



# AGENDA

State Board of Education

February 2, 2024

# **STATE BOARD OF EDUCATION**

(updated February 2023, December 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

February 2, 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 January 30-February 2, 2024. Agenda items have been prepared and reviewed by Texas Education Agency staff and are presented for the board's discussion and consideration. Where appropriate, I have proposed an action.

Respectfully submitted,

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

Mike Morath  
Commissioner of Education

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

**SCHEDULE AND AGENDAS**

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

<b>Meeting Times January 30-February 2, 2024</b>	
<b><u>Tuesday, January 30, 2024</u></b>	
<b>10:00 a.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Wednesday, January 31, 2024</u></b>	
<b>12:30 p.m.</b>	<b>Committee of the Full Board (Room 1-104)</b>
<b><u>Thursday, February 1, 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, February 2, 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 Texas Education Agency website. The posted information contains links to board action items including rule items and rule text, and selected discussion items. Public comments on proposed rules may be submitted electronically. All agenda items and rule text are subject to change at any time prior to each board meeting. To the extent possible, copies of changes made after the agenda and the schedule are published will be available at the board meeting.

**TUESDAY**  
**January 30, 2024**  
**10:00 a.m.**

**COMMITTEE OF THE FULL BOARD – Room 1-104**

*Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.*

- 1. Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal**  
**(Second Reading and Final Adoption)**  
**([Board agenda page I-1](#))**

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

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (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. The proposed new rules would implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by defining the criteria to be used in the review and approval of instructional materials by the State Board of Education (SBOE) and the Texas Education Agency (TEA); defining requirements for publisher participation in the instructional materials review and approval (IMRA) process; and establishing rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§26.006, 31.003(a), 31.022, 31.023, and 31.151, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, and 31.154, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023.

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

- 2. Consideration for Approval of Instructional Materials Review Quality Rubrics**  
**(Board agenda page I-10)**

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

This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the initial set of quality rubrics for the Instructional Materials Review and Approval (IMRA) process. Statutory authority is the Texas Education Code (TEC), §§31.003(a), 31.022, and 31.023 as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

- 3. Consideration for Approval of Instructional Materials Review and Approval Process**  
**(Board agenda page I-12)**

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

This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the new Instructional Materials Review and Approval (IMRA) process and procedures. Texas Education Code (TEC), §31.003(a) and §31.023, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

- 4. Implementation of Instructional Materials Review Suitability Rubric**  
**(Board agenda page I-14)**

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

This item provides an opportunity for the State Board of Education (SBOE) to consider the implementation and application of the suitability criteria and rubric as part of the Instructional Materials Review and Approval (IMRA) process. The rubric defines the criteria to be used in the instructional materials review and approval process to determine suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed, as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023. Statutory authority is the Texas Education Code (TEC), §31.003 and §31.022, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.



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

5. **Adoption of Rule Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**  
**(Board agenda page I-22)**

**COMMITTEE - ACTION  
SBOE - CONSENT**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 66, Subchapters A–C, is Texas Education Code (TEC), §31.003(a), as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

6. **Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements, Subchapter B, Graduation Requirements, §74.12, Foundation High School Program, and §74.13, Endorsements**  
**(Board agenda page I-50)**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

This item provides an opportunity for the committee to discuss 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 and revise the requirements for endorsements that address CTE courses, as well as make technical edits. Statutory authority is the Texas Education Code (TEC), §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

**WEDNESDAY  
January 31, 2024**

**12:30 p.m.**

**COMMITTEE OF THE FULL BOARD – Room 1-104**

*Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for 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-58](#))**

**COMMITTEE - DISCUSSION  
SBOE - NO ACTION**

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

**2. Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021  
(Second Reading and Final Adoption)  
([Board agenda page I-59](#))**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC), Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021. The proposed amendment would correct punctuation errors in one student expectation. 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 OF THE FULL BOARD (continued)**

3. **Public Hearing on 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**  
**(Board agenda page I-64)**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

A public hearing before the State Board of Education (SBOE) is scheduled for Wednesday, January 31, 2024. Testimony will be presented regarding proposed revisions to the Texas Essential Knowledge and Skills (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. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(4); 28.002(a), (c), and (j), and 28.025(a) and (b-2)(2).

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

4. **Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920**  
**(First Reading and Filing Authorization)**  
**(Board agenda page I-66)**

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

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

5. **Update on Texas Essential Knowledge and Skills (TEKS) Review**  
**(Board agenda page I-70)**

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

This item provides the opportunity for staff to present an update on the review and revision of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS review and ELPS work groups. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), 28.025(a), and 29.051.

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

6. **Discussion 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-73)**

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

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

7. **Discussion of Pending Litigation**  
**(Board agenda page I-75)**

**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**  
**February 1, 2024**

**9:00 a.m.**

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

**Members: Audrey Young, chair; Evelyn Brooks, vice chair; Aicha Davis; Pam Little; and Melissa Ortega. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.**

*Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.*

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)  
(First Reading and Filing Authorization)  
([Board agenda page II-1](#))**

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

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12. Statutory authority is the Texas Education Code (TEC), §28.0023, as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

**COMMITTEE ON INSTRUCTION (continued)**

2. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (First Reading and Filing Authorization) (Board agenda page II-5)**

**COMMITTEE - ACTION  
SBOE – CONSENT**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED) in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR) be indicated on a student's academic achievement record. Statutory authority is the Texas Education Code (TEC), §7.102(c)(13).

3. **Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders (First Reading and Filing Authorization) (Board agenda page II-10)**

**COMMITTEE - ACTION  
SBOE - ACTION**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to dyslexia evaluation, identification, and instruction. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(28), 29.0031, and 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

**COMMITTEE ON INSTRUCTION (continued)**

**4. Approval of Updates and Substitutions to Adopted Instructional Materials**  
**(Board agenda page II-78)**

**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.



**THURSDAY**  
**February 1, 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. Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund (Second Reading and Final Adoption)  
([Board agenda page III-1](#))**

**COMMITTEE - ACTION  
SBOE - CONSENT**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund. The proposed amendment would reinsert information related to the Permanent School Fund (PSF) distribution policy that was mistakenly repealed when 19 TAC Chapter 33 was revised to implement Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved at first reading. Statutory authority is the Texas Constitution, Article VII, §5(a)(2) and (f).

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

2. **Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide (Second Reading and Final Adoption)**  
**(Board agenda page III-5)**

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

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG), Version 19, which would include allowable costs for dyslexia and related disorders added by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023. The FASRG provides accounting rules for school districts, open-enrollment charter schools, and education service centers. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

**THURSDAY**  
**February 1, 2024**

**9:00 a.m.**

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

**Members: Will Hickman, chair; LJ Francis, vice chair; Rebecca Bell-Metereau; Staci Childs; Julie Pickren. A quorum of the State Board of Education may attend the committee meeting and discuss items on the committee agenda.**

*Public testimony – Individual testimony will be taken at the time the related item comes up for committee discussion or action. The procedures for public testimony at State Board of Education committee meetings and general board meetings are provided in SBOE [Operating Rules](#) or in the information section of the agenda.*

- 1. Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners (First Reading and Filing Authorization) (Board agenda page IV-1)**

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

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law. Statutory authority is the Texas Education Code (TEC), §21.252(a).

- 2. Open-Enrollment Charter School Generation 29 Application Updates (Board agenda page IV-7)**

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

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

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

- 3. Rule Review of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters (Board agenda page IV-8)**

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

**COMMITTEE - DISCUSSION  
SBOE – NO ACTION**

- 4. Approval of Revisions to Required School Safety Training for School District Trustees (Board agenda page IV-12)**

This item provides an opportunity for the board to approve revisions to the school safety training curriculum for school district trustees. Statutory authority is the Texas Education Code (TEC), §11.159(b-1).

**COMMITTEE - ACTION  
SBOE – CONSENT**

- 5. Recommendation for One Reappointment to the Boys Ranch Independent School District Board of Trustees (Board agenda page IV-13)**

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

**COMMITTEE - ACTION  
SBOE – CONSENT**

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

6. **Recommendation for Two Reappointments to the Fort Sam Houston Independent School District Board of Trustees**  
**(Board agenda page IV-17)**

**COMMITTEE - ACTION  
SBOE – CONSENT**

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointments are necessary because the trustees' terms of office have expired. Statutory authority is the Texas Education Code (TEC), §11.352.

7. **Recommendation for One Appointment to the Lackland Independent School District Board of Trustees**  
**(Board agenda page IV-25)**

**COMMITTEE - ACTION  
SBOE – CONSENT**

This item provides an opportunity for the board to consider one appointment to the board of trustees of Lackland Independent School District (ISD). The appointment is necessary because one trustee has retired. Statutory authority is the Texas Education Code (TEC), §11.352.

8. **Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District**  
**(First Reading and Filing Authorization)**  
**(Board agenda page IV-32)**

**COMMITTEE - ACTION  
SBOE – CONSENT**

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

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

- 9. Discussion of Ongoing State Board for Educator Certification Activities**  
**(Board agenda page IV-37)**

**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.

- 10. Review of Proposed Amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements**  
**(Board agenda page IV-39)**

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

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.7, Requirements for Certificate Renewal, and §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendments would provide minor technical edits to clarify the existing hardship exemption processes established in rule, would implement the statutory requirements of House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, and would update the continuing professional education (CPE) training requirements to remove the limit on certain professional development hours that can be completed by classroom teachers and school counselors every five years for the purposes of standard certificate renewal. The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.7 is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code (TOC), §55.002 and §55.003. The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.11, is the TEC, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(d-2), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.0541; 21.0543; and 22.0831(f); and TOC, §55.002 and §55.003.

**COMMITTEE ON SCHOOL INITIATIVES (continued)**

**11. Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**  
**(Board agenda page IV-50)**

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

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions would implement Senate Bills (SBs) 422 and 544 and House Bill (HB) 621, 88th Texas Legislature, Regular Session, 2023. The proposed revisions would add military service members as being eligible to receive several of the provisions in place for military spouses; would add provisions to issue a three-year temporary certificate to eligible military veterans, peace officers, fire protection personnel, and emergency medical services personnel; and would also add provisions for the issuance of a one-year temporary certificate to certain instructors for the Community College of the Air Force. The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.0444, as added by HB 621, 88th Texas Legislature, Regular Session, 2023; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023; 21.054; and 21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(b); 55.006; 55.007; 55.008; 55.009; and 55.010.

## **Information Materials**

1. **State Board of Education Operating Rules (amended February 2, 2023)**  
*Public testimony information begins on page V-8.*  
**(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. **Annual Report of the Division of Financial Compliance**  
**(Board agenda page V-35)**

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2022-2023 audit plan, and the status of reports on the division's reviews.



**CONSENT AGENDA  
STATE BOARD OF EDUCATION  
February 2, 2024**

**(1) Adoption of Rule Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**

Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials. The statutory authority for the rule review is TGC, §2001.039. The statutory authority for 19 TAC Chapter 66, Subchapters A–C, is Texas Education Code (TEC), §31.003(a), as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) ..... I-22

**(2) Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021 (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC), Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021. The proposed amendment would correct punctuation errors in one student expectation. 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) ..... I-59

**(3) Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12. Statutory authority is the Texas Education Code (TEC), §28.0023, as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

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

**(4) Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript) (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED) in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR) be indicated on a student's academic achievement record. Statutory authority is the Texas Education Code (TEC), §7.102(c)(13).

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

**(5) 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-78

**(6) Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund (Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund. The proposed amendment would reinsert information related to the Permanent School Fund (PSF) distribution policy that was mistakenly repealed when 19 TAC Chapter 33 was revised to implement Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved at first reading. Statutory authority is the Texas Constitution, Article VII, §5(a)(2) and (f).

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

(7) **Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide  
(Second Reading and Final Adoption)**

This item presents for second reading and final adoption a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG), Version 19, which would include allowable costs for dyslexia and related disorders added by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023. The FASRG provides accounting rules for school districts, open-enrollment charter schools, and education service centers. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

(Agenda Exhibit) ..... III-5

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

This item provides an opportunity for the board to approve revisions to the school safety training curriculum for school district trustees. Statutory authority is the Texas Education Code (TEC), §11.159(b-1).

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

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

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

(Agenda Exhibit) ..... IV-13

(10) **Recommendation for Two Reappointments to the Fort Sam Houston Independent School District Board of Trustees**

This item provides an opportunity for the board to consider two reappointments to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointments are necessary because the trustees’ terms of office have expired. Statutory authority is the Texas Education Code (TEC), §11.352.

(Agenda Exhibit) ..... IV-17

**(11) Recommendation for One Appointment to the Lackland Independent School District Board of Trustees**

This item provides an opportunity for the board to consider one appointment to the board of trustees of Lackland Independent School District (ISD). The appointment is necessary because one trustee has retired. Statutory authority is the Texas Education Code (TEC), §11.352.

[\(Agenda Exhibit\)](#) ..... IV-25

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

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

[\(Agenda Exhibit\)](#) ..... IV-32

**OFFICIAL AGENDA**

**STATE BOARD OF EDUCATION  
AUSTIN, TEXAS**

**February 2, 2024  
9:00 a.m.**

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

**Student Performance**

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

**State Board of Education, November 17, 2023 & December 13, 2023**

**1. Resolutions**

Resolution honoring outgoing State Board of Education chair

Resolution regarding Career and Technical Education Month

Resolution honoring the 2023 winners of the MATHCOUNTS National Competition

Resolution honoring recipient of the 2023 Employer for Education Excellence Award

Resolution honoring the 2023 National Blue Ribbon Schools

*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.*

[\(Agenda Exhibit\)](#) ..... 20

**COMMITTEE OF THE FULL BOARD**

- 3. **Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal**  
**(Second Reading and Final Adoption)**

This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (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. The proposed new rules would implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by defining the criteria to be used in the review and approval of instructional materials by the State Board of Education (SBOE) and the Texas Education Agency (TEA); defining requirements for publisher participation in the instructional materials review and approval (IMRA) process; and establishing rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals. No changes are recommended since approved for first reading. Statutory authority is the Texas Education Code (TEC), §§26.006, 31.003(a), 31.022, 31.023, and 31.151, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, and 31.154, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023.

[\(Agenda Exhibit\)](#) ..... I-1

- 4. **Consideration for Approval of Instructional Materials Review Quality Rubrics**

This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the initial set of quality rubrics for the Instructional Materials Review and Approval (IMRA) process. Statutory authority is the Texas Education Code (TEC), §§31.003(a), 31.022, and 31.023 as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

[\(Agenda Exhibit\)](#) ..... I-10

- 5. **Consideration for Approval of Instructional Materials Review and Approval Process**

This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the new Instructional Materials Review and Approval (IMRA) process and procedures. Texas Education Code (TEC), §31.003(a) and §31.023, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

[\(Agenda Exhibit\)](#) ..... I-12

**6. Implementation of Instructional Materials Review Suitability Rubric**

This item provides an opportunity for the State Board of Education (SBOE) to consider the implementation and application of the suitability criteria and rubric as part of the Instructional Materials Review and Approval (IMRA) process. The rubric defines the criteria to be used in the instructional materials review and approval process to determine suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed, as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023. Statutory authority is the Texas Education Code (TEC), §§31.003 and §31.022, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

(Agenda Exhibit) ..... I-14

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

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

(Agenda Exhibit) ..... I-66

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

This item provides the opportunity for staff to present an update on the review and revision of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS review and ELPS work groups. Statutory authority for this action is the Texas Education Code (TEC), §§7.102(c)(4), 28.002(a) and (c), 28.025(a), and 29.051.

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

**COMMITTEE ON INSTRUCTION**

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

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to dyslexia evaluation, identification, and instruction. Statutory authority is the Texas Education Code (TEC), §§7.102(c)(28), 29.0031, and 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

(Agenda Exhibit) ..... II-10

**COMMITTEE ON SCHOOL INITIATIVES**

10. **Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners (First Reading and Filing Authorization)**

This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law. Statutory authority is the Texas Education Code (TEC), §21.252(a).

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



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

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.7, Requirements for Certificate Renewal, and §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendments would provide minor technical edits to clarify the existing hardship exemption processes established in rule, would implement the statutory requirements of House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, and would update the continuing professional education (CPE) training requirements to remove the limit on certain professional development hours that can be completed by classroom teachers and school counselors every five years for the purposes of standard certificate renewal. The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.7 is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code (TOC), §55.002 and §55.003. The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.11, is the TEC, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(d-2), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.0541; 21.0543; and 22.0831(f); and TOC, §55.002 and §55.003.

(Agenda Exhibit) ..... IV-39

**12. Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

This item provides the State Board of Education (SBOE) an opportunity to review the State Board for Educator Certification (SBEC) rule actions that would propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions would implement Senate Bills (SBs) 422 and 544 and House Bill (HB) 621, 88th Texas Legislature, Regular Session, 2023. The proposed revisions would add military service members as being eligible to receive several of the provisions in place for military spouses; would add provisions to issue a three-year temporary certificate to eligible military veterans, peace officers, fire protection personnel, and emergency medical services personnel; and would also add provisions for the issuance of a one-year temporary certificate to certain instructors for the Community College of the Air Force. The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.0444, as added by HB 621, 88th Texas Legislature, Regular Session, 2023; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023; 21.054; and 21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(b); 55.006; 55.007; 55.008; 55.009; and 55.010.

(Agenda Exhibit) ..... IV-50

## **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.

- 2. Annual Report of the Division of Financial Compliance**  
**(Board agenda page V-35)**

This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2022-2023 audit plan, and the status of reports on the division's reviews.

# **COMMITTEE OF THE FULL BOARD**

**Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal (Second Reading and Final Adoption)**

**February 2, 2024**

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

**SUMMARY:** This item presents for second reading and final adoption proposed new 19 Texas Administrative Code (TAC) Chapter 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. The proposed new rules would implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by defining the criteria to be used in the review and approval of instructional materials by the State Board of Education (SBOE) and the Texas Education Agency (TEA); defining requirements for publisher participation in the instructional materials review and approval (IMRA) process; and establishing rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§[26.006](#), [31.003\(a\)](#), [31.022](#), [31.023](#), and [31.151](#), as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, and [31.154](#), as added by HB 1605, 88th Texas Legislature, Regular Session, 2023.

TEC, §26.006, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires school districts and open-enrollment charter schools to make available access to instructional materials for parents via a parent portal if applicable.

TEC, §31.003(a), as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, permits the 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 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.

TEC, §31.151, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, permits the SBOE to determine the standard terms and conditions of instructional materials contracts.

TEC, §31.154, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, requires the SBOE to adopt standards for entities that supply instructional materials reviewed by TEA to make instructional materials supplied by the entity available on a parent portal hosted by the entity.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date would allow for the implementation of the IMRA process to occur in the summer of 2024 as planned by the SBOE.

**PREVIOUS BOARD ACTION:** At the November 2023 SBOE meeting, the Committee of the Full Board discussed proposed new 19 TAC Chapter 67. At the December 13, 2023 SBOE meeting, the board approved for first reading and filing authorization proposed new 19 TAC §§67.21, 67.23, 67.25, 67.81, and 67.83.

