li> <li>• Other observations of student progress</li> <li>• Teacher observations</li> <li>• Parent/guardian input (e.g., family history, early language skills)</li> <li>• Current student work samples</li> <li>• Work samples from earlier grade(s)</li> <li>• Intervention history</li> </ul>

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, provider of dyslexia instruction, reading interventionist, [the dyslexia specialist], the individual who administered the screener, a special education teacher, 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

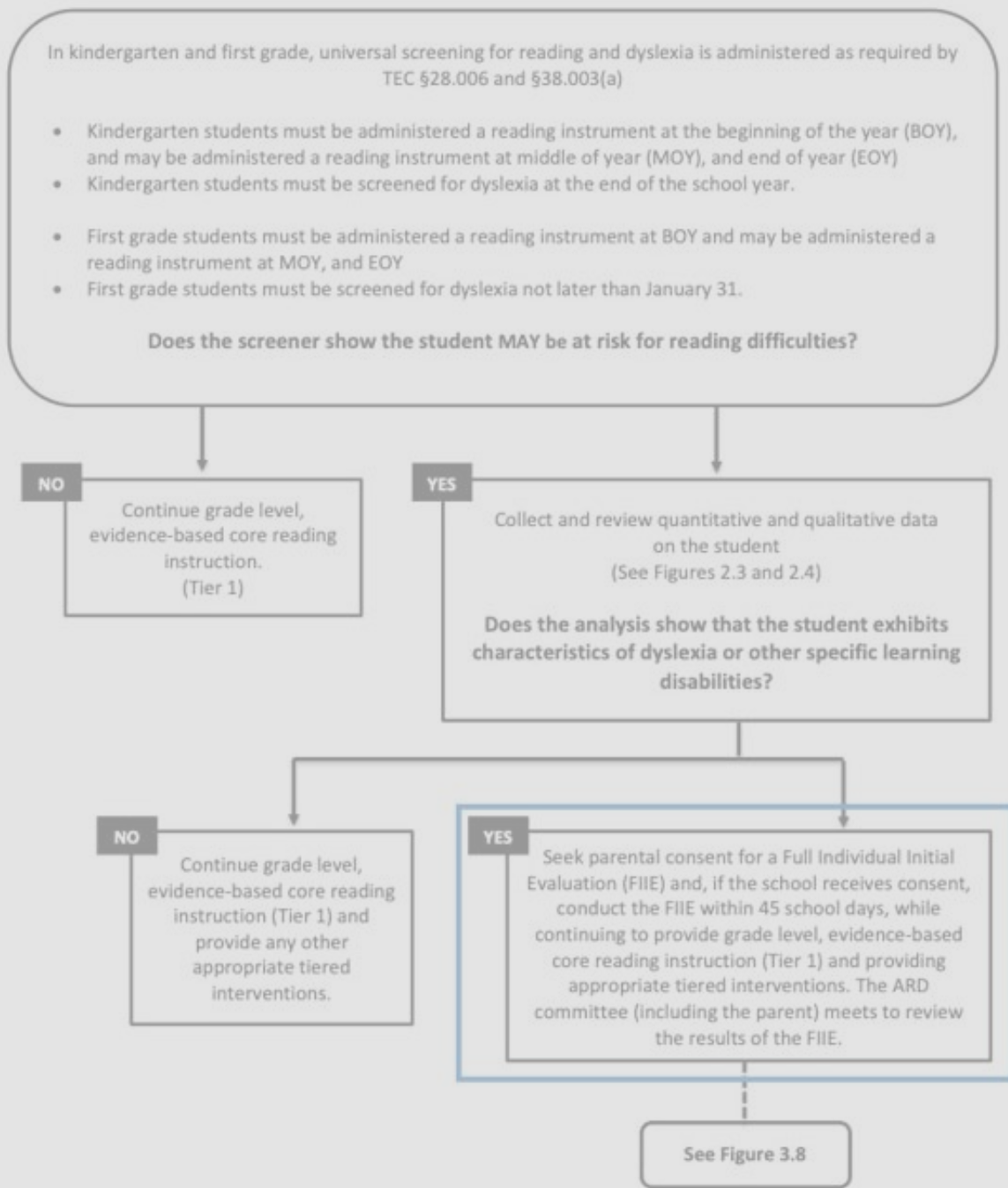
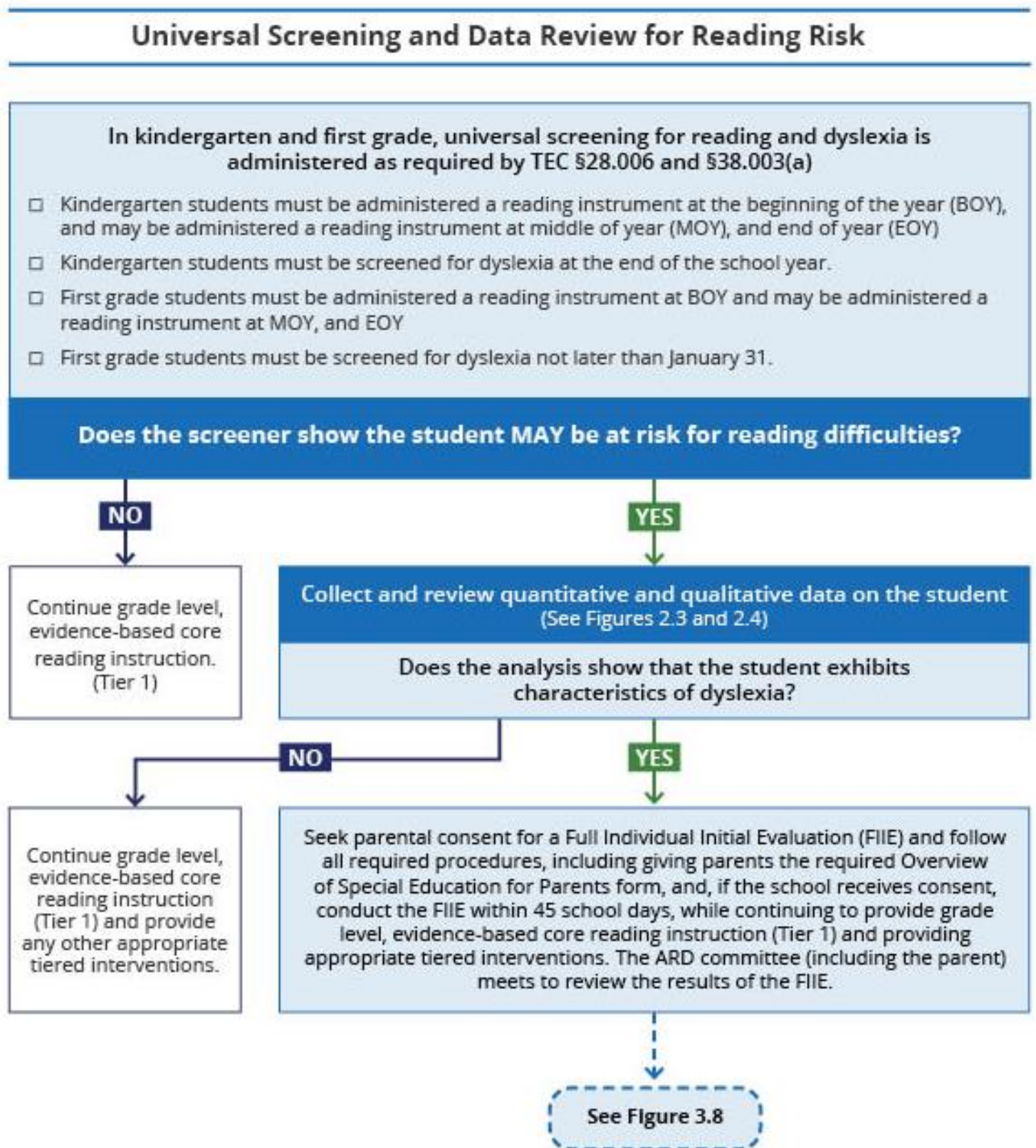