**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 June 2023 SBOE 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 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 SBOE meeting, the Committee of the Full Board discussed proposed new 19 TAC Chapter 67.

At the December 13, 2023 SBOE meeting, the board approved for first reading and filing authorization proposed new 19 TAC §§67.21, 67.23, 67.25, 67.81, and 67.83.

The proposed new sections would implement HB 1605 and incorporate the feedback provided by the board.

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

The TEA has determined that there are no additional costs to state or local government, 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 may impose a cost on regulated persons, another state agency, a special district, or a local government. However, these rules are necessary to implement legislation and, therefore, are 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, the proposed rulemaking would create new regulations regarding the review and approval of instructional materials, the requirements of publishers when hosting a publisher parent portal, and standard terms and conditions for approved instructional materials contracts in order to implement HB 1605, 88th Texas Legislature, Regular Session, 2023. The proposed rulemaking would require an increase in future legislative appropriations to the agency. The Texas Legislature funded this program through House Bill 1, Article IX, Section 18.78, 88th Texas Legislature, Regular Session, 2023; however, future legislative appropriations will be required to implement the process outlined by these proposed rules. The proposed rulemaking would positively affect the state's economy by allowing increased participation by publishers in the market for instructional materials in the state of Texas.

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

The proposal would ensure that adopted instructional materials continue to appropriately meet statutory and SBOE requirements prior to use by Texas teachers and students, that publishers hosting a publisher parent portal meet statutory and SBOE requirements, and that approved instructional materials contracts appropriately meet statutory and SBOE requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposed new sections 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 December 2023 SBOE meeting, notice of proposed new 19 TAC §§67.21, 67.23, 67.25, 67.81, and 67.83 was filed with the Texas Register, initiating the public comment period. The public comment period began December 29, 2023, and ended at 5:00 p.m. on January 29, 2024. A summary of public comments received will be provided to the SBOE prior to and during the January-February 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January-February 2024 in accordance with the SBOE board operating policies and procedures.

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

Approve for second reading and final adoption proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal; and

Make an affirmative finding that immediate adoption of proposed new 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal, is necessary and shall have an effective date of 20 days after filing with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

**Staff Members Responsible:**

Todd Davis, Associate Commissioner, Instructional Strategy

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, §67.21, 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



ATTACHMENT  
Text of Proposed New 19 TAC

**Chapter 67. State Review and Approval of Instructional Materials**

**Subchapter B. State Review and Approval**

**§67.21. Proclamations, Public Notice, and Requests for Instructional Materials for Review.**

- (a) Upon the adoption of revised Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall determine if the extent of the revisions have created a need to remove instructional materials from the list approved under Texas Education Code, §31.022.
- (b) The SBOE shall issue a proclamation calling for instructional materials if the determination in subsection (a) of this section results in a decision that a proclamation is necessary. The proclamation shall serve as notice to:
  - (1) all publishers to submit instructional material for review for the subject and grade level or course(s); and
  - (2) all publishers with approved instructional materials for the subject and grade level or course(s) that to remain on the list of approved materials, the publisher must submit new or revised materials or new information demonstrating alignment of current instructional materials to the revised TEKS or TPG.
- (c) The Texas Education Agency shall issue an annual request for instructional materials to notify all publishers and the public that submissions of instructional materials aligned to quality rubrics and the suitability rubric approved by the SBOE are being invited for review.
- (d) Each proclamation and annual request for instructional materials for review shall contain the following:
  - (1) information about and reference to applicable TEKS in each subject for which submissions are being invited;
  - (2) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation or annual request for instructional materials is issued;
  - (3) the requirement that a publisher grant electronic access to the instructional materials being submitted that complies to the specifications in the proclamation or annual request for instructional materials for review and may not submit a print copy;
  - (4) specifications for providing computerized files to produce accessible formats of approved instructional materials;
  - (5) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities; and
  - (6) a schedule of instructional materials review and approval procedures.

**§67.23. Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA).**

- (a) A publisher with approved materials shall comply with product standards and specifications.
- (b) Publishers participating in the adoption process are responsible for all expenses incurred by their participation.
- (c) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the Texas Education Agency (TEA). This does not apply to open education resource instructional materials as developed by TEA in accordance with Texas Education Code, Chapter 31, Subchapter B-1.

- (d) On or before the deadline established in the schedule of approval procedures, publishers shall submit correlations of instructional materials submitted for review in a format designated by the commissioner of education. Correlations shall be provided for materials designed for student use and materials designed for teacher use and include:
  - (1) evidence of coverage of each student expectation, in the context of the lesson, of the Texas Essential Knowledge and Skills required by the proclamation or the request for instructional materials for review; and
  - (2) evidence of alignment to the quality rubric indicators.
- (e) On or before the deadline established in the schedule of approval procedures, publishers shall certify that after exercising reasonable efforts, the submitted material complies with suitability standards and all applicable state laws.
- (f) A publisher that intends to offer instructional materials for review and approval shall comply with additional requirements included in a proclamation or the annual request for instructional materials for review.

**§67.25. Consideration and Approval of Instructional Materials by the State Board of Education.**

The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022 and §31.023. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:

- (1) for full-subject and partial-subject tier one instructional materials for foundation subjects as defined by TEC, §28.002(a)(1), the product components cover 100% of the Texas Essential Knowledge and Skills (TEKS) for the specific grade level and subject area when the proclamation or request for instructional materials was issued. In determining the percentage of the TEKS covered by instructional materials, each student expectation shall count as an independent element of the TEKS;
- (2) materials have been reviewed through the process required by TEC, §31.023;
- (3) materials are free from factual error, defined as a verified error of fact or any error that would interfere with student learning, including significant grammatical or punctuation errors;
- (4) materials meet the Web Content Accessibility Guidelines (WCAG) and meet the technical specifications of the Federal Rehabilitation Act, Section 508, as specified when a request for instructional materials or proclamation was issued;
- (5) materials conform to or exceed in every instance the latest edition of the Manufacturing Standards and Specifications for Textbooks (MSST), developed by the State Instructional Materials Review Association, when the proclamation or request for instructional materials was issued;
- (6) materials are compliant with the suitability standards adopted by the SBOE and are compliant with all applicable state laws; and
- (7) materials provide access to a parent portal as required by TEC, §31.154.

**Subchapter D. Duties of Publishers and Manufacturers**

**§67.81. Instructional Materials Contracts.**

- (a) The state contract for materials placed on the list of approved materials shall not be changed or modified without the approval of Texas Education Agency (TEA) legal counsel.

- (b) Contracts shall be sent to publishers for signature. Signed contracts returned by publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with TEA.
- (c) The publisher of instructional materials approved by the SBOE shall:
  - (1) enter into a contract with the SBOE for a term not to exceed an initial term of eight years; and
  - (2) commit to provide the instructional materials in the manner specified by the publisher in the official bid specified in §67.23 of this title (relating to Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA)).
- (d) The commissioner shall annually review contracts for instructional materials and present to the SBOE those contracts that are eligible for renewal.
- (e) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
  - (1) placement of subject areas in the Texas Essential Knowledge and Skills review schedule;
  - (2) willingness of publishers to renew contracts; and
  - (3) cost of instructional materials under a renewal contract.
- (f) Publishers awarded new contracts shall be prepared to make the approved instructional materials available for at least one contract renewal period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner. The SBOE may consider refusing to award future contracts to a publisher that, after receiving written notice to do so, refuses to rebid instructional materials at least once. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.
- (g) Contracts with publishers are subject to all provisions of Texas Education Code (TEC), Chapter 31.
- (h) This section does not apply to open education resource instructional material.

**§67.83. Publisher Parent Portal.**

- (a) Standards under this section apply to any publisher that supplies instructional materials that are reviewed by a review panel under Texas Education Code (TEC), §31.022 and §31.023, and placed on the list of approved instructional materials by the State Board of Education (SBOE) as outlined in TEC, §31.022.
- (b) Standards under this section apply to any instructional materials, including:
  - (1) full-subject tier one instructional material;
  - (2) open education resource instructional material;
  - (3) partial-subject tier one instructional material; and
  - (4) supplemental instructional material.
- (c) A publisher hosting an instructional materials parent portal must:
  - (1) include in the portal all components placed on the list of instructional materials approved by the SBOE, including teacher- and student-facing materials;
  - (2) for each school district or open-enrollment charter school that purchases the instructional materials, make the parent portal interoperable with any learning management system or online learning portal used by the district or charter school to assign, distribute, present, or make available instructional materials as defined by TEC, §31.002, to students;
  - (3) for instructional materials not available in a digital format, contain the instructional materials component International Standard Book Number (ISBN) or part number, title, edition, and author to allow a parent to locate a physical copy of the material;

- (4) allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends;
  - (5) optimize the portal for viewing on large monitors, laptops, tablets, and smartphone devices; and
  - (6) meet Web Content Accessibility Guidelines (WCAG) identified in the associated proclamation or annual request for instructional materials for review and any technical standards required by the Federal Rehabilitation Act, Section 508.
- (d) A publisher hosting an instructional materials parent portal may not:
- (1) include any instructional materials as defined by TEC, §31.002, that were not reviewed and placed on the approved materials list; or
  - (2) include any instructional materials on the portal that would undermine, subvert, or impede any local education agency or open-enrollment charter school from complying with TEC, §31.1011.

## Consideration for Approval of Instructional Materials Review Quality Rubrics

February 2, 2024

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

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the initial set of quality rubrics for the Instructional Materials Review and Approval (IMRA) process.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§31.003(a), 31.022, and 31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023.

TEC, §31.003(a), permits the 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.

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:** Draft IMRA Quality Rubrics were presented at the December 2023 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 revises 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. The SBOE will need to amend rules and take related action to align with the requirements of this legislation.

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.

Draft IMRA Quality Rubrics were presented at the November and December 2023 SBOE meetings.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would benefit the public through adding clarity to the instructional materials quality review and approval process resulting from the implementation of House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023. There is no anticipated economic cost to persons who are required to comply with the proposal.

**PUBLIC COMMENTS:** A summary of public feedback will be presented to the board at the January-February 2024 meeting.

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

Approve quality rubrics for the Instructional Materials Review and Approval (IMRA) process.

**Staff Members Responsible:**

Todd Davis, Associate Commissioner, Instructional Strategy

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

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

**Separate Exhibit:**

Summary of public feedback on draft IMRA Quality Rubrics  
(to be provided at the January-February 2024 SBOE meeting)

## Consideration for Approval of Instructional Materials Review and Approval Process

February 2, 2024

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

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to consider for approval the new Instructional Materials Review and Approval (IMRA) process and procedures.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §31.003(a) and §31.023, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

TEC, §31.003(a), as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

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 December 2023 meeting, the board discussed the proposed IMRA process and provided feedback to staff.

**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 revises Chapter 31, including several provisions under SBOE authority. HB 1605 also added a new provision to 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. The SBOE will need to amend rules and take related action to align with the requirements of this legislation.

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 meeting, the board discussed the proposed IMRA process and provided feedback to TEA staff.

**PUBLIC BENEFIT AND COST TO PERSONS:** In accordance with HB 1605, 88th Texas Legislature, Regular Session, 2023, the new IMRA process will provide clarification to publishers, districts, and the

public regarding the process and procedures for the review and SBOE approval of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

**PUBLIC COMMENTS:** A summary of public feedback will be presented to the board at the January-February 2024 meeting.

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

Approve the process and procedures for the new Instructional Materials Review and Approval (IMRA) process.

**Staff Members Responsible:**

Todd Davis, Associate Commissioner, Instructional Strategy

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

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

**Separate Exhibit:**

Instructional Materials Review and Approval Draft Process

(to be provided at the January-February 2024 SBOE meeting)



## Implementation of Instructional Materials Review Suitability Rubric

February 2, 2024

### COMMITTEE OF THE FULL BOARD: ACTION

### STATE BOARD OF EDUCATION: ACTION

**SUMMARY:** This item provides an opportunity for the State Board of Education (SBOE) to consider the implementation and application of the suitability criteria and rubric as part of the Instructional Materials Review and Approval (IMRA) process. The rubric defines the criteria to be used in the instructional materials review and approval process to determine suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed, as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

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

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 requires the SBOE to review instructional materials that have been provided to the board by the agency under TEC, §31.023. The SBOE is required to 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 TEC, §28.0062(a-1).

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

**PREVIOUS BOARD ACTION:** At the December 2023 meeting, the board approved 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.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Texas Education Code, Chapter 31, addresses instructional materials in public education and permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, passed by the 88th Texas Legislature, Regular Session, significantly revises Chapter 31 including several provisions under SBOE authority. HB 1605 also adds a new provision to TEC, Chapter 48, to provide additional funding to school districts and charter schools that adopt and implement SBOE approved materials. The bill adds requirements related to adoption of essential knowledge and skills in TEC, Chapter 28. The SBOE will need to amend rules and take related action to align with the requirements of this legislation.

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 possible criteria in existing statute that should be incorporated into a suitability rubric.

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.

As the board continues to define the IMRA process, this item provides the opportunity for the board to make any necessary adjustments to further clarify the manner in which suitability criteria will be applied as part of the IMRA process.

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would benefit the public through adding clarity to the instructional materials suitability review and approval process resulting from the implementation of House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023. There is no anticipated economic cost to persons who are required to comply with the proposal.

**Staff Members Responsible:**

Todd Davis, Associate Commissioner of Instructional Strategy

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

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

**Attachment:**

Approved Suitability Criteria

The IMRA Suitability Rubric will be presented for final approval by the State Board of Education at the January / February 2024 board meeting. The below represents the Suitability Rubric as approved at the December 13<sup>th</sup> special-called meeting for first reading.

## Instructional Materials Review and Approval: Suitability Rubric

### Section I. Overview

1. Purpose: The goal of the Instructional Materials (IM) Suitability Rubric is to provide guidance for determining that the IM is “suitable for the subject and grade level” per [Texas Education Code \(TEC\) Sec. 31.022\(a\)](#). Under the Instructional Materials and Review Approval process, IM will be reviewed on the basis of suitability, as well as quality, TEKS coverage, factual errors, and compliance with parent portal requirements.
2. Structure: The rubric is arranged by category with a suitability indicator and corresponding guidance supporting the indicator, if applicable.
3. Scoring: Suitability evaluations are intended to support LEAs in making decisions that best meet state expectations. IM are scored as Meets Suitability Indicator or Does Not Meet Suitability Indicator. The SBOE members will use the determinations provided by the reviewers to decide and vote on an IM’s suitability.

### Section II. Suitability Indicators

#### 1. Prohibition on Common Core

1.1. The IM is not designed to comply with common core state standards. ([Texas Education Code \(TEC\) Sec. 28.002\(b-1\)-\(b-4\)](#))

#### 2. Alignment with Public Education’s Constitutional Goal

2.1. In a way fitting for the intended subject and grade, the IM seeks to prepare children for self-governance, including by:

- 2.1.1. promoting citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights;
- 2.1.2. treating violence, if it appears, in the context of its cause and consequence and not presenting violence for reasons of unwholesome excitement or sensationalism;
- 2.1.3. presenting positive aspects of the United States and Texas, their heritage, and their abundant natural resources; and
- 2.1.4. not encouraging or condoning current activities that promote civil disorder, social strife, or disregard of the law. (SBOE Operating Rule Sec. 2.9(c)(4)(B)) This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.

2.2. The IM does not teach or require a practice prohibited by TEC Sec. 28.0022 (a)(4)(A)-(C):

- 2.2.1. one race or sex is inherently superior to another race or sex;
  - 2.2.2. an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
  - 2.2.3. an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
  - 2.2.4. an individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
  - 2.2.5. an individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
  - 2.2.6. meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
  - 2.2.7. the advent of slavery in the territory that is now the United States constituted the true founding of the United States;
  - 2.2.8. with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality; or
  - 2.2.9. include any materials developed through the 1619 Project. ([TEC Sec. 28.0022\(a\)\(4\)\(A\)-\(C\)](#))
3. Parental Rights and Responsibilities
- 3.1. The IM should recognize and not contradict that parents have the right to “direct the moral and religious training” of their children and the duty to support their children’s education. ([Texas Family Code Sec. 151.001 \(a\)](#))
4. Prohibition on Forced Political Activity
- 4.1. The IM does not compel teachers to discuss a widely debated and currently controversial topic of public policy or social affairs ([TEC 28.0022\(a\)\(1\)](#)) and supports teachers who choose to discuss them with material that allows them to explore the topic objectively and in a manner free from political bias. ([TEC 28.0022\(a\)\(2\)](#))
  - 4.2. The IM does not require or award a grade or course credit, including extra credit, for a student’s work for, affiliation with, or service learning in association with any organization engaged in:
    - 4.2.1. lobbying for legislation at the federal, state, or local level, if the student’s duties involve directly or indirectly attempting to influence:
      - 4.2.2. social or public policy or the outcome of legislation;
      - 4.2.3. social policy advocacy or public policy advocacy;
      - 4.2.4. political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
      - 4.2.5. participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy. ([TEC Sec. 28.0022\(a\)\(3\)](#))
5. Protecting Children’s Innocence

- 5.1. The IM does not include harmful material.
  - 5.2. The IM does not include obscene material.
  - 5.3. The IM does not include pervasively vulgar or educationally unsuitable material.
  - 5.4. The IM does not include sexually explicit material.
  - 5.5. The IM does not include sexually relevant material, subject to a requirement of the TEKS.
6. Promoting Sexual Health
    - 6.1. IM for Prekindergarten - grade 3 does not include instruction in human sexuality or topics of reproductive or sexual health. ([TAC Sec. 115.12-15](#))
    - 6.2. IM including human sexuality instruction will:
      - 6.2.1. present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
      - 6.2.2. devote more attention to abstinence from sexual activity than to any other behavior;
      - 6.2.3. emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing:
        - 6.2.3.1. pregnancy,
        - 6.2.3.2. sexually transmitted diseases,
        - 6.2.3.3. infection with human immunodeficiency virus or acquired immune deficiency syndrome, and
        - 6.2.3.4. the emotional trauma associated with adolescent sexual activity;
      - 6.2.4. direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent:
        - 6.2.4.1. pregnancy,
        - 6.2.4.2. sexually transmitted diseases, and
        - 6.2.4.3. infection with human immunodeficiency virus or acquired immune deficiency syndrome; and
      - 6.2.5. teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if contraception and condom use are included in the IM. ([TEC Sec. 28.004\(e\)](#))
    - 6.3. The IM does not contradict state policy regarding the protection of an unborn child. ([Texas Health and Safety Code Ch. 170A](#))
    - 6.4. The IM including human sexuality instruction will not contradict or subvert parental awareness of and involvement in human sexuality instruction. ([TEC Sec. 28.004\(c\)\(2\)\(D\), \(c\)\(6\), \(i\), \(i-2\), \(j\), \(j-1\), and \(j-2\)](#))
  7. Compliance with the Children’s Internet Protection Act (CIPA)
    - 7.1. The IM allows a school to be compliant with CIPA requirements. ([TEC Sec. 31.1011\(a\)\(1\)\(B\)\(i\)](#)); [USC Sec. 54.520](#))