Figure 2.5 Universal Screening and Data Review for Reading Risk



## Part D: Best Practices for Ongoing Monitoring

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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 would include the classroom teacher and other individuals who can review and analyze the student's data, such as [include, but are not limited to, the classroom teacher,] a campus administrator, special education teacher, [dyslexia specialist,] reading interventionist, 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 another disability included within the IDEA ~~[other disability]~~ and a need for special education and related services, 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 determines that the data does give the members reason to suspect ~~[suspects]~~ that the student has dyslexia, a related disorder, or another disability included within the IDEA and a need for special education and related services, 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](http://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 (FIIE) 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 decoding
- Vocabulary
- Language structure
- Reading fluency
- Reading comprehension

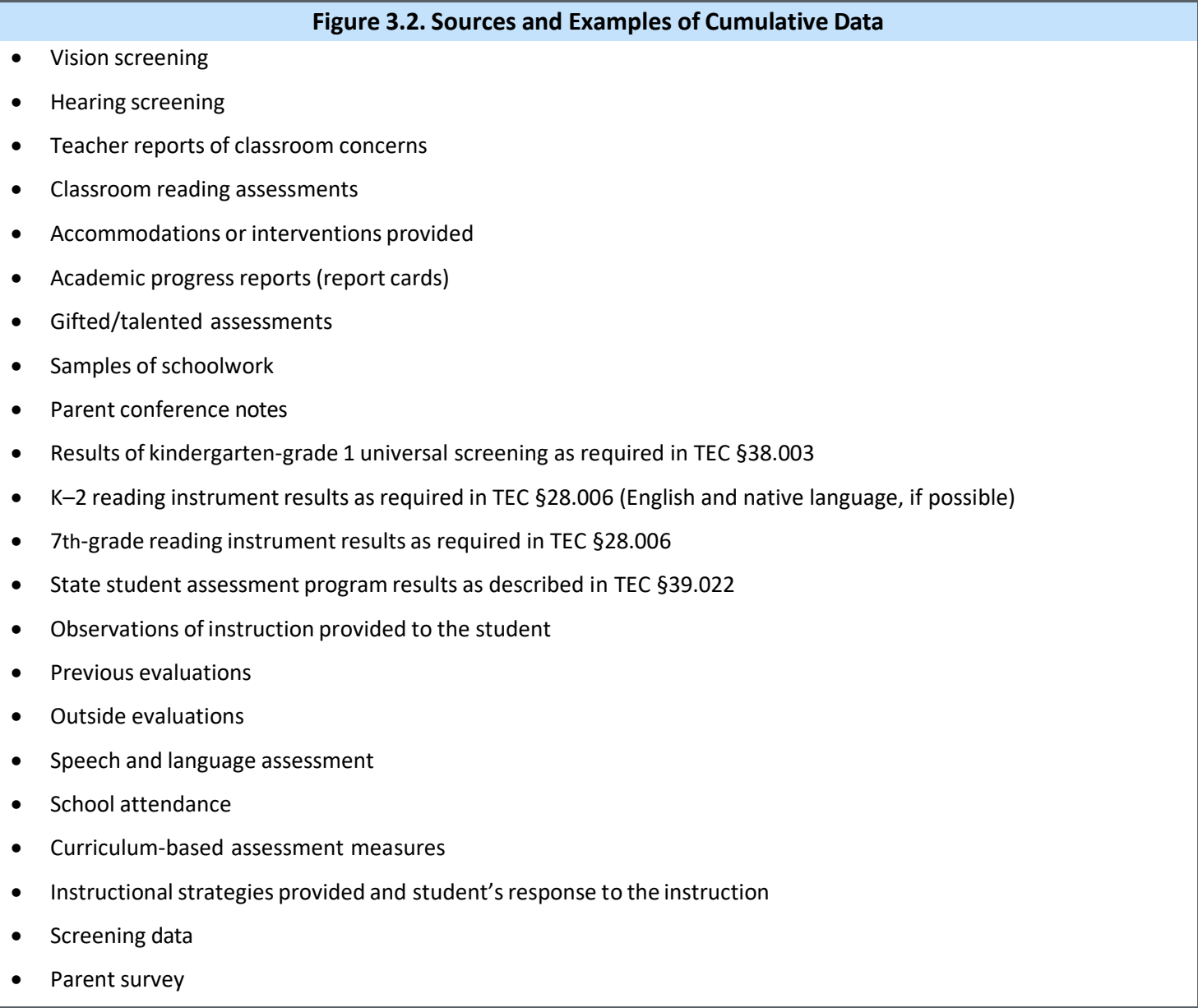
When evaluating a student for dyslexia, the collection of various data, as indicated in Figure 3.2 below, will provide information regarding factors that may be contributing to or primary to the student’s struggles with reading and spelling.