### Section III. Guidance to Suitability Indicators

1. Prohibition on Common Core
  - 1.1. Materials do not reference or allude to "Common Core State Standards" explicitly or implicitly. The materials terminology, instructional methodology, and assessment styles predominantly display alignment with TEKS, where appropriate.
  - 1.2. Materials are aligned to the Texas Essential Knowledge and Skills (TEKS).
2. Alignment with Public Education's Constitutional Goal
  - 2.1. Guidance:
    - 2.1.1. Preparing students for self-governance consists of cultivating in students an informed American patriotism and leading students in a close study of the founding documents of the United States and Texas to achieve the following objectives:
      - 2.1.1.1. Increase students' knowledge of the deepest and noblest purposes of the United States and Texas;
      - 2.1.1.2. Enhance students' intellectual independence so that students may become thoughtful, informed citizens who have an appreciation for the fundamental democratic principles of our state and national heritage, including as a constitutional republic; and
      - 2.1.1.3. Guide students toward understanding and functioning productively in a free enterprise society. ([TEC 4.001\(b\)](#))
    - 2.1.2. Materials do not contradict the constitutional purpose of public education of promoting a deep understanding of self-governance by advocating for opposing ideals through documents, political or economic theories, or key figures.
    - 2.1.3. If violence is depicted, materials handle it with care, providing context around its cause and consequence.
  - 2.2. Guidance:
    - 2.2.1. Materials do not teach, instruct, or train any administrator, teacher, or staff member of school to adopt a concept listed under Category II, Suitability Indicator 2. ([TEC Sec. 28.0022 \(a\)\(4\)\(B\)](#))
    - 2.2.2. Materials do not incorporate or rely on content developed through the 1619 Project or any of the concepts perpetuated by the 1619 Project, including lessons, articles, or references, but rather depict the founding of the United States primarily in relation to the Declaration of Independence in 1776 and do not position the arrival of the first enslaved Africans in 1619 as the true founding of the nation. ([TEC Sec. 28.0022 \(a\)\(4\)\(C\)](#))
    - 2.2.3. Materials should honestly address the history of slavery and should not frame it as the sole defining factor of the American experience.
3. Parental Rights and Responsibilities
  - 3.1. Materials recognize and uphold the rights of parents, ensuring content aligns with the principle that parents have the right to direct the moral and religious training of their children.
4. Prohibition on Forced Political Activity
  - 4.1. Materials do not favor or promote specific political ideologies, ensuring unbiased

representation throughout and provide clear flexibility for educators without enforcing mandatory scripts or dictating specific viewpoints on any topic. When addressing debated topics, materials offer a balanced presentation of multiple perspectives without prioritizing one over the others.

5. Protecting Children’s Innocence
  - 5.1. “Harmful Material” ([Texas Penal Code \(TPC\) Sec. 43.24](#)): means material whose dominant theme taken as a whole:
    - 5.1.1. appeals to the prurient interest of a minor, in sex, nudity, or excretion;
    - 5.1.2. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
    - 5.1.3. is utterly without redeeming social value for minors.
  - 5.2. “Obscene Material” ([TPC Sec. 43.21\(a\)\(1\)](#)): means material or a performance that:
    - 5.2.1. the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
    - 5.2.2. includes any content described by [TPC Sec. 43.21\(a\)\(1\)\(B\)](#); and
    - 5.2.3. taken as a whole, lacks serious literary, artistic, political, and scientific value.
  - 5.3. “Pervasively Vulgar or Educationally Unsuitable Material” ([Island Trees School District v. Pico \(1982\)](#)): In a plurality opinion, the U.S. Supreme Court explained that it would not be unconstitutional to exclude materials for pervasive vulgarness or educational unsuitability as long as the removal was not due to viewpoint discrimination.
  - 5.4. “Sexually Explicit Material” ([TEC Sec. 33.021\(a\)](#)): means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file that describes, depicts, or portrays sexual conduct, as defined by [TPC Sec. 43.25\(a\)\(2\)](#), in a way that is patently offensive, as defined by [TPC Sec. 43.21\(a\)\(4\)](#).
  - 5.5. “Sexually Relevant Material” ([TEC 35.001\(3\)](#)): means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file that describes, depicts, or portrays sexual conduct, as defined by [TPC Sec. 43.25\(a\)\(2\)](#).
6. Promoting Sexual Health
  - 6.1. Materials including visual aids, texts, illustrations, and examples maintain a clear boundary from human sexuality and reproductive health topics, focusing instead on age-appropriate and non-sexual health information.
  - 6.2. N/A
  - 6.3. The IM does not promote or encourage abortion as a pregnancy option.
  - 6.4. Guidance:
    - 6.4.1. Materials align with and respect parental rights and involvement, ensuring no content undermines parents' roles in human sexuality education.
7. Compliance with the Children’s Internet Protection Act (CIPA)

- 7.1. Materials, including digital and computer-generated images are devoid of visual depictions that are obscene, child pornography, or harmful. No visuals hint or allude to sexually explicit conduct, especially with minors.
- 7.2. Content is age-appropriate, aligning with the intended audience's maturity.
- 7.3. External online resources, if linked, align with CIPA standards. All linked resources are pre-screened to ensure they don't host or redirect to non-compliant content.
- 7.4. User-generated sections (comments, forums) have preventative and corrective measures against CIPA violations. Clear guidelines and moderation tools are in place to manage user content.
- 7.5. Materials note continuous updates ensure the material's alignment with CIPA standards, accounting for evolving online content dynamics.
- 7.6. Content providers offer written assurances or certifications of their material's CIPA compliance.



**Adoption of Rule Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**

**February 2, 2024**

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

**SUMMARY:** Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. This item presents the adoption of review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. The rules being reviewed establish procedures for the adoption, purchase, and distribution of instructional materials.

**STATUTORY AUTHORITY:** The statutory authority for the rule review is [TGC, §2001.039](#). The statutory authority for 19 TAC Chapter 66, Subchapters A–C, is Texas Education Code (TEC), [§31.003\(a\)](#), as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

TGC, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §31.003(a), as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials.

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

**PREVIOUS BOARD ACTION:** The review of 19 TAC Chapter 66, Subchapters A, B, and C was presented to the Committee of the Full Board for discussion at the November 2023 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Rules in 19 TAC Chapter 66, Subchapter A, outline general provisions for instructional materials such as manufacturing standards and specifications and administrative penalties for violations of statute. Subchapter B addresses the adoption of instructional materials, covering topics such as proclamation, public notice, and schedule for adopting instructional materials; requirements for publisher participation; procedures for handling of samples and public access to samples; public comment on instructional materials; adding content during panel review and during the public comment period; and updates to adopted instructional materials. Subchapter C specifies requirements for publishers to provide each school district with certain information about materials submitted for adoption and outlines the district's responsibility in selecting and maintaining instructional materials. The SBOE maintains authority to adopt rules on instructional materials; therefore, the need for the rules in Subchapters A-C remains.

HB 1605, 88th Texas Legislature, Regular Session, 2023, implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters A–C, will continue to apply to instructional materials adopted under Proclamation 2024 and before. A separate action item in this agenda presents for second reading and final adoption-new rules to begin implementing the changes made by HB 1605, and the new rules would apply to all future calls for instructional materials.

**PUBLIC COMMENTS:** The TEA filed the notice of proposed review of 19 TAC Chapter 66, Subchapters A–C, with the Texas Register following the November 2023 SBOE meeting. The public comment period on the proposed review began December 29, 2023, and ended at 5:00 p.m. on January 29, 2024. At the time this item was prepared, no comments had been received regarding this review. Any public comments received will be provided to the SBOE during the January-February 2024 meeting. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in January-February 2024 in accordance with the SBOE operating policies and procedures.

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

Adopt the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations

**Staff Member Responsible:**

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

**Attachment:**

Text of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations

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

**Chapter 66. State Adoption and Distribution of Instructional Materials**

**Subchapter A. General Provisions**

**§66.4. Requirement for Registers.**

- (a) A register shall be kept by the commissioner of education and appropriate staff of the Texas Education Agency (TEA) to record all personal contacts with publishers, their representatives, agents, authors, consultants, editors, depositories, or any other person who has received or expects to receive any money, thing of value, or financial benefit for an appearance; or contact regarding any instructional materials submitted and being considered for State Board of Education (SBOE) approval.
- (b) Publishers shall file with the commissioner of education, on or before a date specified in the schedule of adoption procedures in each proclamation, a register indicating all visits, meetings, or contacts with SBOE members, including the date, time, location, and purpose of the communication.

*Statutory Authority: The provisions of this §66.4 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.030, and 31.151.*

*Source: The provisions of this §66.4 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective May 5, 2016, 41 TexReg 3137.*

**§66.10. Procedures Governing Violations of Statutes--Official Complaints.**

- (a) An official complaint alleging a violation of the Texas Education Code (TEC), §31.151, or a rule implementing that section, for an instructional material adopted by the State Board of Education (SBOE) shall be filed with the commissioner of education. An official complaint shall be made on a form prescribed by the commissioner of education.
- (b) The complaint form shall require:
  - (1) a citation to the specific provision under the TEC, §31.151, or rule for which a violation is alleged;
  - (2) identification of the publisher or manufacturer responsible for the alleged violation;
  - (3) facts showing that a likely violation has occurred such as identification of the particular instructional material and page number where each alleged error occurs; and
  - (4) signature and contact information of the person complaining of the alleged violation.
- (c) If a complainant fails to submit a properly completed complaint form after being given an opportunity to make corrections, the allegations will not be reviewed by the commissioner of education and will not be submitted to the SBOE.
- (d) An allegation of a factual error in instructional materials currently under consideration by the SBOE for adoption may not be submitted as an official complaint but must be submitted to the SBOE in accordance with relevant provisions in this chapter.
- (e) After investigating an official complaint or an allegation brought forward by the Texas Education Agency (TEA) staff, the commissioner of education shall recommend to the SBOE in writing whether to hold a hearing concerning an administrative penalty under the TEC, §31.151.
- (f) The commissioner of education shall provide the recommendation to the complainant, if any; the publisher or manufacturer accused of the alleged violation; and members of the SBOE.
- (g) If the SBOE receives a recommendation under subsection (f) of this section, the SBOE chair may include the item for consideration on a future SBOE agenda. If the item is placed on the agenda, TEA staff will present the recommendation.
- (h) Upon a vote by the SBOE that a hearing shall be held to determine whether a penalty should be assessed, a hearing will be heard before the State Office of Administrative Hearing in accordance with Chapter 157 of

this title (relating to Hearings and Appeals). The SBOE shall request either the commissioner of education or the Attorney General to present the case before the State Office of Administrative Hearings.

- (i) If the parties before the State Office of Administrative Hearings come to an agreement for settling the case, the issue of whether the agreement should be accepted will be placed on a future SBOE agenda.

*Statutory Authority: The provisions of this §66.10 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.030, and 31.151.*

*Source: The provisions of this §66.10 adopted to be effective May 5, 2016, 41 TexReg 3137.*

#### **§66.15. Administrative Penalty.**

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

- (1) an administrative penalty for selling instructional materials with factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer of instructional materials who sells instructional materials that have been adopted by the SBOE and contain factual errors unless, within 60 days of knowledge of the factual error, the publisher or manufacturer corrects the factual error, including revising web-based instructional materials, providing corrective materials to public schools that have received material containing the factual error, and ensuring no further distribution of materials occurs without correction of the error; or
  - (2) an administrative penalty for failure to correct factual errors. The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to correct a factual error, including:
    - (A) failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title (relating to Requirements for Publisher Participation);
    - (B) failure to correct a factual error identified in the report of the commissioner of education under §66.63(e) of this title (relating to Report of the Commissioner of Education) and required by the SBOE; or
    - (C) failure to correct a factual error identified and required by the SBOE prior to the adoption of the instructional material.
  - (3) an administrative penalty for a factual error in an instructional material that occurs through updates to the materials by the publisher when the updates did not comply with requirements for updating materials, including the requirements under §66.75 of this title (relating to Updates to Adopted Instructional Materials) and §66.76 of this title (relating to New Editions of Adopted Instructional Materials). Penalties imposed under this paragraph shall:
    - (A) not be subject to penalty limitations imposed by subsection (h) of this section or any other section of this title;
    - (B) be of a sufficient amount to deter future violations; and
    - (C) be based on a timeframe beginning at the time the factual error first appeared in instructional materials delivered to a public school, unless mitigating circumstances suggest otherwise.
- (g) For purposes of this section:
- (1) a factual error shall be defined as a verified error of fact or any error that would interfere with student learning. The context, including the intended student audience and grade level appropriateness, shall be considered;
  - (2) a factual error repeated in a single item or contained in both the student and teacher components of instructional material shall be counted once for the purpose of determining penalties. An identical error in materials with multiple components and formats shall be counted as one error; and
  - (3) a penalty may be assessed for failure to correct a factual error identified in the list of corrections submitted by a publisher under §66.28(c)(11) of this title or for failure to correct a factual error identified in the report of the commissioner of education under §66.63(a) of this title and required by the SBOE. The publisher shall identify errata in an appropriate manner.
- (h) For purposes of subsection (f)(2) of this section, a penalty of \$5,000 shall be assessed for each failure to correct a factual error:
- (1) after the deadline established in the proclamation by which publishers must have submitted corrected samples of adopted instructional materials for violations of subsection (f)(2)(A) of this section; or
  - (2) prior to distribution to public schools after the SBOE has identified the factual error for violations of subsection (f)(2)(B) and (C) of this section.

- (i) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(5), or a rule implementing those provisions.
- (j) The SBOE may assess an administrative penalty against a publisher or manufacturer who violates the TEC, §31.151(a)(6), (7), or (8), or a rule implementing those provisions, including:
  - (1) a penalty for failure to deliver adopted instructional materials, including teacher components, in a timely manner or in the quantities the school district or open-enrollment charter school is eligible to receive as specified in the publisher's bid; and
  - (2) a penalty for failure to deliver adopted instructional materials, including teacher components, in accordance with provisions in the contracts if the failure extends beyond 45 days.
- (k) The SBOE may assess an administrative penalty against a publisher or manufacturer who fails to maintain a website or provide a suitable alternative for conveying the information in the website, or who otherwise fails to meet the requirements of §66.29 of this title (relating to Websites in State-Adopted Instructional Materials).
- (l) The SBOE may, if circumstances warrant, waive or vary penalties contained in this section for first or subsequent violations based on the seriousness of the violation, any history of a previous violation or violations, the amount necessary to deter a future violation, any effort to correct the violation, and any other matter justice requires.
- (m) Each affected publisher shall issue credit to the TEA in the amount of any penalty imposed under the provisions of this section. When circumstances warrant it, the TEA is authorized to require payment of penalties in cash within ten days. Each affected publisher who pays a fine for failure to deliver adopted instructional materials in a timely manner will not be subject to the liquidated damages provision in the publisher's contract for the same failure to deliver adopted instructional materials in a timely manner.
- (n) All administrative penalties shall be credited to the public schools instructional materials allotment funds under the TEC, §31.0212.

*Statutory Authority: The provisions of this §66.15 issued under the Texas Education Code, §§31.002, 31.003, 31.023, 31.035, and 31.151(b).*

*Source: The provisions of this §66.15 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective January 11, 2021, 46 TexReg 301.*

## **Subchapter B. State Adoption of Instructional Materials**

### **§66.21. Review and Adoption Cycle.**

- (a) The State Board of Education (SBOE) shall adopt a review and adoption cycle for instructional materials for prekindergarten and for elementary and secondary grade levels for each subject in the required curriculum.
- (b) In adopting the cycle, the SBOE:
  - (1) is not required to review and adopt instructional materials for all grade levels in a single year; and
  - (2) shall give priority to instructional materials in the following subjects:
    - (A) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised and for which assessment instruments are required under the Texas Education Code (TEC), Chapter 39, Subchapter B, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n);
    - (B) foundation curriculum subjects for which the essential knowledge and skills have been substantially revised, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n);

- (C) foundation curriculum subjects not described by subparagraph (A) or (B) of this paragraph, including career and technical education courses that satisfy foundation curriculum requirements as provided by the TEC, §28.002(n); and
  - (D) enrichment curriculum subjects.
- (3) The adoption cycle for subjects in the foundation curriculum shall be organized so that instructional materials for not more than one-fourth of the subjects in the foundation curriculum are reviewed each biennium. A full and complete investigation of instructional materials for each subject in the foundation curriculum shall occur every eight years unless content of instructional materials for a subject is sufficiently current. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.
  - (4) The adoption cycle for subjects in the enrichment curriculum shall be organized so that placement of a subject in the cycle is based on the need for up-to-date materials that align to revised Texas essential knowledge and skills or the addition of new courses. Estimated expenditures and historical or expected legislative appropriations shall be considered when determining placement of subjects in the cycle.

*Statutory Authority: The provisions of this §66.21 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.21 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137.*

**§66.27. Proclamation, Public Notice, and Schedule for Adopting Instructional Materials.**

- (a) Texas Education Code (TEC), §31.002, defines instructional materials as content that conveys the essential knowledge and skills of a subject in the public-school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book; supplementary materials; a combination of a book, workbook, and supplementary materials; computer software; magnetic media; DVD; CD-ROM; computer courseware; online services; or an electronic medium or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.
- (b) Upon the adoption of revised Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall conduct an investigation to determine the extent of the revisions and whether revisions have created a need for new instructional materials.
- (c) The SBOE shall issue a proclamation calling for instructional materials according to the review and adoption cycle adopted by the SBOE if the investigation required in subsection (b) of this section results in the determination that a proclamation is necessary. The proclamation shall serve as notice to all publishers and to the public that bids to furnish new materials to the state are being invited and shall call for:
  - (1) new instructional materials aligned to all of the TEKS for a specific subject and grade level or course(s) or to the TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage;
  - (2) supplemental material aligned to new or expanded TEKS for a specific subject and grade level or course(s) or to new or expanded TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage;
  - (3) new information demonstrating alignment of current instructional materials to the revised TEKS for a specific subject and grade level or course(s) or the revised TPG and to TEC, §28.002(h), as it relates to that specific subject in understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage; or
  - (4) any combination of the calls described by paragraphs (1)-(3) of this subsection.

- (d) The essential knowledge and skills adopted in this title effective in the year in which instructional materials are intended to be made available in classrooms are the SBOE's official rule governing essential knowledge and skills that shall be used to evaluate instructional materials submitted for consideration under the corresponding proclamation.
- (e) The essential knowledge and skills that will be used to evaluate instructional materials submitted for consideration under a proclamation and a copy of each proclamation issued by the SBOE may be accessed from the Texas Education Agency website and are available for examination during regular office hours, 8:00 a.m. to 5:00 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.
- (f) Proclamations calling for supplemental materials or new information only shall be issued at least 12 months before the scheduled adoption of instructional materials. Proclamations that include a call for complete new materials to cover all of the TEKS or TPG shall be issued at least 18 months before the scheduled adoption of the new instructional materials.
- (g) Each proclamation shall contain the following:
  - (1) information about and reference to essential knowledge and skills in each subject for which bids are being invited;
  - (2) the requirement that a publisher of adopted instructional materials for a grade level other than prekindergarten must submit an electronic pre-adoption sample of the instructional materials as required by the TEC, §31.027(a) and (b), and may not submit a print sample copy;
  - (3) the requirement that electronic samples include a word search feature;
  - (4) the requirement that publishers file with the Texas Education Agency (TEA) print samples, electronic samples in an open file format or closed format, or galley proofs for use by state review panels;
  - (5) the student enrollment of the courses or grade levels called for, to the extent that it is available, for the school year prior to the year in which the proclamation is issued;
  - (6) specifications for providing computerized files to produce braille versions of adopted instructional materials;
  - (7) specifications for ensuring that electronic instructional materials are fully accessible to students with disabilities;
  - (8) a schedule of adoption procedures; and
  - (9) an option for the submission of open education resource instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (h) The proclamation shall require the instructional materials submissions to cover:
  - (1) content essential knowledge and skills for the subject area and grade level or course for which the materials are intended:
    - (A) at least once in the student text narrative; and
    - (B) once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; and
  - (2) process essential knowledge and skills:
    - (A) at least once in the student text narrative and once in an end-of-section review exercise, an end-of-chapter activity, or a unit test; or
    - (B) twice in an end-of-section review exercise, an end-of-chapter activity, or a unit test.
- (i) A proclamation for prekindergarten materials shall require the instructional materials submissions to cover the end-of-year outcomes at least twice in the teacher materials and as deemed developmentally appropriate in the student materials. The coverage must include both an opportunity for the teacher to teach and the student to practice or demonstrate the knowledge or skill.



- (j) A draft copy of the proclamation shall be provided to each member of the SBOE and posted on the TEA website, and the TEA shall solicit input regarding the draft proclamation prior to its scheduled adoption by the SBOE. Any revisions recommended as a result of input from publishers shall be presented to the SBOE along with the subsequent draft of the proclamation.
- (k) If the SBOE determines that good cause as defined by the SBOE exists, the SBOE may adopt an emergency, supplementary, or revised proclamation without complying with the timelines and other requirements of this section.
- (l) The SBOE may issue a proclamation for instructional materials eligible for midcycle review. The midcycle adoption process shall follow the same procedures as the regular adoption except to the extent specified in this subsection.
  - (1) The midcycle proclamation shall include a fee not to exceed \$10,000 for each program or system of instructional materials intended for a certain subject area and grade level or course submitted for midcycle review. Publishers participating in the midcycle review process are responsible for all expenses incurred by their participation.
  - (2) A publisher that intends to offer instructional materials for midcycle review shall commit to provide the instructional materials to school districts in the manner specified by the publisher. The manner in which instructional materials are provided may include:
    - (A) providing the instructional materials to any district in a regional education service center area identified by the publisher; or
    - (B) providing a certain maximum number of instructional materials specified by the publisher.
  - (3) The publisher of instructional materials submitted for midcycle review shall enter into a contract with the SBOE for a term that ends at the same time as any contract entered into by the SBOE for instructional materials for the same subject and grade level.
  - (4) The publisher of instructional materials submitted for midcycle review is not required to provide samples to education service centers or school districts as specified in the TEC, §31.027.
  - (5) The publisher of instructional materials submitted for midcycle review shall make available one electronic examination copy of each submitted instructional materials product, including materials intended for teacher use and ancillaries, to each SBOE member upon that member's request, beginning on the date in the adoption schedule when publishers file their samples at the TEA. The state does not guarantee return of these SBOE-requested materials.

*Statutory Authority: The provisions of this §66.27 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.27 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1997, 22 TexReg 3779; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.28. Requirements for Publisher Participation.**

- (a) A publisher with adopted materials shall comply with product standards and specifications.
  - (1) Hard copy instructional materials adopted by the State Board of Education (SBOE) shall comply with the standards in the latest edition of Manufacturing Standards and Specifications for Textbooks approved by the National Advisory Commission on Textbook Specifications, as applicable. A publisher shall file a statement certifying instructional materials submitted for consideration will meet applicable product standards and specifications if adopted. Each statement must be made in a format designated by the commissioner of education, signed by a company official, and filed on or before the deadline specified in the schedule of adoption procedures in

each proclamation. If the commissioner determines that good cause exists, the commissioner may approve an exception for a specific portion or portions of this requirement.

- (2) A publisher that offers electronic instructional materials must provide a report for each electronic component that verifies that the components follow the Web Content Accessibility Guidelines (WCAG) identified in the proclamation and technical standards required by the Federal Rehabilitation Act, Section 508. The report must be prepared by an independent third party and be based on an audit testing a random sampling of each different type of electronic component as outlined in each proclamation. If applicable, the number of pages to be audited to meet the requirements in the proclamation shall be determined by the publisher.
  - (3) A publisher that provides access to materials to students with disabilities through an alternate format shall include a link to that material on the entrance page of the main product.
  - (4) Materials delivered online shall meet minimum web-based standards.
  - (5) If, during the contract period, the commissioner determines that any adopted instructional materials have faulty manufacturing characteristics or are made of inferior materials, the materials shall be replaced by the publisher without cost to the state.
  - (6) If, during the contract period, the commissioner determines that any publisher's adopted instructional materials do not comply with the WCAG standards identified in the proclamation or the technical standards required by the Federal Rehabilitation Act, Section 508, the publisher's instructional materials contract may be presented to the SBOE for termination.
  - (7) A publisher of adopted instructional materials shall make available samples that meet the requirements of this subsection to an SBOE member upon that member's request, beginning on the date the publishers are required to submit their final samples to the Texas Education Agency (TEA).
- (b) Publishers participating in the adoption process are responsible for all expenses incurred by their participation.
- (c) A publisher that intends to offer instructional materials for adoption shall submit a statement of intent to bid on or before the date specified in the schedule of adoption procedures.
- (1) The statement of intent to bid shall be submitted in a format designated by the commissioner.
  - (2) A publisher shall indicate in the statement of intent to bid the percentage of Texas essential knowledge and skills or Texas Prekindergarten Guidelines that the publisher believes are sufficiently covered in each instructional materials submission.
  - (3) A publisher shall specify hardware and system requirements needed to review any item included in an instructional materials submission.
  - (4) Additions to a publisher's statement of intent to bid shall not be accepted after the deadline for filing statements of intent to bid, except as allowed in the schedule of adoption procedures included in a proclamation.
  - (5) A publisher that intends to offer instructional materials for midcycle review shall submit a statement of intent to bid and price information on or before the date specified in the schedule of adoption procedures under midcycle review. The statement of intent to bid must:
    - (A) specify the manner in which instructional materials will be provided to school districts as specified in §66.27(k)(2) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials); and
    - (B) include payment of the fee for review of instructional materials submitted for midcycle review.
- (d) A publisher that intends to offer instructional materials for review shall comply with the following requirements for providing pre-adoption samples.
- (1) Complete electronic samples of student and teacher components of instructional materials shall be provided to the TEA and the 20 regional education service centers (ESCs) on or before the date

specified in the schedule of adoption procedures in a proclamation. Samples submitted for review shall be complete versions of the final product and must include all content intended to be in the final product, not just the content identified in the correlations. Samples of electronic products must be fully functional for review purposes and meet any other specifications identified in the proclamation. The original sample submission must remain unchanged through the entire review and adoption process, though updated samples can be added to the publisher's submission. These samples are copyrighted by the publisher and are not to be downloaded for use in classrooms or for any purpose other than public review.

- (2) A publisher of prekindergarten materials is not required to submit electronic samples of submitted prekindergarten instructional materials. Samples of submitted prekindergarten materials must match the format of the products to be provided to schools upon ordering.
  - (3) Electronic samples must be free of sales or marketing materials.
  - (4) These samples shall be made available electronically for public review. Publishers of instructional content accessed electronically shall provide all necessary information, such as locator and login information and passwords, required to ensure public access to their programs throughout the review period.
  - (5) If the commissioner determines that good cause exists, the commissioner may extend the deadline for filing samples with ESCs. At its discretion, the SBOE may remove from consideration any materials proposed for adoption that were not properly supplied to the ESCs, the TEA, or SBOE members.
  - (6) A publisher shall provide a complete description of all student and teacher components of an instructional materials submission.
  - (7) On request of a school district, a publisher shall provide an electronic sample of submitted instructional materials and may also provide print sample copies.
  - (8) One sample copy of each student and teacher component of an instructional materials submission shall be provided for each member of the appropriate state review panel in accordance with instructions provided by the TEA. Samples for review must be as free from factual and editorial error as possible and reflect the quality of the final product intended to go into classrooms. Publishers have the option to provide reviewers with print samples, electronic samples in an open file format or closed format, or galley proofs. An electronic sample of print instructional materials must be offered in a format that simulates the print or "view only" version and that does not contain links to external sources. To ensure that the evaluations of state review panel members are limited to student and teacher components submitted for adoption, publishers shall not provide ancillary materials or descriptions of ancillary materials to state review panel members. The state does not guarantee return of sample instructional materials.
  - (9) The TEA, ESCs, and participating publishing companies shall work together to ensure that hardware or special equipment necessary for review of any item included in a student and/or teacher component of an instructional materials submission is available in each ESC. Participating publishers may be required to lend such hardware or special equipment to any member of a state review panel who does not have access to the necessary hardware or special equipment.
  - (10) Electronic samples must allow for multiple, simultaneous user access and be equipped with a word-search feature.
- (e) The TEA may request additional samples if they are needed.
- (f) A publisher that intends to offer instructional materials for adoption shall comply with the following bid requirements.
- (1) Publishers shall file official bids with the commissioner according to the schedule of adoption procedures and in a manner designated by the commissioner.
  - (2) The official bid filed by a publisher shall include separate prices for each item included in an instructional materials submission. A publisher shall guarantee that individual items included in

the student and/or teacher component are available for local purchase at the individual prices listed for the entire contract period.

- (3) A publisher may submit supplemental bids with new package options or lower prices for existing packages or components according to the schedule of adoption procedures included in the proclamation if the publisher filed an initial bid for that course or grade level by the deadline in the schedule of adoption procedures. Supplemental bids may not be submitted for prices higher than were provided in the initial bids.
- (g) Each instructional material or ancillary material that is offered as part of a bundle must also be available for purchase individually.
- (h) A publisher that intends to offer instructional materials for adoption shall comply with the following additional requirements.
  - (1) A publisher shall submit to the TEA a signed affidavit including the following:
    - (A) certification that each individual whose name is listed as an author or contributor of the instructional materials contributed to the development of the instructional materials;
    - (B) a general description of each author's or contributor's involvement in the development of the instructional materials; and
    - (C) certification that all corrections required by the commissioner and SBOE have been made.
  - (2) Student materials offered for possible adoption may include consumable components in subjects and grade levels in which consumable materials are not specifically called for in the proclamation. In such cases, publishers must meet the following conditions.
    - (A) The per student price of the materials must include the cost of replacement copies of consumable student components for the full term of the adoption and contract, including any extensions of the contract terms, but for no more than 12 years. The offer must be set forth in the publisher's official bid.
    - (B) The publisher's official bid shall contain a clear explanation of the terms of the sale, including the publisher's agreement to supply consumable student materials for the duration of the contract and extensions as noted in subparagraph (A) of this paragraph.
    - (C) The publisher and the school district shall determine the manner in which consumable student materials are supplied beyond the initial order year.
- (i) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of the TEA.
- (j) A publisher or author may not solicit input, directly or indirectly, on new or revised content from a member of the state review panel for a product the panelist reviewed while the product is being considered or even after the product has been adopted or rejected.
- (k) On or before the deadline established in the schedule of adoption procedures, publishers shall submit correlations of instructional materials submitted for review with essential knowledge and skills required by the proclamation. Correlations shall be provided for materials designed for student use and materials designed for teacher use and must identify evidence of each student expectation addressed in the ways specified in §66.27(h) of this title. Correlations shall be submitted in a format designated by the commissioner.
- (l) A publisher shall provide a list of all corrections required to be made to each student and teacher component of an instructional materials submission to bring them into compliance with applicable laws, rules, or the proclamation. The list must be in a format designated by the commissioner and filed on or before the deadline specified in the schedule of adoption procedures. If no corrections are necessary, the publisher shall file a statement to that effect in a format designated by the commissioner on or before the deadline in the schedule for submitting the list of corrections.

- (m) On or before the deadline for submitting lists of corrections, publishers shall submit certification that all instructional materials have been edited for accuracy, content, and compliance with requirements of the proclamation.
- (n) One complete electronic sample copy in an open file format or closed format of each student and teacher component of adopted instructional materials that incorporate all corrections required by the SBOE shall be filed with the commissioner on or before the date specified in the schedule of adoption procedures. The complete sample copies filed with the TEA must be representative of the final program.
- (o) A publisher who intends to offer instructional materials for adoption shall comply with additional requirements included in a proclamation related to submission of instructional materials for adoption.

*Statutory Authority: The provisions of this §66.28 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.28 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

#### **§66.29. Websites in State-Adopted Instructional Materials.**

- (a) This section applies only to a website that is a component used to address Texas essential knowledge and skills as part of a state-adopted product.
- (b) A publisher shall monitor, update, and maintain any in-house and third party electronic, web-based, or online products furnished as part of the instructional materials specified in the contract for the period determined by the State Board of Education (SBOE).
- (c) If, at any time during the contract period, the commissioner of education determines in a hearing that electronic, web-based, or online instructional materials furnished and supplied under the terms of a contract have faulty manufacturing characteristics or display dated or inferior information that is not in alignment with the Texas essential knowledge and skills that were in place at the time of the materials' original adoption, the instructional materials or information shall be replaced with complying materials or information by the publishers without cost to the state.
- (d) Electronic, web-based, or online instructional materials may not be altered in any way that would remove or change content that was used to qualify the product for adoption in the curriculum without prior SBOE approval.
- (e) The publisher may not allow advertising of any type to be placed in or associated with the materials.
- (f) The publisher may not add any Internet links to the materials without the approval of the commissioner of education, will not redirect any user accessing the web-based or online instructional materials to other Internet or electronic sites that are not directly related to the content, and may not collect any information about the user or computer accessing the materials that would allow determination of personal information, including email addresses, without a fully executed data-sharing agreement between the publisher and the local school district that protects user data and limits its use to permitted educational purposes only.

*Statutory Authority: The provisions of this §66.29 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.29 adopted to be effective May 5, 2016, 41 TexReg 3137.*

#### **§66.30. State Review Panels: Eligibility and Appointment.**

- (a) The commissioner of education shall determine the number of review panels needed to review instructional materials under consideration for adoption, the number of persons to serve on each panel, and, subject to this section, the process for selecting panel members.
- (b) As determined by this section, panel members shall serve with the advice and consent of the member from whose district the panel member resides.
- (c) The commissioner shall solicit nominations for possible appointees to state review panels from the State Board of Education (SBOE), school districts, open-enrollment charter schools, and educational organizations in the state. Nominations may be accepted from any Texas resident. Nominations shall not be

- made by or accepted from any publishers; hardware or software providers; authors; depositories; agents for publishers, hardware or software providers, authors, or depositories; or any person who holds any official position with a publisher, hardware or software provider, author, depository, or agent.
- (d) A person nominated to serve on a state review panel shall disclose in any nomination or application, in a manner designated by the commissioner, his or her residence and whether currently or at any time in the 36 months preceding the appointment the person:
    - (1) was employed by or received funds from any individual or entity affiliated with a publishing company involved in or connected to the adoption of instructional materials;
    - (2) owned or controlled any interest valued at more than \$5,000 in a privately owned publishing company or an entity receiving funds from a publishing company involved in or connected to the adoption of instructional materials or had direct ownership of stock of a publicly traded company involved in or connected to the adoption of instructional materials; or
    - (3) was employed by an institution of higher education that has submitted open education resource instructional materials or is a publisher of instructional materials.
  - (e) The commissioner shall propose appointments to state review panels that, to the extent possible, as determined by the commissioner, include the following:
    - (1) individuals nominated by SBOE members;
    - (2) individuals representing a diverse mixture of gender, race, and SBOE districts;
    - (3) a majority of members with content expertise and experience;
    - (4) academic experts in each subject area for which instructional materials are being considered, giving priority to content-relevant educators and professors; and
    - (5) educators, parents, business and industry representatives, and employers.
  - (f) For purposes of this section, an "academic expert" is a person who:
    - (1) is a public-school teacher with at least ten years of classroom teaching experience; or
    - (2) has at least a master's degree in the subject area; or
    - (3) is a professor at an accredited four-year institution of higher education in Texas.
  - (g) The commissioner shall notify the SBOE of the proposed appointments. The commissioner shall assign each appointee to the SBOE district in which he or she resides.
  - (h) An SBOE member may reject the proposed appointment of a panel member representing that member's SBOE district by notifying the commissioner via electronic mail within five business days of receiving the proposed appointment list. Failure to reject a proposed appointment within five business days constitutes consent for the appointment.
  - (i) After close of the five-business-day period under subsection (h) of this section, the commissioner may propose additional members if necessary. The commissioner shall provide to the SBOE member who represents the district of residence for each additional proposed panel member the opportunity for review of additional members in accordance with the time period and rejection rules under subsection (h) of this section. The SBOE shall be notified of finalized appointments made by the commissioner to state review panels. The final list of appointees, their roles, and who nominated them shall be given to each member of the SBOE no later than the first public meeting following the finalization of the panels.
  - (j) The commissioner shall inform nominees who are not appointed to a state review panel that all members of the public may review instructional materials and give input during the public comment period.
  - (k) The role of each appointee shall be designated by the commissioner and disclosed to all appointees on each panel.
  - (l) Members of a state review panel may be removed at the discretion of the commissioner at any time prior to the completion of the review.