### *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.



*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 and team of qualified professionals required under IDEA, 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 training center [course] at the teaching or therapy level. Individuals who are currently enrolled and participating in a credentialing program that will result in becoming an LDT or obtaining the most advanced dyslexia-related certification would be considered as meeting the credentials for items (1) and (2).

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 one calendar year from the date [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 FIIE 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 processes [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"> <li>• Letter knowledge (name and associated sound)</li> <li>• Reading words in isolation</li> <li>• Decoding unfamiliar words accurately</li> <li>• Reading fluency (rate, accuracy, and prosody are assessed)</li> <li>• Reading comprehension</li> <li>• Spelling</li> </ul>	<ul style="list-style-type: none"> <li>• Phonological/phonemic awareness</li> <li>• Rapid naming of symbols or objects</li> </ul>	<ul style="list-style-type: none"> <li>• Vocabulary</li> <li>• Listening comprehension</li> <li>• Verbal expression</li> <li>• Written expression</li> <li>• Handwriting</li> <li>• Memory for letter or symbol sequences (orthographic processing)</li> <li>• Mathematical calculation/reasoning</li> <li>• Phonological memory</li> <li>• Verbal working memory</li> <li>• Processing speed</li> </ul>

## Review and Interpretation of Data and Evaluations

The MDT, using input from [which includes] the parent/guardian, completes the FIIE, which [and] determines if the student meets the criteria for dyslexia, and, if so, [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/guardian as a committee member, to determine prong 1 and prong 2, which means the student has both the identification of a qualifying disability [if a student has dyslexia] and the need for special education and related services. Eligibility is determined by the ARD committee in accordance with 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. That is, the [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 MDT and 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 special education 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)] (1) hold a licensed dyslexia therapist license under Chapter 403, Occupations Code;~~

~~[(5)] (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~~

~~[(6)] (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 ~~any resulting [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 training center [course] at the teaching or therapy level. Individuals who are currently enrolled and participating in a credentialing program that will result in becoming an LDT or obtaining the most advanced dyslexia-related certification would be considered as meeting the credentials for items (1) and (2).

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 one calendar year from the date [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, the MDT [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 MDT find [ARD committee determine] that the student exhibits weaknesses in reading and spelling (i.e., academic deficits in areas associated with dyslexia), the MDT [committee] will then examine all of 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. The MDT reports the analysis of strengths and weaknesses within the FIE.

**Therefore, it is not one single indicator but a preponderance of data (both informal and formal) that provide the team [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 and the need for special education and related services. 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 eligibility, which includes that [whether] dyslexia is present and there is a need for special education and related services[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 meets the criteria for [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://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/](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 as the IDEA-eligible disability, a determination must be made by the ARD committee regarding the most appropriate way to serve the student. If a student with dyslexia is found eligible for special education (i.e., student has both the disability and 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.

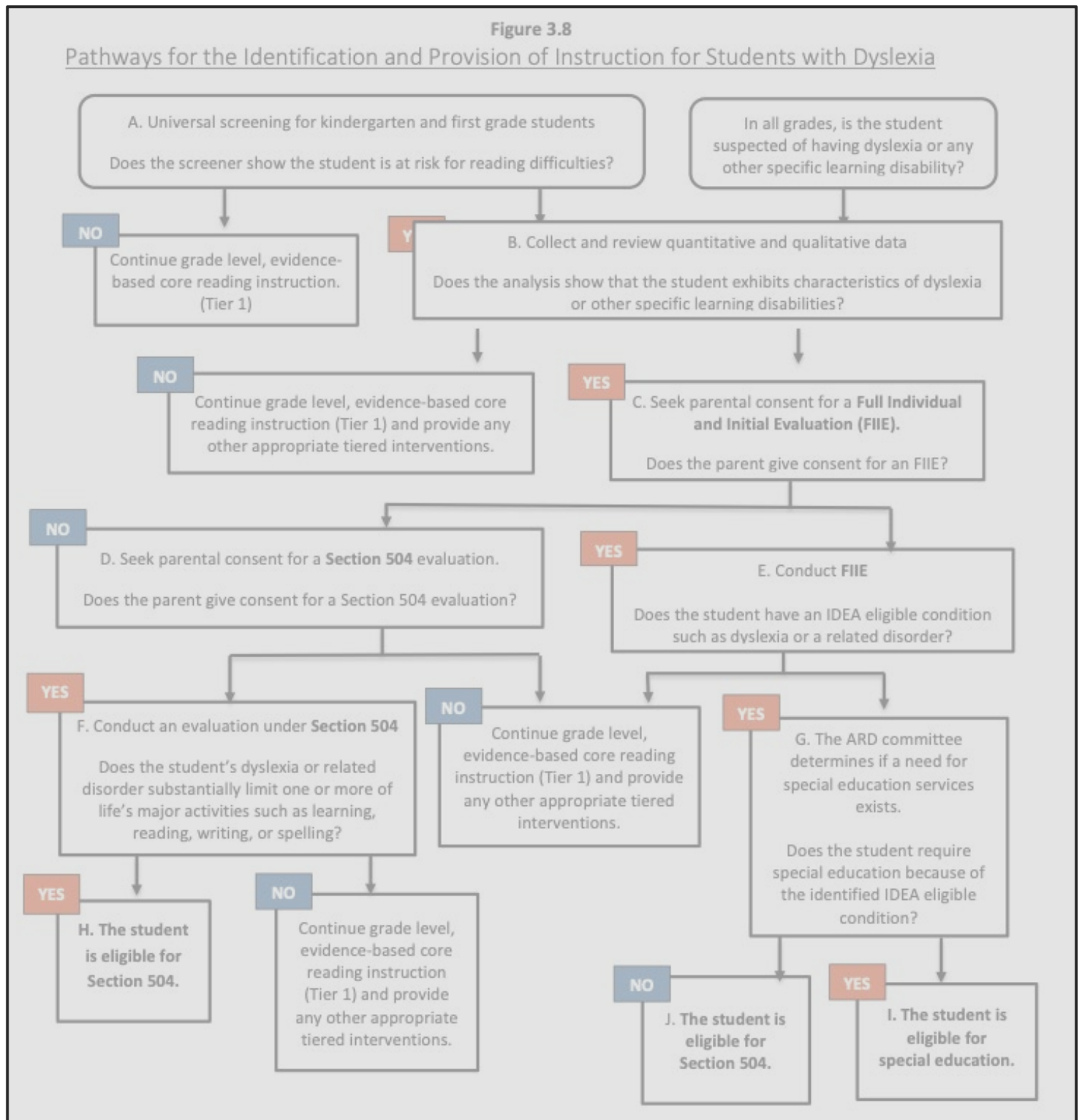
If—based on the data—the student is identified with dyslexia, but is determined by the ARD committee as not eligible for special education and related services because the student is determined to not need dyslexia instruction, (i.e., specially designed instruction) the student may be eligible to receive ~~[dyslexia instruction and]~~ accommodations under Section 504.