*Statutory Authority: The provisions of this §66.30 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.30 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.36. State Review Panels: Training, Duties, and Conduct.**

- (a) State review panel members shall participate in training that includes at least the following:
  - (1) the responsibilities of a state review panel member;
  - (2) statutes and rules pertaining to the state adoption process;
  - (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation;
  - (4) clear and consistent guidelines for determining Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage within the instructional materials;
  - (5) identifying factual errors;
  - (6) the schedule of adoption procedures;
  - (7) instruction in the use of technology appropriate to media submitted for adoption; and
  - (8) regulatory requirements, including the Government Code, §572.051 (relating to Standards of Conduct), and the Texas Penal Code, §36.02 (relating to Bribery). Copies of the statutes mentioned in this section shall be supplied to each state review panel member.
- (b) The duties of the members of a state review panel are to:
  - (1) evaluate all instructional materials submitted for review assigned to the panel to determine if essential knowledge and skills are covered in the instructional materials intended for student use and the instructional materials intended for teacher use. All portions of instructional materials must be reviewed by at least two panel members for the purpose of this review. Nothing in this rule shall be construed to contravene the Texas Education Code (TEC), §28.004(e)(5), which makes coverage of contraception and condom use optional in both the student and teacher editions of health instructional materials. Coverage must be identified as described in §66.27(h) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) to be considered complete. The requirements to be met in evaluating coverage of essential knowledge and skills shall include the following.
    - (A) State review panel members must participate in a team during the review and reach a consensus, or a simple majority if the panel members are unable to reach consensus, to determine whether the TEKS or TPG have been covered sufficiently in the instructional materials.
    - (B) A publisher's citation for coverage of any specific student expectation may be accepted only if it provides one of the following:
      - (i) an opportunity for the teacher to teach the component of the knowledge or skill in the teacher material;
      - (ii) an opportunity for the student to learn the component of the knowledge or skill in the student material or the teacher material; or
      - (iii) an opportunity for the student to demonstrate the component of the knowledge or practice the component of the skill in the student material or the teacher material.
    - (C) Student expectations are not considered covered if only included in side bars, captions, or questions at the end of a section or chapter.

- (D) Each student expectation must be clearly evident in the instructional materials to ensure sufficient coverage.
  - (E) Student expectations that contain the word "including" reference content that must be covered in instructional materials, while those containing the phrase "such as" are intended as possible illustrative examples and are not required to be covered in instructional materials;
- (2) submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner of education indicating which TEKS or TPG are and are not covered in each product assigned to be evaluated by the state review panel;
  - (3) if applicable, submit a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role, to the commissioner indicating which English language proficiency standards required for any specific product as established by the proclamation are and are not covered in each product assigned to be evaluated by the state review panel;
  - (4) submit to the commissioner a list of all factual errors in instructional materials discovered during the review conducted by the state review panel through the submission of a consensus report, or, if necessary, majority and minority reports that reflect the opinions of all panel members listed by team role;
  - (5) as appropriate for a subject area and/or grade level, ascertain that instructional materials submitted for review do not contain content that clearly conflicts with the stated purpose of the TEC, §28.002(h); and
  - (6) at the conclusion of the review process, certify to the State Board of Education (SBOE) compliance with subsection (a) of this section and with this subsection.
- (c) State review panel members shall not accept meals, entertainment, gifts, or gratuities in any form from SBOE members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.
  - (d) Before presenting a final report to the commissioner, state review panel members shall be given an opportunity to request a meeting with a publisher to obtain responses to questions regarding instructional materials being evaluated by the state review panel. Questions shall be provided to publishers in advance of the meeting.
  - (e) State review panel members shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS or TPG, errors, components, or any other aspect of instructional materials being evaluated. A member of a state review panel shall not discuss with other members of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.
  - (f) State review panel members shall not discuss instructional materials being evaluated with a member of the SBOE or with any party having a financial interest in the adoption of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the list of instructional materials recommended for adoption is posted on the Texas Education Agency (TEA) website.
  - (g) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.
  - (h) State review panel members shall observe a no-contact period that shall begin with the initial communication regarding possible appointment to a state review panel and end when the final report showing the findings of the review panels is posted on the TEA website. During this period, state review panel members shall not have direct or indirect communication with any person having an interest in the adoption process regarding content of instructional materials under evaluation by the panel.



- (i) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from seeking advice from educators, experts, or parents regarding the meaning or intent of the student expectations that the materials must cover.
- (j) The restrictions in subsections (e)-(h) of this section are not intended to prohibit members of the state review panels from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
- (k) State review panel members shall report immediately to the commissioner any communication or attempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.
- (l) State review panel members participating in the face-to-face review shall affix their signatures to all reports to the commissioner. State review panel members participating in the virtual review shall submit their reports electronically through email accounts owned by the review panel members, which will serve as their electronic signatures.
- (m) Members of each state review panel may be required to be present at the SBOE meeting at which instructional materials are adopted.

*Statutory Authority: The provisions of this §66.36 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.36 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.39. Regional Education Service Centers: Procedures for Handling Samples; Public Access to Samples.**

- (a) Each regional education service center (ESC) executive director shall designate one person to supervise all access to samples of instructional materials.
- (b) On or before the date specified in the schedule of adoption procedures, each ESC representative shall notify the commissioner of education of all irregularities in electronic samples in a manner designated by the commissioner. The appropriate publisher shall be notified of any sample irregularities reported by the ESCs.
- (c) One electronic sample of all instructional materials under consideration for adoption shall be retained in each ESC for review by interested persons. The review sample must remain available until the ESC receives the electronic final adopted product sample on the date specified in the schedule of adoption procedures.
- (d) Appropriate information, such as locator and login information and passwords, shall be made available by the ESCs to ensure public access to Internet-based instructional content throughout the review or contract period, as appropriate.
- (e) Regional ESCs shall ensure reasonable public access to sample instructional materials, including access outside of normal working hours that shall be scheduled by appointment.
- (f) On or before the date specified in the schedule of adoption procedures, each ESC shall publicize the date on which sample instructional materials will be available for review and shall notify all school districts in the region of the schedule.
- (g) One electronic final sample of all instructional materials adopted by the State Board of Education shall be retained in each ESC for the entire adoption period for review by interested persons. Samples of adopted prekindergarten materials must match the format of the products to be provided to schools upon ordering.

*Statutory Authority: The provisions of this §66.39 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.39 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.41. Adding Content During the Panel Review.**

- (a) A publisher may add or edit content to instructional materials during the panel review only to allow the materials to:
  - (1) meet the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage percentage the publisher had specified on the correlation document submitted for that instructional product;
  - (2) meet 100% of the English language proficiency standards (ELPS) designated for the subject and grade for which the instructional product is intended; and
  - (3) address any factual errors.
- (b) To be eligible to have content added as described in subsection (a) of this section, the material must, upon its initial review, be identified as meeting:
  - (1) at least 75% of the TEKS or TPG coverage percentage indicated by the publisher on the correlation document submitted for that material; and
  - (2) at least 75% of the ELPS designated for the subject and grade for which the material is intended.
- (c) A publisher shall have one opportunity to provide a written request for the Texas Education Agency (TEA) to further review instructional material that, in accordance with subsection (b) of this section, is not eligible to have new content added. The request for further review must be received by TEA within the timeframe established by the TEA at the start of the review.
- (d) New content may be provided as print samples, electronic samples in an open file format or closed format, or galley proofs for review by the state review panels.
- (e) New content must be provided to the review panels as quickly as possible and within the timeframe established by the TEA.
- (f) Electronic samples of new content approved by the review panels for the purpose of making the product eligible for adoption shall be submitted to the TEA and each education service center prior to the adoption of instructional materials. New content submitted under this subsection must be submitted by the deadline established in the schedule of adoption procedures in the proclamation.
- (g) If a publisher receives a request or a "no report" from a panel, the publisher shall be given no less than 48 hours to provide content in response to the request or report.

*Statutory Authority: The provisions of this §66.41 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.41 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.42. Public Comment on Instructional Materials.**

- (a) The instructional materials public comment period begins when the electronic samples of materials under consideration for adoption are posted on the Texas Education Agency (TEA) website and ends 14 days prior to the meeting at which the State Board of Education (SBOE) will vote to adopt instructional materials.
- (b) Any resident of Texas may submit written comments for, against, or about any instructional materials submitted for adoption.
  - (1) Written comments shall be submitted to the commissioner of education in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
  - (2) Alleged factual errors shall be submitted to the commissioner in a format designated by the commissioner on or before the deadlines specified in the schedule of adoption procedures.
  - (3) Copies of written comments and lists of reported alleged factual errors shall be posted on the TEA website and provided to the SBOE and participating publishers.

- (c) The SBOE shall hold a hearing on instructional materials submitted for review during a regularly scheduled meeting prior to the meeting at which the SBOE will vote to adopt instructional materials.
  - (1) Testimony at the hearing shall be accepted from Texas residents and non-residents with priority given to Texas residents. Copies of written testimony provided at the hearing shall be distributed to SBOE members and to publishers with materials under consideration. Persons who wish to testify must register in accordance with registration procedures in the SBOE Operating Rules, §2.10 (relating to Oral Public Testimony in Connection with Regular Board and Committee Meetings). The SBOE may limit the time available for each person to testify in an effort to hear from everyone who has registered to testify. Persons will also be allowed to register to testify at the hearing, but priority will be given to those persons who registered prior to the deadline, in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).
  - (2) Oral responses to testimony at the hearing may be made by official representatives of publishing companies.
  - (3) An archived recording of the hearing shall be provided on the TEA website.
  - (4) All written publisher responses to comments or public testimony provided at the hearing shall be posted to the TEA website within five working days of their receipt.
- (d) Public comment on instructional materials not adopted by the SBOE on the date specified in the schedule of adoption procedures shall be accepted according to the SBOE Operating Rules, §2.10.

*Statutory Authority: The provisions of this §66.42 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.42 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.43. Adding Content During the Public Comment Period.**

- (a) Publishers that wish to add or modify content after submitting their electronic pre-adoption samples but prior to adoption must make the new content available to the public, meet all the same requirements with that new content that the original pre-adoption sample meets, and document changes on the list of corrections and editorial changes, as specified in §66.28 of this title (relating to Requirements for Publisher Participation).
- (b) Changes to content in materials under consideration for adoption made in accordance with subsection (a) of this section, including those proposed in response to public comment, must be received by the Texas Education Agency by seven business days prior to the meeting at which the State Board of Education will vote to adopt instructional materials. The proposed changes shall be posted on the Texas Education Agency website at least five business days prior to the meeting at which the State Board of Education will vote to adopt instructional materials.
- (c) Changes to content in materials under consideration for adoption proposed in response to public testimony must be received by the Texas Education Agency by 5:00 p.m. on the Wednesday prior to the meeting at which the State Board of Education will vote to adopt instructional materials.
- (d) After materials have been adopted, content changes must be made in accordance with §66.75 of this title (relating to Updates to Adopted Instructional Materials).

*Statutory Authority: The provisions of this §66.43 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.43 adopted to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.63. Report of the Commissioner of Education.**

- (a) State review panels appointed by the commissioner of education shall review all instructional materials submitted for consideration for adoption. The commissioner shall prepare a preliminary report on instructional materials under consideration for adoption that includes the following:

- (1) the findings of the review panels regarding Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and English language proficiency standards (ELPS) coverage; and
  - (2) alleged factual errors identified by state review panels.
- (b) The preliminary report will be provided to publishers participating in the review process. According to the schedule of adoption procedures, a publisher with a product that meets one of the criteria in subsection (d) of this section shall be given an opportunity for a show-cause hearing if the publisher elects to protest the commissioner's preliminary report.
- (c) The show-cause hearing is a formal opportunity for a publisher to present evidence that the preliminary report does not accurately reflect the extent to which the content provided to the state review panels addresses the required TEKS or TPG and/or designated ELPS. The show-cause hearing is not a forum to address complaints alleging procedural irregularities or violations of statutes or rules.
- (d) To be eligible for a show-cause hearing, a product must meet the requirements of §66.41(b) of this title (relating to Adding Content During the Panel Review) regarding eligibility to provide new content and, upon completion of the final review, be identified as meeting:
- (1) at least 95% of the TEKS or TPG coverage percentage indicated by the publisher on the correlation document for that product; or
  - (2) less than 50% of the TEKS or TPG for the subject and grade for which the product is intended and/or less than 100% of the ELPS designated for the subject and grade for which the product is intended.
- (e) Upon the conclusion of the period of time designated for show-cause hearings, the commissioner shall submit to the State Board of Education (SBOE) a final report regarding TEKS or TPG and ELPS coverage, alleged factual errors identified by either the publisher or the review panel, and information regarding whether a publisher on the list has refused to rebid instructional materials according to §66.72 of this title (relating to Contracts).

*Statutory Authority: The provisions of this §66.63 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.63 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.66. Consideration and Adoption of Instructional Materials by the State Board of Education.**

- (a) The State Board of Education (SBOE) shall either adopt or reject each submitted instructional material in accordance with the Texas Education Code (TEC), §31.024.
- (b) The SBOE shall adopt instructional materials in accordance with the TEC, §31.023. Instructional materials may be adopted only if:
- (1) they meet at least 50% of the Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) when the SBOE calls for materials as specified in §66.27(c)(1) of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials) or meet requirements of the proclamation when the SBOE calls for materials as specified in §66.27(c)(2) or (3) of this title for the subject and grade level or course(s) in materials designed for student use and materials designed for teacher use. In determining the percentage of the TEKS or TPG covered by instructional materials, each student expectation shall count as an independent element of the TEKS or TPG;
  - (2) the publisher has agreed to ensure that they meet the established physical specifications adopted by the SBOE prior to making materials available for use in districts;

- (3) the publisher has agreed to ensure that they follow the Web Content Accessibility Guidelines (WCAG) and technical specifications of the Federal Rehabilitation Act, Section 508, as specified in the proclamation;
  - (4) they are free from factual errors, including significant grammatical or punctuation errors that have been determined to impede student learning or that make the product of a quality not acceptable in Texas public schools, or the publisher has agreed to correct any identified factual errors or grammatical or punctuation errors that have been determined to impede student learning, prior to making them available for use in districts and charter schools;
  - (5) they are deemed to be suitable for the subject area and grade level;
  - (6) they have been reviewed by academic experts in the subject and grade level; and
  - (7) they receive approval by majority vote of the SBOE.
- (c) No instructional material may be adopted that contains content that clearly conflicts with the stated purpose of the TEC, §28.002(h).
  - (d) Instructional materials submitted for review may be rejected by majority vote of the SBOE in accordance with the TEC, §31.024.
  - (e) Instructional materials the board determines that, based on the initial review, contain extensive errors and make a product of a quality not acceptable in Texas public schools are not determined to be free from factual errors.
  - (f) A publisher may withdraw from the adoption process at any time prior to execution of a contract with the SBOE for any reason by providing notification in writing to the commissioner of education. Notification of withdrawal is final and irrevocable.
  - (g) The commissioner may remove materials from the adopted list if the publisher fails to meet deadlines established in the schedule of adoption procedures.

*Statutory Authority: The provisions of this §66.66 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.66 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1997, 22 TexReg 3779; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.67. Adoption of Open Education Resource Instructional Materials.**

- (a) "Open education resource instructional material" means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.
- (b) The State Board of Education (SBOE) shall place open education resource instructional materials submitted for a secondary-level course on the adopted list if the instructional materials meet the criteria outlined in subsections (c) and (d) of this section.
- (c) Open education resource instructional materials referenced in this section must be:
  - (1) submitted by an eligible institution, defined as a public institution of higher education that is designated as a research university or emerging research university under the Texas Higher Education Coordinating Board's accountability system, or a private university located in Texas that is a member of the Association of American Universities, or a public technical institute, as defined by the TEC, §61.003;
  - (2) intended for a secondary-level course; and

- (3) written, compiled, or edited primarily by faculty of an eligible institution that specializes in the subject area of the instructional materials.
- (d) To submit open education resource instructional materials, an eligible institution must:
  - (1) certify by the board of regents, or corresponding governing body, or president of the university, or by an individual authorized by one of these entities, that the instructional materials qualify for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills identified under the TEC, §28.002;
  - (2) identify each contributing author;
  - (3) provide certification by the appropriate academic department of the submitting institution that the instructional materials are accurate; and
  - (4) certify that:
    - (A) for instructional materials for a senior-level course, a student who successfully completes a course based on the instructional materials will be prepared, without remediation, for entry into the eligible institution's freshman-level course in that subject; or
    - (B) for instructional materials for a junior-level and senior-level course, a student who successfully completes the junior-level course based on the instructional materials will be prepared for entry into the senior-level course.
- (e) All information and certifications required by subsection (d) of this section shall be provided in a format designated by the commissioner of education.
- (f) A publisher that offers open education resource instructional materials must provide a report for each electronic component that verifies that the component substantially follows Web Content Accessibility Guidelines (WCAG) and technical standards required by the Federal Rehabilitation Act, Section 508, as applicable. Specific standards that must be met will be specified in each proclamation.
- (g) Before placing open education resource instructional materials submitted under subsection (b) of this section on the adopted list, the SBOE shall direct the Texas Education Agency (TEA) to post the materials on the TEA website for 60 days to allow for public comment and the SBOE shall hold a public hearing on the instructional materials. Public comment shall be provided to members of the SBOE and posted on the TEA website within five working days of its receipt.
- (h) Not later than the 90th day after the date open education resource instructional materials are submitted as provided by the TEC, §31.0241, the SBOE may review the instructional materials. The SBOE:
  - (1) may request an independent review that follows the same process used in §66.36 of this title (relating to State Review Panels: Training, Duties, and Conduct) to confirm the content meets the criteria for placement on the adopted list based on the extent to which the instructional materials cover the essential knowledge and skills. The SBOE shall notify the submitting institution of any discrepancy in alignment with essential knowledge and skills;
  - (2) shall post with the list adopted under the TEC, §31.023, comments made by the SBOE regarding the open education resource instructional materials placed on the list; and
  - (3) shall distribute SBOE comments to school districts.

*Statutory Authority: The provisions of this §66.67 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.67 adopted to be effective April 27, 2010, 35 TexReg 3257; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.72. Contracts.**

- (a) The state contract shall not be changed or modified without approval of the Texas Education Agency (TEA) legal counsel.

- (b) Contracts shall be sent to the publishers for signature. Signed contracts returned by the publishers shall be signed by the chair of the State Board of Education (SBOE) and attested to by the commissioner of education. Properly signed and attested contracts shall be filed with the TEA.
- (c) The publisher of instructional materials adopted by the SBOE shall:
  - (1) enter into a contract with the SBOE for a term not to exceed eight years and that ends at the same time as any contract entered into by the SBOE for other instructional materials for the same subject and grade level; and
  - (2) commit to provide the instructional materials in the manner specified by the publisher in the official bid specified in §66.28(f) of this title (relating to Requirements for Publisher Participation).
- (d) A publisher of adopted materials may add post-contractual bids to its contract in response to identified needs of districts.
- (e) The commissioner shall annually review contracts for instructional materials and identify those that should be renewed.
- (f) The SBOE shall renew existing contracts upon determining that the renewal would be in the best interest of the state and after considering the following factors:
  - (1) placement of subject areas in the review and adoption cycle;
  - (2) availability and projected cost of new instructional materials;
  - (3) willingness of publishers to renew contracts; and
  - (4) cost of instructional materials under a renewal contract.
- (g) Publishers awarded new contracts shall be prepared to make the adopted instructional materials available for at least one extended contract period of not more than four years at prices that are mutually agreeable to publishers and to the commissioner. The SBOE may consider refusing to award future contracts to a publisher that, after receiving written notice to do so, refuses to rebid instructional materials at least one time. Failure of a publisher to negotiate an acceptable price for an extended contract shall not be considered failure to rebid instructional materials.
- (h) Contracts with publishers are subject to all provisions of the Texas Education Code (TEC), Chapter 31.
- (i) The SBOE may execute a contract for the printing of open education resource instructional materials on the adopted list that allows a school district or an open-enrollment charter school to requisition printed copies of open education resource instructional materials as provided by the TEC, §31.103.