A student who is found not eligible under the IDEA because the student is determined to not need dyslexia instruction (i.e., specially designed instruction), 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 determine eligibility for Section 504 as necessary ~~[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.

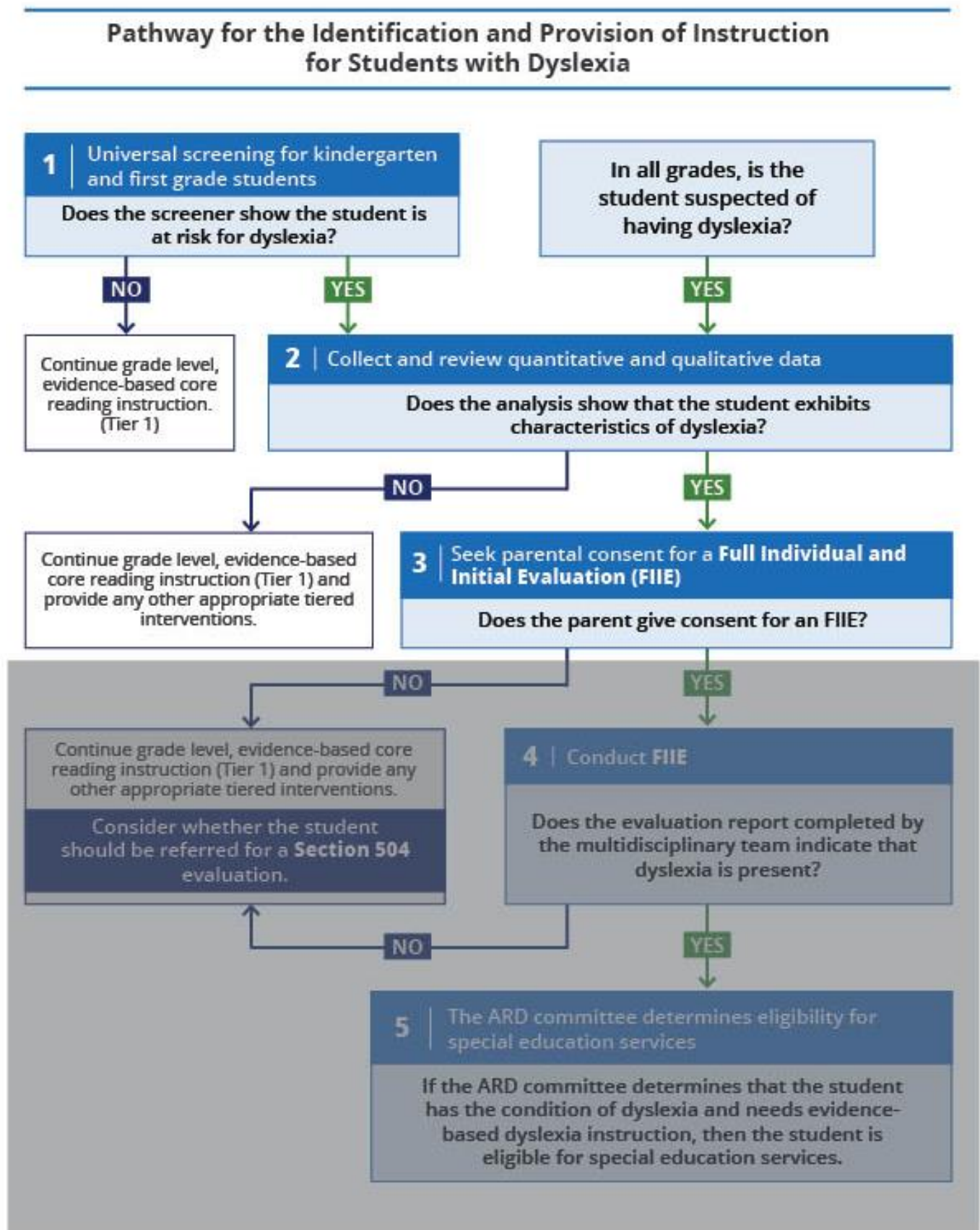
~~[Appropriate reading instruction includes the components and delivery of standard protocol dyslexia instruction identified in Chapter IV: Critical, Evidence-Based Components of Dyslexia Instruction. Revision of the Section 504 Plan will occur as the student's response to instruction and to the use 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.