*Statutory Authority: The provisions of this §66.72 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.72 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective August 15, 1999, 24 TexReg 5699; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.73. Delivery of Adopted Instructional Materials.**

- (a) Each publisher is required to have adopted instructional materials in stock and available for distribution to school districts throughout the entire adoption period. A back order is defined as adopted instructional material not in stock when ordered and not available for delivery to school districts or open-enrollment charter schools on the specified shipment date. Upon request, the commissioner of education shall report the number of back-ordered materials by publisher to the State Board of Education (SBOE).
- (b) Each publisher shall guarantee delivery of instructional materials at least ten business days before the opening day of school of the year for which the instructional materials are ordered if the instructional materials have been ordered by a date specified in the publisher's contract with the Texas Education Agency.

- (c) Each publisher with instructional materials on back order shall notify affected school districts of the expected ship dates for each title on back order.

*Statutory Authority: The provisions of this §66.73 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.73 adopted to be effective May 5, 2016, 41 TexReg 3137.*

#### **§66.75. Updates to Adopted Instructional Materials.**

- (a) A publisher may submit a request to the commissioner of education for approval to update content in state-adopted instructional materials. A publisher requesting approval of a content update shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the update. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. The request must be accompanied by an electronic sample of the proposed updates. Proposed changes shall be posted on the Texas Education Agency (TEA) website for a minimum of seven calendar days prior to approval.
- (b) A publisher that requests to update content in state-adopted instructional materials must comply with the following additional requirements:
  - (1) provide that there will be no additional cost to the state;
  - (2) certify in writing that the new material meets the applicable essential knowledge and skills and is free from factual errors; and
  - (3) certify that the updates do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) With prior commissioner approval, publishers may, at any time, make changes that do not affect the product's Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) coverage or its coverage of Texas Education Code, §28.002(h).
  - (1) Requests for approval of updates to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner prior to their introduction into state-adopted instructional materials to confirm that the changes do not affect TEKS or TPG coverage or coverage of TEC, §28.002(h).
  - (2) Responses from the commissioner to update requests shall be provided within 30 days after receipt of the request. If no action has been taken by the end of the 30 days, the request is deemed approved.
- (d) All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be posted on the TEA website for a minimum of seven calendar days prior to approval. The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (e) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to electronic instructional materials.
- (f) A publisher of instructional materials may provide alternative formats for use by school districts if:
  - (1) the content is identical to SBOE-approved content;
  - (2) the alternative formats include the identical revisions and updates as the original product; and
  - (3) the cost to the state and school is equal to or less than the cost of the original product.



- (g) Alternative formats may be developed and introduced at any time during the adoption cycle in conformance with the procedures for adoption of other state-adopted materials.
- (h) Publishers must notify the commissioner in writing if they are providing SBOE-approved products in alternative formats.
- (i) Publishers are responsible for informing districts of the availability of the alternative formats and for accurate fulfillment of orders for them.
- (j) The commissioner may add alternative formats of SBOE-approved products to the list of adopted products available to school districts.
- (k) Publishers of SBOE-adopted instructional materials may, at any time, without seeking approval from the SBOE or the commissioner, make technical enhancements or improvements that do not add or change content, provided the enhancements do not change the technical requirements for districts to continue to be able to access the materials in the same manner as originally submitted.
- (l) The commissioner may provide an opportunity for publishers to submit updated content and new correlations to that content to update the product's official TEKS or TPG coverage percentage. The commissioner shall post an annual schedule of review procedures on the agency website to provide publishers with adequate notice of review timelines. The updated content shall be reviewed by state review panels during the next available state review panel meeting in accordance with the annual schedule of review procedures. Following the review, the commissioner shall provide a report to the SBOE that includes the following:
  - (1) the findings of the review panels regarding the TEKS or TPG coverage as provided in the updated content; and
  - (2) alleged factual errors in the updated content identified by state review panels.
- (m) The SBOE shall either accept or reject each updated TEKS or TPG coverage percentage and errors report in accordance with §66.66 of this title (relating to Consideration and Adoption of Instructional Materials by the State Board of Education). An updated TEKS alignment determination is considered final, pursuant to TEC, §31.023(a-1).

*Statutory Authority: The provisions of this §66.75 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.75 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective August 15, 1999, 24 TexReg 5699; amended to be effective October 12, 2006, 31 TexReg 8354; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 21, 2014, 39 TexReg 3855; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847; amended to be effective March 24, 2020, 45 TexReg 1989.*

**§66.76. New Editions of Adopted Instructional Materials.**

- (a) A publisher may submit a request to the commissioner of education for approval to substitute a new edition of state-adopted instructional materials. A publisher requesting approval of a new edition shall provide a written request in a manner designated by the commissioner that includes an explanation of the reason for the substitution. The request must be accompanied by an electronic sample and a correlation document that meets all the requirements of the correlation document provided for the initial review. This requirement includes electronic instructional materials and Internet products for which all users receive the same updates. Proposed changes shall be made available for public review on the Texas Education Agency (TEA) website for a minimum of 60 calendar days prior to approval.
- (b) A publisher that requests to substitute a new edition of state-adopted instructional materials must comply with the following additional requirements:
  - (1) provide that there will be no additional cost to the state,
  - (2) certify in writing that the new material meets the applicable Texas essential knowledge and skills (TEKS) or Texas Prekindergarten Guidelines (TPG) and is free from factual errors, and

- (3) certify that the updates in the new edition do not affect the product's coverage of Texas Education Code (TEC), §28.002(h), as it relates to that specific subject and grade level or course(s), understanding the importance of patriotism and functioning productively in a free-enterprise society with appreciation for the basic democratic values of our state and national heritage.
- (c) With prior commissioner approval, publishers may, at any time, substitute a new edition if the changes made to the new edition do not affect the product's TEKS coverage or its coverage of TEC, §28.002(h).
  - (1) Substitution requests to content that was not used in determining the product's eligibility for adoption must be submitted to the commissioner to confirm the changes do not affect TEKS coverage or coverage of TEC, §28.002(h).
  - (2) Responses from the commissioner to update requests shall be provided within 60 days after receipt of the request. If no action has been taken by the end of the 60 days, the request is deemed approved.
  - (3) Proposed changes shall be posted on the TEA website for a minimum of 60 days prior to approval.
- (d) All requests for updates involving content used in determining the product's eligibility for adoption must be approved by the State Board of Education (SBOE) prior to their introduction into state-adopted instructional materials. Requests must be submitted in a format designated by the commissioner and must include correlations to applicable student expectations. The SBOE may assess penalties as allowed by law against publishers that fail to obtain approval for updates to such content in state-adopted instructional materials prior to delivery of the materials to school districts.
- (e) Publishers must agree to supply the previous version of state-adopted instructional materials to school districts that choose to continue using the previous version during the duration of the original contract. This subsection does not apply to electronic instructional materials.

*Statutory Authority: The provisions of this §66.76 issued under the Texas Education Code, §§31.002, 31.003, 31.023, and 31.035.*

*Source: The provisions of this §66.76 adopted to be effective March 24, 2020, 45 TexReg 1989.*

#### **§66.81. Ancillary Materials.**

- (a) Ancillary materials are defined as materials that a publisher plans to provide to school districts and open-enrollment charter schools free with their order of instructional materials from the list of adopted materials. Ancillaries are not evaluated in the review process and are not used to verify Texas essential knowledge and skills or Texas Prekindergarten Guidelines coverage. A publisher of adopted instructional materials shall provide any ancillary item free of charge to the same extent that the publisher provides the item free of charge to any state, public school, or school district in the United States. Any ancillary material may be part of a bundled package of materials, but each component of that package must be available for purchase individually.
- (b) The State Board of Education may impose a reasonable administrative penalty not to exceed \$5,000 against a publisher or manufacturer that knowingly violates subsection (a) of this section.

*Statutory Authority: The provisions of this §66.81 issued under the Texas Education Code, §§7.102, 31.003, 31.005, 31.022, 31.0221, 31.023, 31.024, 31.0241, 31.0242, 31.026, 31.0261, and 31.035.*

*Source: The provisions of this §66.81 adopted to be effective March 13, 2014, 39 TexReg 1709; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 24, 2020, 45 TexReg 1989.*

### **Subchapter C. Local Operations**

#### **§66.101. Sample Copies of Instructional Materials for School Districts.**

- (a) According to the schedule of adoption procedures, a publisher shall provide each school district and open-enrollment charter school with information that fully describes instructional materials submitted for adoption. Descriptive information provided to each school district or open-enrollment charter school shall

be identical to the descriptive information provided to the Texas Education Agency and education service centers.

- (b) Upon request by the instructional materials coordinator of a school district or open-enrollment charter school, a publisher shall provide one complete electronic sample in an open file format or closed format of adopted instructional materials. Samples of learning systems and electronic, visual, or auditory media may be provided in demonstration or representative format. Samples of instructional materials provided to school districts shall be labeled "Sample Copy - Not for Classroom Use." Samples to schools are not required for materials submitted for midcycle review, as specified in §66.27 of this title (relating to Proclamation, Public Notice, and Schedule for Adopting Instructional Materials).
- (c) Samples supplied to school districts shall be provided and distributed at the expense of the publisher. No state or local funds shall be expended to purchase, distribute, or ship sample materials. Publishers may make arrangements with school districts or open-enrollment charter schools to retrieve samples after local selections are completed, but the state does not guarantee return of sample instructional materials.

*Statutory Authority: The provisions of this §66.101 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.101 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective December 25, 2007, 32 TexReg 9611; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.*

#### **§66.104. Selection of Instructional Materials by School Districts.**

- (a) Each local board of trustees of a school district or governing body of an open-enrollment charter school shall select instructional materials in an open meeting as required by Texas Government Code, Chapter 551, including public notice.
- (b) A school district or an open-enrollment charter school may requisition instructional materials on the list adopted under the Texas Education Code, §31.023, for grades above the grade level in which the student is enrolled.
- (c) Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled.
- (d) School districts or open-enrollment charter schools shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials.

*Statutory Authority: The provisions of this §66.104 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.104 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective March 4, 2001, 26 TexReg 1706; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137.*

#### **§66.105. Certification by School Districts.**

- (a) Prior to the beginning of each school year, each school district and open-enrollment charter school shall submit to the State Board of Education (SBOE) and commissioner of education certification that for each subject in the required curriculum under the Texas Education Code, §28.002, other than physical education, and each grade level, the district or charter school provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.
- (b) Each school district or open-enrollment charter school shall certify, in a format approved by the commissioner, that the district or charter school protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C).

- (c) The certifications shall be ratified by local school boards of trustees or governing bodies in public, noticed meetings.

*Statutory Authority: The provisions of this §66.105 issued under the Texas Education Code, §§7.102, 31.003, 31.004, 31.005, 31.0211, 31.027, 31.030, 31.101, 31.103, and 31.104; Senate Bill 1, Article III, 87th Texas Legislature, Regular Session, 2021; and 47 United States Code §254(h)(5)(B) and (C).*

*Source: The provisions of this §66.105 adopted to be effective February 22, 2010, 35 TexReg 1454; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective October 16, 2022, 47 TexReg 6580.*

#### **§66.107. Local Responsibility.**

- (a) Each school district or open-enrollment charter school shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by, and delivered to, the district. The results of the inventory shall be recorded in the district's files.
- (b) All instructional materials owned by the district or charter school must be turned in to the school at the end of the school year or when a student withdraws from school.
- (c) The board of trustees of a school district or governing body of a charter school may not require an employee of the district or charter school to pay for instructional materials or instructional technology that is stolen, misplaced, or not returned by a student.
- (d) The board of trustees of a school district shall require the employee responsible for ordering instructional materials to complete Texas Education Agency-developed training in the use of the technology and instructional materials allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district or charter school is notified by the Texas Education Agency that the training has been updated. The school district or charter shall maintain documentation of the completion of the required training.

*Statutory Authority: The provisions of this §66.107 issued under the Texas Education Code, §§7.102, 31.002, 31.003, 31.004, 31.005, 31.027, 31.030, 31.101, 31.103, and 31.104.*

*Source: The provisions of this §66.107 adopted to be effective September 1, 1996, 21 TexReg 7236; amended to be effective September 1, 1998, 24 TexReg 7779; amended to be effective February 7, 2002, 27 TexReg 746; amended to be effective October 12, 2006, 31 TexReg 8358; amended to be effective July 8, 2012, 37 TexReg 4911; amended to be effective May 5, 2016, 41 TexReg 3137; amended to be effective March 27, 2018, 43 TexReg 1847.*

**Discussion of Proposed Amendments to 19 TAC Chapter 74, Curriculum Requirements,  
Subchapter B, Graduation Requirements, §74.12, Foundation High School Program,  
and §74.13, Endorsements**

**January 30, 2024**

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

**SUMMARY:** This item provides an opportunity for the committee to discuss proposed 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 and revise the requirements for endorsements that address CTE courses, as well as make technical edits.

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

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

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

TEC, §28.025(b-17), requires the SBOE to adopt rules that ensure a student who successfully completes an advanced 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.

**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 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 would update titles of CTE courses and career clusters in §74.13 to align with these TEKS 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 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.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

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

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

**Chapter 74. Curriculum Requirements**

**Subchapter B. Graduation Requirements**

**§74.12. 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). 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 and Project Based Research in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field; or]~~



(A) ~~(B)~~ courses required to complete one of the following TEA-approved programs [a TEA-designated program] of study related to STEM : ~~;~~ ~~or~~

- (i) biomedical science;
- (ii) civil engineering;
- (iii) cybersecurity;
- (iv) electrical engineering;
- (v) engineering foundations;
- (vi) mechanical and aerospace engineering;
- (vii) programming and software development; or
- (viii) renewable energy;

(B) ~~(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

(C) ~~(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

(D) ~~(E)~~ in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) Business and industry. A student may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

~~(A)~~ a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:

- (i) Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources); or
- (ii) Chapter 130, Subchapter B, of this title (relating to Architecture and Construction); or
- (iii) Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications); or
- (iv) Chapter 130, Subchapter D, of this title (relating to Business Management and Administration); or
- (v) Chapter 130, Subchapter F, of this title (relating to Finance); or
- (vi) Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism); or
- (vii) Chapter 130, Subchapter K, of this title (relating to Information Technology); or
- (viii) Chapter 130, Subchapter M, of this title (relating to Manufacturing); or
- (ix) Chapter 130, Subchapter N, of this title (relating to Marketing); or
- (x) Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics); or
- (xi) Chapter 130, Subchapter Q, of this title (relating to Energy); or

~~(xii) Career Preparation I or II and Project Based Research in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i) - (xi) of this subparagraph; or~~

(A) ~~(B)~~ courses required to complete one of the following TEA-approved programs [a ~~TEA-designated program~~] of study related to business and industry : ~~;~~ ~~or~~

- ~~(i) accounting and financial services;~~
- ~~(ii) advanced manufacturing;~~
- ~~(iii) agricultural business, leadership, and communications;~~
- ~~(iv) agricultural technology and mechanical systems;~~
- ~~(v) animal science;~~
- ~~(vi) architectural design;~~
- ~~(vii) automotive and collision repair;~~
- ~~(viii) aviation maintenance;~~
- ~~(ix) business management;~~
- ~~(x) carpentry;~~
- ~~(xi) construction management and inspection;~~
- ~~(xii) culinary arts;~~
- ~~(xiii) diesel and heavy equipment maintenance and commercial drivers;~~
- ~~(xiv) digital communications;~~
- ~~(xv) distribution, logistics, and warehousing;~~
- ~~(xvi) electrical;~~
- ~~(xvii) entrepreneurship;~~
- ~~(xviii) environmental and natural resources;~~
- ~~(xix) food science and technology;~~
- ~~(xx) graphic design and interactive media;~~
- ~~(xxi) HVAC and sheet metal;~~
- ~~(xxii) industrial maintenance;~~
- ~~(xxiii) information technology;~~
- ~~(xxiv) lodging and resorts management;~~
- ~~(xxv) manufacturing technology;~~
- ~~(xxvi) marketing and sales;~~
- ~~(xxvii) masonry;~~
- ~~(xxviii) networking systems;~~
- ~~(xxix) oil and gas exploration and production;~~
- ~~(xxx) pilots and aviation operations;~~
- ~~(xxxi) plant science;~~
- ~~(xxxii) plumbing and pipefitting;~~
- ~~(xxxiii) real estate;~~

(xxxiv) refining and chemical processes;

(xxxv) travel, tourism, and attractions;

(xxxvi) web development; or

(xxxvii) welding;

~~(B)~~ ~~(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

~~(C)~~ ~~(D)~~ a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.

(3) Public services. A student may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:

~~(A)~~ a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses approved by the commissioner. The final course in the sequence must be selected from one of the following:

~~(i) Chapter 127, Subchapter G, of this title (relating to Education and Training); or~~

~~(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 and Project-Based Research in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)–(v) of this subparagraph; or~~

~~(A)~~ ~~(B)~~ courses required to complete one of the following TEA-approved programs ~~[a TEA-designated program]~~ of study related to public services: ~~[; or]~~

(i) diagnostic and therapeutic services;

(ii) early learning;

(iii) exercise science, wellness, and restoration;

(iv) family and community services;

(v) fire science;

(vi) government and public administration;

(vii) health and wellness;

(viii) law enforcement;

(ix) legal studies;

(x) medical therapy; or

(xi) nursing science; or

(B) [~~C~~] four courses in Junior Reserve Officer Training Corps (JROTC).

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

(g) (No change.)

## Commissioner's Comments

January 31, 2024

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

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

**BOARD RESPONSE:** Review and comment.

**BACKGROUND INFORMATION AND JUSTIFICATION:** On an as needed basis, the board will be briefed on significant public education issues and events.

**Staff Member Responsible:**

Ashley Merz, SBOE Policy Support Director

**Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021**  
**(Second Reading and Final Adoption)**

**February 2, 2024**

**COMMITTEE OF THE FULL BOARD: 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 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021. The proposed amendment would correct punctuation errors in one student expectation. 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 amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date would correct an error prior to the implementation of the new standards in the 2024-2025 school year.