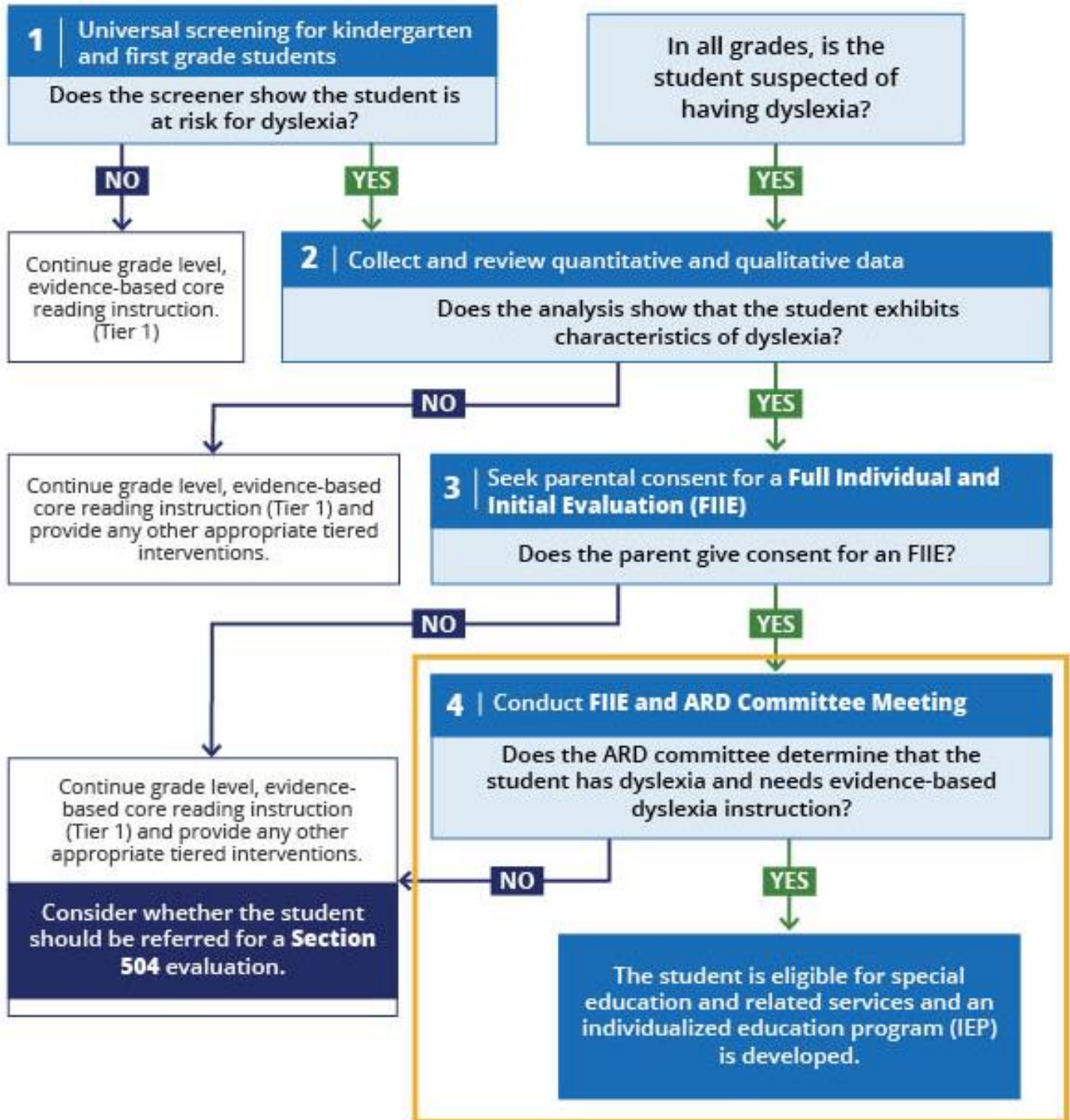


\*See next page for additional detail.

Figure 3.8



## Pathway for the Identification and Provision of Instruction for Students with Dyslexia



Yellow box represents changes at adoption



## Pathway to the Identification and Provision of Instruction for Students with Dyslexia

<p><b>A.</b> 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>B.</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><b>C.</b> 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><b>D.</b> 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><b>E.</b> 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><b>F.</b> 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><b>G.</b> 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><b>H.</b> 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><b>I.</b> 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 <b>any appropriate special education and related services, and general education programs and services</b>, 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><b>J.</b> 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

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*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

Berninger, V. W. & Wolf, B. (2009). *Teaching students with dyslexia and dysgraphia lessons from teaching and science*. Baltimore, MD: Paul H. Brookes Publishing.

Diehl, J. D., Frost, S. J., Mencl, W. E., & Pugh, K. R. (2011). Neuroimaging and the phonological deficit hypothesis. In S. Brady, D. Braze, & C. Fowler (Eds.), *In explaining individual difference in reading theory and evidence* (pp. 217–237). New York, NY: Psychology Press.

Elementary and Secondary Education Act as Reauthorized by the Every Student Succeeds Act of 2015. 20 U.S.C. § 2221(b). (2015).

Kilpatrick, D.A. (2015). *Essentials of Assessing, Preventing, and Overcoming Reading Difficulties*. Hoboken, NJ: John Wiley & Sons. (85-86).

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Nevills, P., & Wolfe, P. (2009). *Building the reading brain, PreK–3* (2nd ed.). Thousand Oaks, CA: Corwin Press.

Norlin, J. W. (2011). *What do I do when: The answer book on Section 504* (4th ed.). Horsham, PA: LRP Publications.

Region 18 Education Service Center. The Legal Framework for the Child-Centered Special Education Process. (2018). Retrieved from <http://framework.esc18.net/display/Webforms/LandingPage.aspx>.

Shaywitz, S.E. (2014) Testimony Before the Committee on Science, Space, and Technology, U.S. House of Representatives.

U.S. Department of Education. (2015). Dyslexia Guidance. Dear Colleague Letter from the Office of Special Education and Rehabilitative Services. Washington, D.C.

U.S. Department of Justice. (2014). ADA Requirements: Testing Accommodations. [Technical Assistance Document.] Civil Rights Division, Disability Rights Section. Retrieved online at [<https://www.ada.gov/regs2014/testing-accommodations.pdf>] <https://www.ada.gov/resources/testing-accommodations/>

## 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 in 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]

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~~[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

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- **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

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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

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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

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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 for being fully trained in the LEA's adopted instructional materials. However, completion of a literacy achievement academy will satisfy continuing education requirements for educators who teach students with dyslexia regarding new research and practices in educating students with dyslexia [see TEC 21.054 and 21.45552].

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)	<del>Masters</del> [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	<a href="#">IDA Accredited</a>	135	30	3	yes	10 hrs/1 yr
Certified Structured Literacy/Dyslexia Interventionist	Center for Effective Reading Instruction (CERI)	Bachelors	<a href="#">IDA Accredited</a>	90	30	3	yes	10 hrs/1 yr
Wilson Level II Certification/Therapist	Wilson Language Training	Bachelors	<a href="#">IDA Accredited</a>	200	215	11+	yes	50 hrs/5 yrs
Wilson Level I Certification/Practitioner	Wilson Language Training	Bachelors	<a href="#">IDA Accredited</a>	105	65	5+	yes	50 hrs/5 yrs
AOGPE Fellow Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Masters	<a href="#">AOGPE</a>	250	600	13	no	none
AOGPE Certified Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	<a href="#">AOGPE</a>	160	300	10	no	none
AOGPE Associate Level	Academy of Orton-Gillingham Practitioners and Educators (AOGPE)	Bachelors	<a href="#">AOGPE</a>	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

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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. TEC 21.4552 provides that the completion of a literacy achievement academy by an educator who teaches students with dyslexia satisfies the training requirements under TEC 21.054(b).

<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

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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

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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.



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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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*. (2<sup>nd</sup> ed.) New York, NY: Alfred A. Knopf.

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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.

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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.

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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*.

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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*.

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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> [ <del>coloured</del> ] 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> [ <del>coloured</del> ] overlays and lenses on reading: a systematic review of the literature. <i>Ophthalmic &amp; Physiological Optics</i> , 36, 519–544. <a href="https://doi.org/10.1111/opo.12316">https://doi.org/10.1111/opo.12316</a>

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. <a href="https://doi.org/10.1007/s11881-017-0154-6">https://doi.org/10.1007/s11881-017-0154-6</a>
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. <a href="https://doi.org/10.1542/peds.2010-3670">https://doi.org/10.1542/peds.2010-3670</a>
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. <a href="https://DOI:10.1177/1745691616635612">https://DOI:10.1177/1745691616635612</a>

## 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

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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](http://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;](http://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](http://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).

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## Procedures for Identification

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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
<ul style="list-style-type: none"> <li>• Vision screening</li> <li>• <u>Hearing screening</u></li> <li>• Teacher reports of classroom concerns</li> <li>• Parent reports of concerns about handwriting, spelling, or written expression</li> <li>• Classroom handwriting assessments</li> <li>• Classroom spelling assessments</li> <li>• Samples of written work (e.g., journal, story responses, writing samples, etc.)</li> <li>• Accommodations or interventions provided</li> <li>• Academic progress reports (report cards)</li> <li>• Gifted/talented assessments</li> <li>• Samples of written schoolwork (both timed and untimed)</li> <li>• State student assessment program results as described in TEC §39.022</li> <li>• Observations of instruction provided to the student</li> <li>• Full Individual and Initial Evaluation</li> <li>• Outside evaluations</li> </ul>

- 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 an FIE 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

[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] see TEA's [Parent Guide to the Admission, Review, and Dismissal Process \(Parent's Guide\)](#) and [Notice of Procedural Safeguards](#)]

### *Tests and Other Evaluation Materials*

When formal evaluation is recommended, the school must complete the evaluation procedures as outlined under IDEA.

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"> <li>• Letter formation</li> <li>• Handwriting</li> <li>• Word/sentence dictation (timed and untimed)</li> <li>• Copying of text</li> <li>• Written expression</li> <li>• Spelling</li> <li>• Writing fluency (both accuracy and fluency)</li> </ul>	<ul style="list-style-type: none"> <li>• Memory for letter or symbol sequences (orthographic processing)</li> </ul>	<ul style="list-style-type: none"> <li>• Phonological awareness</li> <li>• Phonological memory</li> <li>• Working memory</li> <li>• Letter retrieval</li> <li>• Letter matching</li> </ul>

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**

The MDT, using input from the parent/guardian, completes the FIIE, which determines if the student meets the criteria for dysgraphia, and, if so, explains the impact of dysgraphia 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/guardian as a committee member, to determine prong 1 and prong 2, which means the student has both the identification of a qualifying disability and the need for special education and related services. Eligibility is determined by the ARD committee in accordance with 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 dysgraphia and the data shows a need for specially designed instruction, then the student meets the two prongs of special education eligibility. That is, the student has a qualifying disability – as dysgraphia is an SLD under the IDEA– and demonstrates a need for specially designed instruction.

To appropriately understand evaluation data, the MDT and 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 MDT find [ARD committee determine] that the student exhibits weakness in writing and spelling (i.e., academic deficits in areas associated with dysgraphia), the MDT [committee] will then examine all of 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. The MDT reports the analysis of strengths and weaknesses within the FIIE.

**Therefore, it is not one single indicator, but a preponderance of informal and formal data that provide the team [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 and the need for special education and related services. The list of questions in Figure 5.3 below must be addressed by the MDT in the evaluation report to assist the ARD Committee when determining eligibility, which includes that dysgraphia is present and there is a need for special education and related services [~~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?