**PREVIOUS BOARD ACTION:** The SBOE originally adopted the Texas Essential Knowledge and Skills (TEKS) for science effective September 1, 1998. The SBOE adopted revisions to the science TEKS for high school effective August 4, 2009, and August 27, 2018. At the November 2020 SBOE meeting, the board approved for second reading and final adoption proposed new 19 TAC §§112.41-112.45 with an effective date of 20 days after filing as adopted with the Texas Register. At the June 2021 SBOE meeting, the board approved for second reading and final adoption proposed new 19 TAC §§112.46-112.51 with an effective date of 20 days after filing as adopted with the Texas Register. At the November 2021 SBOE meeting, the board approved for second reading and final adoption proposed new 19 TAC §§112.1-112.7 and 112.25-112.28.

At the November 2023 meeting, the SBOE approved for first reading and filing authorization the proposed amendment to correct punctuation errors in one student expectation in §112.26(b)(11)(A).

**BACKGROUND INFORMATION AND JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the

required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

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

Also in January 2020, science TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the science TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in February 2020 to review survey results, content advisor consensus recommendations, and the SBOE's guidance to work groups to develop recommendations for how science TEKS review work groups can address these areas. Work Group B was convened virtually in June 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. In November 2020, the SBOE approved for second reading and final adoption proposed new §§112.41-112.45 for implementation beginning in the 2023-2024 school year.

Work Group D was convened for monthly meetings from November 2020-February 2021 to develop recommendations for TEKS for five additional high school science courses: Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, and a new course Specialized Topics in Science. In June 2021, the board gave final approval to the additional high school science courses. Specialized Topics in Science was approved for implementation beginning in the 2022-2023 school year. Aquatic Science, Astronomy, Earth and Space Science, and Environmental Systems were approved for implementation beginning in the 2024-2025 school year.

Between August and November 2020, Work Group C convened for a series of virtual meetings to develop recommendations for the Grades 6-8 science TEKS. Work Group E was convened for monthly meetings between January and March 2021 to develop recommendations for the science TEKS for Kindergarten-Grade 5. Work Groups C and E were reconvened in May and June 2021 to address public feedback and revise their draft recommendations. Work Group F was convened for a series of virtual meetings in July 2021 to address SBOE feedback provided at the April and June 2021 SBOE meetings, vertically align the elementary and middle school standards, meet with content advisors, and finalize the draft recommendations for the Kindergarten-Grade 8 TEKS for science. At the September 2021 SBOE meeting, the board approved for first reading and filing authorization proposed new TEKS for Kindergarten-Grade 5 science. At the November 2021 SBOE meeting, the board approved for second reading and final adoption proposed new 19 TAC §§112.1-112.7 and 112.25-112.28.

Following adoption of the revised standards, an error was discovered in one Grade 6 student expectation. An additional comma changed the intended meaning of the student expectation. This item provides an opportunity for the board to remove the comma to correct the error.

In addition, a technical edit to punctuation at the end of the student expectation would be made.

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

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

The proposed amendment would correct the error prior to the implementation of the new standards in the 2024-2025 school year to ensure that students receive instruction on the intended content. 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 November 2023 SBOE meeting, notice of the proposed amendment to §112.26(b)(11)(A) was filed with the Texas Register, initiating the public comment period. The public comment period began on December 22, 2023, and ended at 5:00 p.m. on January 22, 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 January-February 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January-February 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 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021, is necessary and shall have an effective date of 20 days after filing with the Texas Register. *(Per TEC, §7.102(f), a vote of two-thirds of the members of the board is necessary for an earlier effective date.)*

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021

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

**Chapter 112. Texas Essential Knowledge and Skills for Science**

**Subchapter B. Middle School**

**§112.26. Science, Grade 6, Adopted 2021.**

- (a) (No change.)
- (b) Knowledge and skills.
  - (1)-(10) (No change.)
  - (11) Earth and space. The student understands how resources are managed. The student is expected to:
    - (A) research and describe why resource management is important in reducing global energy [x] poverty, malnutrition, and air and water pollution ; [x] and
    - (B) (No change.)
  - (12)-(13) (No change.)

**Public Hearing on 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**

**January 31, 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, January 31, 2024. Testimony will be presented regarding proposed revisions to the Texas Essential Knowledge and Skills (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. In accordance with SBOE operating procedures, oral testimony will be limited to two minutes per person.

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

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

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

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

TEC, §28.002(j), allows the SBOE by rule to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

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

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

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

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

During the November 2022 meeting, the SBOE approved a timeline for the review of CTE courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and

revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for this review. The second review began in summer 2023 and consisted of courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy a science high school graduation credit. The complete CTE TEKS review process was used for this second CTE TEKS review.

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

The proposal would ensure the standards for agribusiness, animal science, plant science, aviation maintenance, and STEM courses that may satisfy science graduation requirements remain current and support relevant and meaningful programs of study.

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 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 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920**  
**(First Reading and Filing Authorization)**

**February 2, 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 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter C, Agriculture, Food, and Natural Resources, §§127.30, 127.45-127.58, 127.86, and 127.87; Subchapter O, Science, Technology, Engineering, and Mathematics, §127.795 and §127.796; and Subchapter P, Transportation, Distribution, and Logistics, §§127.887-127.890 and 127.920. The proposal would update and add new Texas Essential Knowledge and Skills (TEKS) for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as update TEKS for two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements to ensure the content of the courses remains current and supports relevant and meaningful programs of study.

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

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

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

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

TEC, §28.002(j), allows the SBOE by rule to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

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

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

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

**EFFECTIVE DATE:** The proposed effective date of the proposed new sections is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised agriculture, food, and natural resources; aviation maintenance; and STEM TEKS.

**PREVIOUS BOARD ACTION:** The SBOE adopted §§130.1-130.32 effective August 28, 2017. A discussion item regarding proposed revisions to the TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy science graduation requirements was presented to the Committee of the Full Board at the November 2023 SBOE meeting.

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

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

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

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

A public hearing regarding proposed revisions to the TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy science graduation requirements 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 are no additional costs to the state. However, in fiscal year 2023, there was a cost to the state of approximately \$100,000 to convene work group members who traveled to Austin to draft

recommendations for the CTE TEKS. In addition, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

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

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

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

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

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

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

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would better align the TEKS and add additional course options to students to support relevant and meaningful programs of study. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** 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 March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 2024.

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

Approve for first reading and filing authorization proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development 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.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Separate Exhibit:**

Text of Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development 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

(to be provided in advance of the January-February 2024 SBOE meeting)



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

February 2, 2024

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

**SUMMARY:** This item provides the opportunity for staff to present an update on the review and revision of the Texas Essential Knowledge and Skills (TEKS) and the English Language Proficiency Standards (ELPS) and for the board to provide additional guidance to TEKS review and ELPS work groups.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(4); 28.002(a) and (c); 28.025(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, §28.002(c), requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

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

TEC, §29.051, establishes state bilingual education and special language programs to meet the needs of emergent bilingual students.

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

**PREVIOUS BOARD ACTION:** The SBOE adopted the TEKS for all subjects effective September 1, 1998. The English language arts and reading TEKS were amended effective September 4, 2008. The Spanish language arts and reading TEKS were amended effective November 26, 2008. The TEKS for high school English elective courses were amended effective August 23, 2010. The English and Spanish language arts and reading TEKS for Kindergarten-Grade 8 were amended effective September 25, 2017, and the English language arts and reading and English as a second language (ESL) TEKS for high school were amended effective November 12, 2017. The K-12 TEKS for English and Spanish language arts and reading were again amended effective August 1, 2019, to make technical adjustments to the standards. The mathematics TEKS were amended effective August 1, 2006. The secondary mathematics TEKS were amended effective February 22, 2009. The mathematics TEKS were again amended effective September 12, 2012. The science TEKS were amended effective August 4, 2009 and were amended again to streamline the science TEKS effective August 27, 2018. The social studies TEKS were amended effective August 23, 2010 and were amended again to streamline the social studies TEKS in 2018. The career and technical education (CTE) TEKS were amended effective August 23, 2010. The CTE TEKS were again amended effective August 28, 2017. The fine arts TEKS were amended effective August 24, 2015. The TEKS for languages other than English (LOTE) were amended effective July 15, 2014, and December 31, 2014. The technology applications TEKS were amended effective September 26, 2011. The health education TEKS and the physical education TEKS were amended to be effective August 1, 2022. The science TEKS were once again amended effective April 28, 2021, November 30, 2021, and April 26, 2022. The revised science TEKS are scheduled to be implemented in the 2024-2025 school year. The

technology applications TEKS were amended effective August 7, 2022, and are also scheduled to be implemented in the 2024-2025 school year. At the November 2022 meeting, the SBOE approved proposed revisions to the social studies TEKS to align with requirements of Senate Bill 3, 87th Texas Legislature, Second Called Session, for implementation beginning in the 2024-2025 school year.

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 June 2023 meeting, the SBOE discussed a preliminary draft of proposed changes to the ELPS.

At the November 2023 meeting, the SBOE approved for second reading and final adoption proposed new TEKS for career preparation and entrepreneurship to be implemented with the 2024-2025 school year.

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

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

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

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

At the November 2022 SBOE meeting, the board approved a CTE TEKS review process that mirrors the process for other subjects, but accounts for factors unique to CTE. Staff provided SBOE members with applications received for work group members to review and revise the CTE TEKS for entrepreneurship and career preparation in November 2022 and January 2023. The approvals were due to TEA staff on December 1, 2022, and January 2023, respectively. TEA convened work groups for entrepreneurship and career preparation CTE TEKS in February, March, and April 2023. A public hearing and a separate action item in this agenda have been prepared for the board to discuss and approve for first reading and filing authorization the proposed revisions to the entrepreneurship and career preparation CTE TEKS.

In February 2023, TEA posted a work group application to develop recommendations for revisions to the TEKS for certain courses in the Agriculture, Food, and Natural Resources career cluster; two CTE science courses that may satisfy a science graduation requirement, Principles of Technology and Scientific Research and Design; and the courses in the Aviation Maintenance program of study. TEA provided SBOE members with applications received in February, March, and April 2023. The approvals were due to TEA staff on March 3, March 24, April 14, and May 5. At the April 2023 SBOE meeting, the board took no action to approve advisory group members to review and comment on the proposed draft recommendations for selected courses in Agriculture, Food, and Natural Resources career cluster.

Additionally at the April 2023 SBOE meeting, the board discussed and approved changes to the TEKS review process, including approving a process for selecting work group members. The changes are scheduled to begin with the next subject to be reviewed and revised.

This item provides the opportunity for staff to update the board on progress related to the ongoing CTE and ELPS review processes and for the board to provide additional direction to TEKS review and ELPS work groups.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Discussion of Proposed Updates to the Texas State Plan for *Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V)***

**January 31, 2024**

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

**SUMMARY:** This item provides an opportunity for the committee to discuss proposed updates to Texas’s Perkins V State Plan. The current approved plan has been in effect since the 2021-2022 school year. Proposed updates would streamline the plan and provide opportunities to focus resources and technical assistance in response to needs identified through the Career and Technology Education (CTE) program of study refresh process.

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

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

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

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

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

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

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

The required state plan narrative includes seven key areas: planning, coordination, and collaboration prior to state plan submission; program administration; provision of services to special populations; accountability and evaluation; financial requirements; and Education Department General Administrative Regulations (EDGAR) certifications and other assurances. The four-year CTE plan must be approved by

the SBOE in order to meet the April 2020 submission deadline set by the United States Department of Education.

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Alexis Bauserman, Director, College, Career, and Military Preparation

## Discussion of Pending Litigation

January 31, 2024

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

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

Cases to be discussed may include:

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

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

**BOARD RESPONSE:** Board may advise and comment.

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

**Staff Member Responsible:**

Von Byer, General Counsel, Legal Services

# **COMMITTEE ON INSTRUCTION**

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)**  
**(First Reading and Filing Authorization)**

**February 2, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§28.0023](#), as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023.

TEC, [§28.0023](#), as amended by HB 4375, 88th Texas Legislature, Regular Session, 2023, requires the State Board of Education (SBOE) to require by rule instruction in CPR and the use of an AED for students in Grades 7-12.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is August 1, 2024.

**PREVIOUS BOARD ACTION:** The SBOE adopted [§74.38](#) effective August 25, 2014. A discussion item regarding the proposed amendment to [§74.38](#) was presented to the Committee on Instruction at the November 2023 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In 2013, the 83rd Texas Legislature, Regular Session, passed HB 897, amending TEC, [§28.0023](#), to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. TEC, [§38.017](#), requires school districts and open-enrollment charter schools to make available at each campus at least one AED.

Section 74.38 requires school districts and open-enrollment charter schools to provide instruction in CPR to each student in Grades 7-12 at least once before graduation from high school. The instruction is permitted to be provided as part of any course.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, which further amended TEC, [§28.0023](#), to add instruction in the use of an AED to the requirements for instruction in CPR. The legislation specified that the SBOE must require districts and charter schools to provide instruction in the use of an AED to students in Grades 7-12. Additionally, the legislation added the requirement that CPR instruction must include training in CPR techniques and the use of AEDs.



This item provides an opportunity for the board to align §74.38 with the requirements of HB 4375. The proposed amendment would require the instruction in the use of an AED beginning with students who enter Grade 7 in the 2024-2025 school year.

**FISCAL IMPACT:** The Texas Education Agency (TEA) has determined that for the first five years the proposal is in effect, there are no additional costs to state or local government required to comply with the proposal.

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by requiring that school districts and charter schools provide instruction in the use of an AED to students in Grades 7-12.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would establish a rule for school districts to implement instruction in the use of an AED in addition to instruction in CPR for students in Grades 7-12, which could possibly save lives. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** 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 March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 2024.

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

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR).

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)

ATTACHMENT  
Text of Proposed Amendment to 19 TAC

**Chapter 74. Curriculum Requirements**

**Subchapter C. Other Provisions**

**§74.38. Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and Use of an Automated External Defibrillator (AED) .**

- (a) A school district or an open-enrollment charter school shall provide instruction to students in Grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) . The instruction:
- (1) may be provided as a part of any course; and
  - (2) shall ~~must~~ be provided to each student at least once before graduation from high school.
- (b) CPR instruction shall include training for students in CPR techniques and the use of an AED.
- (c) ~~(b)~~ The training shall have ~~[CPR instruction must include training that has]~~ been developed:
- (1) by the American Heart Association or the American Red Cross; or
  - (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.
- (d) ~~(e)~~ A school district or an open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide CPR instruction and training under this section. Except as specified in subsection (e) ~~(d)~~ of this section, an instructor of this training is not required to be certified in CPR.
- (e) ~~(d)~~ Instruction provided under this section is not required to result in certification by a student in CPR or the use of an AED . If instruction is intended to result in certification in CPR or the use of an AED , the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.
- (f) ~~(e)~~ A school district or an open-enrollment charter school may waive the requirement under this section for a student [s] who , due to a disability, is unable to complete the requirement. The determination regarding a student's ability to complete the CPR or AED requirements ~~[requirement]~~ will be made by:
- (1) the student's ARD committee if the student receives special education services under ~~[the]~~ Texas Education Code (TEC), Chapter 29, Subchapter A; or
  - (2) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under ~~[the]~~ TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.
- (g) ~~(f)~~ The requirement to receive instruction in CPR ~~[This section]~~ applies to any student who entered Grade 7 in the 2010-2011 school year and thereafter.
- (h) The requirement to receive instruction in the use of an AED applies to any student who entered Grade 7 in the 2024-2025 school year and thereafter.

**Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A,  
Required Curriculum, §74.5, Academic Achievement Record (Transcript)  
(First Reading and Filing Authorization)**

**February 2, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED) in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR) be indicated on a student's academic achievement record.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §7.102(c)(13).

TEC, §7.102(c)(13), requires the State Board of Education (SBOE) to adopt transcript forms and standards for differentiating high school performance for purposes of reporting academic achievement under TEC, §28.025.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is August 1, 2024.

**PREVIOUS BOARD ACTION:** The SBOE adopted §74.5 effective June 18, 2014, to align with legislation passed by the 83rd Texas Legislature, Regular Session, 2013. In April 2016, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 84th Texas Legislature, 2015. In April 2018, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 83rd Texas Legislature, Regular Session, 2013, and 85th Texas Legislature, 2017. In April 2021, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 86th Texas Legislature, Regular Session, 2019. In April 2023, the SBOE gave final approval to a proposed amendment to §74.5 to align with legislation passed by the 87th Texas Legislature, Regular Session, 2021.

**BACKGROUND INFORMATION AND JUSTIFICATION:** In 2013, the 83rd Texas Legislature, Regular Session, passed House Bill (HB) 897, amending TEC, §28.0023, to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. The SBOE adopted an amendment to §74.5 in 2018 to update the rule for the academic achievement record to document the completion of the required CPR instruction (if the instruction is provided in Grades 9-12).

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, further amending TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The proposed amendment would update the rule for the academic achievement record to include documentation of the completion of the additional instruction in the use of an AED (if the instruction is provided in Grades 9-12).

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 districts indicate on a student's transcript completion of the instruction in the use of an AED for students who satisfy the requirement during the current school year.

**FISCAL IMPACT:** The Texas Education Agency (TEA) has determined that there are no additional costs to state or local government beyond what is required by statute.

There may be costs to school districts and charter schools associated with required updates to local student information systems in order to implement the requirements of statute. These may include amendments to district-developed databases. Since the design and format of and data collection for the academic achievement record (high school transcript) are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by requiring school districts and charter schools to report a student's completion of instruction in the use of an AED on the academic achievement record.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would improve documentation of requirements on the academic achievement record and the ability to more effectively transmit that information between school districts and institutions of higher education. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** 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 March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 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 A, Required Curriculum, §74.5, Academic Achievement Record (Transcript).

**Staff Members Responsible:**

Monica Martinez, Associate Commissioner, Standards and Programs

Shelly Ramos, Senior Director, Curriculum Standards and Student Support

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter A, Required Curriculum, §74.5, Academic Achievement Record (Transcript)

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

**Chapter 74. Curriculum Requirements**

**Subchapter A. Required Curriculum**

**§74.5. Academic Achievement Record (Transcript).**

- (a) The commissioner of education shall develop and distribute to each school district and institution of higher education the state guidelines for a common academic achievement record and coding system for courses and instructions for recording information on the academic achievement record. Each school district must use the coding system provided by the commissioner.
- (b) Following guidelines developed by the commissioner, each school district must use an academic achievement record (transcript) form that includes the following:
  - (1) student demographics;
  - (2) school data;
  - (3) student data; and
  - (4) the record of courses and credits earned.
- (c) The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. Each district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving school district.
- (d) Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.
- (e) A student who completes high school graduation requirements shall have attached to the academic achievement record a seal approved by the State Board of Education.
- (f) A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record.
- (g) A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record.
- (h) A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record.
- (i) A student who demonstrates proficiency in speech as specified in §74.11(a)(3) of this title (relating to High School Graduation Requirements) shall have completion of the speech requirement clearly indicated on the academic achievement record.
- (j) A student who completes the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and the use of an automated external defibrillator (AED)) in Grade 9, 10, 11, or 12 shall have completion of the CPR and use of an AED instruction clearly indicated on the academic achievement record.
- (k) A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record.
- (l) A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.