If through the evaluation process, it is established that the student meets the criteria for dysgraphia, then the student meets the first prong of eligibility under the IDEA (identification of condition). In other words, the identification of dysgraphia, using the process outlined in this chapter, meets the criterion for the condition of a 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. [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/memosdcrt/guidance-on-dyslexia-10-2015.pdf>.  
<https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-ideaiep-terms/>

Once dysgraphia has been identified as the IDEA eligible disability, a determination must be made by the ARD committee regarding the most appropriate way to serve the student. 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 determined by the ARD committee as not eligible for special education and related services [~~not considered a student with a disability under the IDEA~~] (because the student does not need specially designed instruction), then the student may be eligible to receive appropriate accommodations and services under Section 504.

A student who is found not eligible under the IDEA but who is identified with dysgraphia 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 determine eligibility for Section 504 as necessary.



For students eligible for Section 504, a Section 504 committee will develop the student's Section 504 Plan, which must include appropriate instructional accommodations to meet the individual needs of the student. [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

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*"... 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	
<b>Posture</b>	<p>Also known as “Watch Our Writing” (W.O.W)</p> <ul style="list-style-type: none"> <li>• Feet are flat on the floor</li> <li>• Back is straight</li> <li>• Paper slanted so that the edge of the paper is parallel to the writing arm</li> <li>• Paper anchored with non-writing hand</li> <li>• Pencil grip and position correct</li> </ul>
<b>Grip</b>	<p>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.</p>
<b>Letter Formation</b>	<p>Emphasis placed in the following order:</p> <ul style="list-style-type: none"> <li>• Shape</li> <li>• Proportion</li> <li>• Size</li> <li>• Rhythm/fluency</li> <li>• Slant</li> </ul>

<b>Sequence</b>	<ul style="list-style-type: none"> <li>• Lower case letters first; Capitals as needed beginning with first letters of student name</li> <li>• Manuscript – group by stroke formation</li> <li>• Cursive – group by beginning approach stroke</li> <li>• Letters</li> <li>• Syllables</li> <li>• Words</li> <li>• Phrases</li> <li>• Sentences</li> <li>• Paragraphs</li> </ul>
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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

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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

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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.

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## **Child Find and the Initial Evaluation Process**

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### **(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 (FIIIE) 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 (FIIIE) 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 FIIIE, 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 (FIIIE) under IDEA.

#### **(9) Can a student be referred for a full individual and initial evaluation (FIIIE) 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."

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**Required Member of the Multidisciplinary Team and the ARD Committee**

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**(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]

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## **Determining Eligibility for Special Education and Related Services**

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### **(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)).

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## **Determining and Documenting Special Education and Related Services in the IEP**

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**(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?**

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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?**

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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?**

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The TEA Financial Accountability Systems Resource Guide (FASRG) describes the uses of program intent codes (PICs) 37 and 43.

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## **Providers of Dyslexia Instruction (PDIs)**

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**(32) What are the requirements for PDIs?**

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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?**

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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

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**(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?**

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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?**

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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.**

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## **Progress Reporting**

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**(36) When are dyslexia progress reports required?**

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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 an 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.

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## **Required Board Policy**

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**(37) What is the role of a school board?**

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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.

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## Dispute Resolution

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### (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?

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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?

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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}

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## Dyslexia Screening

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### (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?

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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?

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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

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## Other

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### (42) — May a computer program be used as the primary method of delivery for a dyslexia instructional program?

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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.”]



## [APPENDIX B: Overview of Special Education for Parents—Form

Download and view the PDF. *Note: this form is subject to change if TEA determines that edits are necessary.*

### 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**.

##### 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.org](https://spedtex.org)  
1-855-773-3839

**SPEDTEX**  
Special Education Information Center

**Special Education  
Help for Parents**



**Parents Guide to the ARD Process**  
[bit.ly/ParentsARD](https://bit.ly/ParentsARD)



**Notice of Procedural Safeguards**  
[bit.ly/ParentsNPS](https://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.

# Overview of Special Education for Parents

## 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* (FIE), 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 **pecially 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

**ATTACHMENT**  
**Text of 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 one semester ~~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 ~~[development]~~ every four years ~~that includes nature and needs of gifted/talented students and program options~~ with an update after legislative sessions.

**§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); [z]
- (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.

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
Thursday, April 11, 2024**

The State Board of Education Committee on Instruction met at 9:03 a.m. on Thursday, April 11, 2024, in 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; Kevin Ellis; Patricia Hardy; and Aaron Kinsey

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

**ACTION ITEM**

- 1. Adoption of the Annual Report on the Status of the Bond Guarantee Program**  
(Board agenda page III-1)  
[Consent agenda item #9]

Mark Shewmaker, Senior Investment Officer and Director of Special Projects, Texas PSF Corporation, presented the annual report of the Bond Guarantee Program as required by the Texas Education Code and requested that the committee adopt the report as presented.

**MOTION AND VOTE:** *By unanimous consent, the committee recommended that the State Board of Education adopt the annual report on the status of the Bond Guarantee Program as of August 31, 2023.*

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 9:22 a.m.



**Report of the State Board of Education  
Committee on School Initiatives  
Thursday, April 11, 2024**

The State Board of Education Committee on Instruction met at 9:02 a.m. on Thursday, April 11, 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; Aaron Kinsey; and Keven Ellis

**Public Testimony**

The Committee on School Initiatives heard public testimony on agenda items #10 and #11. Information regarding the individuals who presented public testimony is included in the discussion of that item.

The Committee of the Full Board considered items in the following order: Item number 1, 2, 3, 5, 4, 7, 6, 8, 9, 10, 11.

**DISCUSSION ITEM**

**1. Open-Enrollment Charter School Generation 29 Application Updates**  
(Board agenda page IV-1)

Marian Schutte, Deputy Associate Commissioner, Department of Authorizing and Policy, 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.

**ACTION ITEMS**

**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**  
(Board agenda page IV-2)  
[Consent agenda item #10]

Marian Schutte, Deputy Associate Commissioner, Department of Authorizing and Policy, 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 review process, public comment period, and filing dates. Ms. Schutte answered questions regarding the rules.

**MOTION AND VOTE:** *It was moved by Member Francis, seconded by Member Childs, and **carried to adopt** the rule review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters.*

**3. Recommendation for Two Reappointments to the Randolph Field Independent School District Board of Trustees**

(Board agenda page IV-6)  
[Consent agenda item #11]

Christopher Lucas, director, policy, planning, and operations, explained that the terms of two members of the board of trustees of Randolph Field Independent School District (ISD) have expired. Brigadier General Russell Driggers has recommended the reappointment of Ms. Vanessa Bowden and Mr. Jimmy Cornelius to the Randolph Field ISD Board of Trustees

Invited testimony was provided by the following individuals:

NAME: Jimmy Cornelius  
AFFILIATION: Randolph Field Independent School District Board

**MOTION AND VOTE:** *It was moved by Ms. Childs, seconded by Mr. Hickman, and carried unanimously to recommend that 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 Independent School District Board of Trustees.*

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)  
[Consent agenda item #12]

Mr. Lucas introduced the item and explained that the draft rule text adds a new subsection (d) that incorporates the changes made by House Bill 4210, 88th Texas Legislature, 2023.

**MOTION:** *It was moved by Mr. Francis and seconded by Ms. Childs, to recommend that 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.*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mrs. Pickren to add new subsection (a) to read as follows:*

*“Commanding officer is defined as the officer who is assigned to serve physically on the installation or military reservation on which the military reservation school district is located and who provides leadership for the functional support of and contingency or emergency coordination for the military reservation school district.”*

*The motion failed.*

**VOTE:** *A vote was taken on Mr. Francis's original motion to recommend that 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. The motion passed.

**5. Approval of Revisions to Required School Safety Training for School District Trustees**  
(Board agenda page IV-24)  
[Consent agenda item #13]

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. Dr. Bley from the Texas School Safety Center at Texas State University–San Marcos provided an overview of the proposed updates.

Invited testimony was provided by the following individuals:

NAME: Celina Bley, Ph.D.  
AFFILIATION: Texas School Safety Center

NAME: Kathy Martinez-Prather, Ph.D.  
AFFILIATION: Texas School Safety Center

**MOTION AND VOTE:** *It was moved by Ms. Childs, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education approve the revisions to the school safety training curriculum proposed by the Texas School Safety Center.*

**DISCUSSION ITEM**

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

Emily Garcia, Associate Commissioner, shared updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments, including discussion items on 19 TAC Chapters 227, 231, and 230B.

**ACTION ITEMS**

**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)  
[Official agenda item #8]

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. Francis, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education approve for second reading and final*

19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners.

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

(Board agenda page IV-33)

[Official agenda item #9]

Marilyn Cook, Director of Educator Preparation and Certification, explained that the proposed amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates will add six new certificates into SBEC's listing of classroom teaching certificates.

There was no public testimony on this item.

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Ms. Bell-Metereau, and carried unanimously to recommend that the State Board of Education take no action on the Proposed Amendments to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.*

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)

[Official agenda item #10]

Marilyn Cook, Director of Educator Preparation and Certification, explained that the 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 would satisfy the legislative mandate to remove the two-year teaching requirement from the requirement for school counselor certification.

There was no public testimony on this item.

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Ms. Bell-Metereau, and carried unanimously to recommend that the State Board of Education take no action on the 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. Ms. Childs was not present for this vote.*

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)

[Official agenda item #11]

Invited testimony was provided by the following individuals:

NAME: Jean Streepey  
AFFILIATION: State Board for Educator Certification

NAME: Scott Muri

AFFILIATION: State Board for Educator Certification

NAME: Stacy Edmonson

AFFILIATION: Sam Houston State University

Public testimony was provided by the following individuals:

NAME: Joshua Jones

AFFILIATION: Tarleton State University

NAME: Chris Sloan

AFFILIATION: Tarleton State University

NAME: Kelsey Kling

AFFILIATION: Texas Coalition for Educator Preparation

NAME: Ryan Franklin

AFFILIATION: Educate Texas

Emily Garcia, Associate Commissioner of Educator Preparation, Certification and Enforcement, presented this item and explained the changes that 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 would enact.

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Ms. Bell-Metereau to recommend that the State Board of Education veto 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. Chair Hickman abstained from voting. Ms. Childs and Ms. Pickren voted in opposition and the motion failed, 2-2.*

*It was moved by Mr. Francis, seconded by Ms. Childs to recommend that 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. Ms. Childs, Ms. Pickren, Ms. Bell-Metereau, and Chair Hickman voted in favor and Mr. Francis voted against; the motion passed, 4-1.*

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

(Board agenda page IV-85)

[Official agenda item #12]

Invited testimony was provided by the following individuals:

NAME: Jean Streepey

AFFILIATION: State Board for Educator Certification

NAME: Scott Muri

AFFILIATION: State Board for Educator Certification

NAME: Stacy Edmonson

AFFILIATION: Sam Houston State University

Public testimony was provided by the following individuals:

NAME: Chris Sloan

AFFILIATION: Tarleton State University

NAME: Joshua Jones

AFFILIATION: Tarleton State University

NAME: Jonathan Feinstein

AFFILIATION: EdTrust in Texas

NAME: Michael Marder

AFFILIATION: UTeach, University of Texas at Austin

NAME: Katherine Hokanson

AFFILIATION: Austin Community College

NAME: Mark Bosher

AFFILIATION: Career and Technical Association of Texas

NAME: Shea Culpepper

AFFILIATION: Individual

NAME: Michele Henry

AFFILIATION: Texas Music Educators Association

NAME: Ryan Franklin

AFFILIATION: Educate Texas

NAME: Ray Pieniazek

AFFILIATION: Individual

NAME: Jacob Kirksey

AFFILIATION: Individual

Emily Garcia, Associate Commissioner of Educator Preparation, Certification and Enforcement, presented this item and explained the details of the Proposed Repeal of and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs.

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Ms. Childs, and carried unanimously to recommend that the State Board of Education take no action on the Proposed Repeal of and New 19 TAC Chapter 228, Requirements for Educator Preparation Programs.*

**MOTION AND VOTE:**

The meeting of the Committee on School Initiatives adjourned at 3:23 p.m.

CSI – 4/11/2024