- (m) A student who satisfies a languages other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with §74.12(b)(5)(F) of this title (relating to Foundation High School Program) shall have the credit clearly indicated on the academic achievement record.
- (n) A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program in accordance with Chapter 21, Subchapter D, of this title (relating to the Texas First Early High School Completion Program) shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record.
- (o) A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record will include a notation of the date such a certificate was issued to the student.



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

**February 2, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code; and update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to dyslexia evaluation, identification, and instruction.

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

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

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

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

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

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

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will allow districts of innovation and open-enrollment charter schools that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year.

**PREVIOUS BOARD ACTION:** The SBOE adopted §74.28 effective September 1, 1996. The SBOE amended §74.28 effective August 27, 2018, to align the rule with legislative changes made by HB 1886, 85th Texas Legislature, Regular Session, 2017. In February 2018, the SBOE adopted an amendment to §74.28 effective March 13, 2019. The SBOE adopted an amendment to §74.28 effective December 25, 2019. The rule was also amended effective February 10, 2022. A discussion item was held with the Committee on Instruction on August 31, 2023, to discuss potential amendments to align with HB 3928, 88th Texas Legislature, Regular Session, 2023.

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

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

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

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

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

This item provides the committee with an opportunity to consider for first reading and filing authorization updates to the section and the *Dyslexia Handbook* that would align with the passage of HB 3928.

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

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

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

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

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

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

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

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

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 2024.

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

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

**Staff Member Responsible:**

Kristin McGuire, Senior Director, Special Populations Policy, Technical Assistance, and Systemwide Integration

**Attachment I:**

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

**Attachment II:**

DRAFT-Texas Dyslexia and Dysgraphia Handbook

ATTACHMENT  
Text of Proposed Amendment to 19 TAC

**Chapter 74. Curriculum Requirements**

**Subchapter C. Other Provisions**

**§74.28. Students with Dyslexia and Related Disorders.**

- (a) Definitions. The following words and terms, when used in this section, shall have the following meanings.
- (1) Screening a student for dyslexia or a related disorder, a term used in Texas Education Code (TEC), §38.003, means the administration of a universal screening instrument required for students in Kindergarten and Grade 1.
  - (2) Testing a student for dyslexia or a related disorder, a term used in TEC, §38.003, means a comprehensive evaluation as required under 34 Code of Federal Regulations (CFR), Part 300, and includes evaluation components as stated in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," referenced in subsection (c) of this section, for the identification of dyslexia or a related disorder.
  - (3) Treatment for a student identified with dyslexia or a related disorder, a term used in TEC §38.003, means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).
  - (4) Direct dyslexia instruction, a term used in TEC, §7.102(c)(28), or dyslexia instruction means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the handbook referenced in subsection (c) of this section and as described by a student's IEP under TEC, §29.005.
  - (5) Provider of dyslexia instruction (PDI) means a provider who meets the requirements of TEC, §29.0032.
- ~~[(a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.]~~
- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school must adopt and implement a policy requiring the district or school to comply with this section, inclusive of the handbook referenced in subsection (c) of this section and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee [ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence based instructional services to the student are implemented in the district] .
- (c) A school district's or open-enrollment charter school's policy [procedures] must be implemented according to the State Board of Education's (SBOE's) [Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the] "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders " provided in this subsection. Before adopting changes to the handbook, the SBOE will consider input provided by [The handbook is a set of guidelines for school districts and open enrollment charter schools that may be modified by the SBOE only with broad based dialogue that includes input from] educators and professionals in the field of reading and dyslexia and related disorders , as well as parents and other stakeholders, from across the state.
- Figure: 19 TAC §74.28(c) [Figure: 19 TAC §74.28(e)]
- ~~[(d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid-~~

~~evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.]~~

~~(d) [(e)] A school district or open-enrollment charter school must provide evidence-based dyslexia instruction by a trained PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components [shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors] found in the handbook referenced in subsection (c) of this section ["Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision-making committee shall include these instructional strategies] .~~

~~[(f) — At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:]~~

~~[(1) — a reasonable description of the evaluation procedure to be used with the individual student;]~~

~~[(2) — information related to any instructional intervention or strategy used to assist the student prior to evaluation;]~~

~~[(3) — an estimated time frame within which the evaluation will be completed; and]~~

~~[(4) — specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources;]~~

~~[(g) — Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:]~~

~~[(1) — a copy of the procedural safeguards notice required by 34 CFR, §300.504;]~~

~~[(2) — an opportunity to give written consent for the evaluation; and]~~

~~[(3) — a copy of information required under Texas Education Code (TEC), §26.0081;]~~

~~[(h) — Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.]~~

~~[(i) — Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.]~~

~~[(j) — Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.]~~

~~(e) [(k)] Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for~~

dyslexia and related disorders required for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

(f) ~~(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.

# TEXAS DYSLEXIA

# AND

# DYSGRAPHIA

# HANDBOOK

2024 Version

TEXAS EDUCATION AGENCY • AUSTIN, TEXAS

(MONTH) 2024

# TEXAS DYSLEXIA AND DYSGRAPHIA HANDBOOK

## 2024 Version

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# Foreword

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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 *Dyslexia Handbook—2018 Update: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* implemented statutory requirements added by the 85th Texas Legislature. At that time, the Handbook was adopted into rule at 19 Texas Administrative Code (TAC) 74.28.

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.

The SBOE, in making the necessary changes from the 88<sup>th</sup> Texas Legislature, has decided to incorporate both the statutory changes and take the opportunity to reformat the handbook to make it as user friendly as possible. Because dyslexia and dysgraphia are the two disabilities addressed in the Handbook, the Handbook title has been changed to the *Texas Dyslexia and Dysgraphia Handbook, 2024 version*.

**This 2024 Handbook replaces all previous handbooks and guidelines.**

There are designated representatives at each regional education service center (ESC) available to assist stakeholders with implementing state law, SBOE rules and procedures, and agency guidance regarding dyslexia and related disorders, [Education Service Centers Map](#) | [Texas Education Agency](#). In addition to the Handbook, resources include a State Dyslexia Coordinator, an ESC Dyslexia Network Consultant, and a helpline (1-800-232-3030).

# Chapter 1: Introduction and Purpose

The purpose of the Dyslexia and Dysgraphia Handbook is to provide the required procedures for school districts, open enrollment charter schools, parents, and students when evaluating, identifying, and instructing students with dyslexia or dysgraphia.

Texas Education Code (TEC) 7.102(c)(28) gives the power and duty to develop a dyslexia program to the SBOE. TEC §38.003 gives direction as to how the SBOE must develop this program.

TEC §38.003 reads as follows (**bolded text is for emphasis only for this mention**):

Sec. 38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS. (a) Students enrolling in public schools in this state shall be **screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.**

(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall:

(1) provide for the treatment of any student determined to have dyslexia or a related disorder; and

(2) adopt and implement a policy requiring the district to comply with all rules and standards adopted by the State Board of Education to implement the program, including:

(A) the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments; and

(B) guidance published by the commissioner to assist the district in implementing the program.

(b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.

**(c) Subject to Subsection (c-1), the State Board of Education shall adopt any rules and standards necessary to administer this section.**

(c-1) The agency by rule shall develop procedures designed to allow the agency to:

(1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;

(2) identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section;

(3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished; and

(4) solicit input from parents of students enrolled in a school district during the auditing and monitoring of the district under Subdivision (1) regarding the district's implementation of the program approved by the State Board of Education under this section.

(d) In this section:

(1) "**Dyslexia**" means a **disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.**

(2) "**Related disorders**" includes **disorders similar to or related to dyslexia**, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, **developmental dysgraphia**, and developmental spelling disability.

TEC, Chapter 29, Subchapter A, provides additional laws around special education, which is driven primarily by the federal law called the Individuals with Disabilities Education Act (IDEA).

Both Chapter 38 of the TEC and Chapter 29, Subchapter A apply to open-enrollment charter schools. Therefore, unless otherwise specified as school district or open enrollment charter school, the **term local educational agency, or LEA, will refer to both entities.**

The SBOE has adopted rule through Texas Administrative Code (TAC) Title 19, Section 74.28, which incorporates this handbook.

The commissioner of education has adopted rule at 19 TAC 89.1040 that describes eligibility criteria for a student with a specific learning disability (SLD), which includes both dyslexia and dysgraphia.

For purposes of this handbook, and to comply with the “related disorders” component of state law, **this handbook will focus on the disabilities of dyslexia and dysgraphia.** In addition to the state definition of these terms found at TEC §38.003 listed above, here are a couple of other definitions:

The International Dyslexia Association defines dyslexia, in part, as being **neurobiological** in origin, characterized by **difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities.** The definition goes on to say that secondary consequences may include problems with reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Dysgraphia and dyslexia are both language-based disorders. Dysgraphia is a written language disorder in production of strokes to form a handwritten letter. 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).

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.**

**Dyslexia and dysgraphia are only two types of SLDs that may require the provision of specially designed instruction, also known as special education. The purpose of this handbook is in no way to limit LEAs to screening for, identifying, and serving students with only these two disabilities. However, because research demonstrates how critical early intervention is for these two neurobiological, language-based disabilities, this handbook focuses on how parents and school staff can identify signs of dyslexia or dysgraphia and intervene early.**

**While this handbook will reference and sometimes repeat federal and state law and rules, LEAs must not rely on this handbook as an exhaustive list or description of all statutory or regulatory requirements.**

As a reference, identified below are some of the laws that drive the requirements of this handbook:

**Figure . 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 §29.0031**

This statute describes requirements of an LEA when it suspects that a student may have dyslexia and who must be involved in the evaluation and eligibility determination process. It also states that students receiving dyslexia instruction must receive progress reports at least every six weeks.

**TEC §29.0032**

This statute states that a provider of dyslexia instruction does not have to be certified in special education unless the

provider is employed in a special education position that requires that certification.

**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 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 must 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. IDEA has regulations to implement the law found at Title 34, Code of Federal Regulations (CFR), Section 300. One of the tenets of IDEA and the corresponding regulations is Child Find, found at 34 CFR. 300.111. Child Find refers to the federal requirement under the IDEA that all children in need of special education services are identified, located, and evaluated. LEAs are responsible for conducting Child Find and identifying all IDEA-eligible students that reside in their jurisdiction.

# Chapter 2: Definition and Characteristics of Dyslexia

## Definition

As mentioned in the Introduction and Purpose chapter, TEC §38.003 defines dyslexia 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.

Adequate intelligence does not mean that a student must demonstrate average or above average intelligence to be identified with dyslexia.

## Characteristics and Consequences

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

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

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above. 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 not in alignment with the student’s age, grade, and educational level and are not primarily the result of language difference factors.

## Common 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. Additionally, there is often a family history of similar difficulties.

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

### Preschool

- Delay in learning to talk
- Difficulty with rhyming
- Difficulty pronouncing words (e.g., “pusgetti” for “spaghetti,” “mawn lower” for “lawn mower”)
- Poor auditory memory for nursery rhymes and chants

- Difficulty adding new vocabulary words
- Inability to recall the right word (word retrieval)
- Trouble learning and naming letters and numbers and remembering the letters in his/ her name
- Aversion to print (e.g., doesn't enjoy following along if a book is read aloud)

### **Kindergarten and First Grade**

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

### **Second Grade and Third Grade**

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

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

### **Fourth Grade through Sixth Grade**

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

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

### **Middle School and High School**

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

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

### **Postsecondary**

Some students will not be identified as having dyslexia prior to entering college. The early years of reading difficulties evolve into slow, labored reading fluency. Many students will experience extreme frustration and fatigue due to the increasing

demands of reading as the result of dyslexia. In making a diagnosis for dyslexia, a student's reading history, familial/genetic predisposition, and assessment history are critical. Many of the previously described behaviors may remain problematic along with the following:

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

## Associated Academic Difficulties and Other Conditions

It is important to note that dyslexia may contribute to problems in written expression, reading comprehension, and mathematics and compound struggles with word based problems. Since dyslexia is considered a hidden disability, many students struggle silently, some students with dyslexia may exhibit other complex conditions and/or behaviors as a result.

Students with dyslexia often have co-occurring conditions, including attention deficit hyperactivity disorder (ADHD), learning disabilities in other areas, and speech and language disabilities.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dyslexia. 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. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.

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# Chapter 3: Universal Screening for Dyslexia

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## Screening Basics and Requirements

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. Screening is not a formal evaluation.

TEC §38.003 **requires all kindergarten and first-grade public school students to be screened for dyslexia.** Additionally, the law requires that all students be evaluated as appropriate. Universal screening results should identify those students who are potentially at risk for dyslexia.

Another state law that is related to diagnosing reading development and comprehension exists at TEC §28.006, which requires each LEA 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 LEAs 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 commissioner must adopt a list of reading instruments that an LEA may use to measure student reading development and comprehension. LEAs are permitted to use reading instruments other than those adopted by the commissioner for first and second grades only when a district-level committee adopts these additional instruments. TEC §28.006(d) requires each LEA to report the results of these reading instruments to the LEA’s board, TEA, and – no later than the 60<sup>th</sup> calendar day after the date on which a reading instrument was administered – report the results in writing to a student’s parent or guardian.

In accordance with TEC §28.006(g), an accelerated reading instruction program must be provided to students determined to be at risk for dyslexia or other reading difficulties based on the results of the reading instruments. 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** requires each LEA to administer to students in kindergarten, first grade, and second grade (and in some cases seventh grade) a reading instrument to diagnose student reading development and comprehension. Should an LEA wish to use a single instrument to meet the requirements of both TEC §38.003 and TEC §28.006 for students in kindergarten and grade 1, the LEA may, but is not required to do so.

The approved list of reading Instruments required by TEC §28.006 is available on the Texas Education Agency (TEA) website at [Data Tool Selection Guidance | Texas Education Agency](#). 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**. **Note that if the commissioner of education rules or guidance associated with the implementation of TEC 28.006 is revised, or if the statute itself is revised, LEAs must adjust practices accordingly; the guidance in this handbook focuses on the implementation of TEC 38.003.**

## Timing of Screening

TEC §38.003 mandates that **kindergarten students be screened at the end of the school year.** In scheduling the kindergarten screener, LEAs need to consider the questions in the figure below.

[Figure . Considerations for Local Scheduling of Dyslexia Screening in Kindergarten](#)



- 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?
- 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?

TEC §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (19 TAC §74.28), has determined that **students in first grade must be screened no later than 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 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. Screening of first grade students by January 31 will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students.

## Screening Instrument Criteria

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 will meet the dyslexia screening requirement for kindergarten and first grade students.

It is important that screening instruments be accurate; however, they must **not** be as comprehensive as an extensive individualized evaluation. With this in mind, various types of instruments that meet the criteria below need to be used to screen for dyslexia.

In developing the criteria for the kindergarten and grade 1 screening instruments for dyslexia, it is important to differentiate between the skills and behaviors appropriate at each grade level. Additionally, with a sizable emergent bilingual student (EB) population in Texas, it is essential that Spanish language screening instruments be addressed. Therefore, criteria for both English and Spanish speakers are included. See also Chapter 10 for additional considerations for EB students.

Regardless of the primary language of the student, instruments used to screen for dyslexia must address the skills in the figure below.

**Figure \_\_\_\_ . Criteria for English and Spanish Dyslexia Screening Instruments**

<u>Kindergarten</u>	<u>First Grade</u>
<ul style="list-style-type: none"> <li>• <u>Letter Sounds Knowledge or Letter Naming Fluency</u></li> <li>• <u>Phonological Awareness</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Word Reading Accuracy or Fluency</u></li> <li>• <u>Phonological Awareness</u></li> </ul>

In addition to the measures of the skills identified in the figure above, other criteria need to be considered when selecting a screening instrument. Approved screening instruments must take only a brief time to administer and be cost effective. They need to have established validity and reliability and standards. They need to also include distinct indicators identifying students as either not at risk or at risk for dyslexia. 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.

Screening instruments must include a measure for each of the skills noted above. In determining which screening instrument to use, an LEA must consider the primary language of the student and other factors as determined by the LEA.

Individuals who administer the screening instrument must also document student behaviors observed during the administration of the instrument. A list of behaviors that might be observed during the administration of the screener and then documented are included in the figure below.

**Figure . Student Behaviors That Might Be Observed During Screening**

- Lack of automaticity
- Difficulty sounding out words left to right
- Guessing
- Self-correcting
- Inability to focus on reading
- Avoidance behavior

## Who Administers Screeners

An LEA must ensure that appropriately trained and qualified individuals administer and interpret the results of the selected screening instrument. **An educational aide is not eligible to administer or interpret the dyslexia screening instrument.** The individual who administers and interprets the screening instrument must have received training specifically for the selected instrument and in recognizing characteristics of dyslexia. An individual who administers the screening instrument must:

1. Be the current teacher of record or a classroom teacher who holds a valid certification for kindergarten and grade 1;
2. Hold a licensed dyslexia therapist (LDT) license under Chapter 403, Occupations Code; or
3. Hold the most advanced dyslexia related certification. See pages 14-15 for who the SBOE considers to be those qualified.

The child’s classroom teacher/teacher of record is preferable at this screening stage since he or she would be most familiar with the child’s reading development.

## Interpreting Screening Results

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.

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, must never be the final determination of whether a student has dyslexia. 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.

It is important to interpret the screening instrument with fidelity. Publishers of screening instruments establish cut points based on certain referenced criteria. Cut points are used to group students into categories (e.g., at risk or not at risk) based on the results of the 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 points 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.

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.

## Establishing a Screening Team/Committee for Those At-Risk

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 so that targeted intervention can be provided. Screening must lead to effective instruction for it to be useful. Therefore, once the screener has been administered and a child has been determined to be possibly at risk for dyslexia, **a screening team/committee must analyze the results, identify the level of risk for each student, and make informed decisions.**

The screening team/committee must 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 instrument;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- have knowledge of the characteristics of dyslexia.

The team/committee might consist of the student’s classroom teacher, a provider of dyslexia instruction (PDI), a licensed dyslexia therapist (LDT), the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), special education teacher, and an administrator.

For students who are identified at risk for dyslexia, the school needs to provide intervention targeted to the student’s needs provided by the appropriate staff as determined by the LEA. **It is important to note that the use of a tiered intervention process, such as Response to Intervention (RTI) or a Multi-Tiered System of Supports (MTSS), must not be used to delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia.** Any student may be referred for a full individual and initial evaluation (FIE) under IDEA, at any time, regardless of the results of the screening instrument, if the student is thought to have a disability that requires the provision of special education and related services.

For students who score close to the cut point but did not meet the at-risk category, 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.

### Data Gathering

Both quantitative and qualitative information are critical components when the screening team/committee is gathering data to make its informed decisions. Examples of quantitative and qualitative information used in determining next steps are provided in the figure below.

<u>Figure . Sources and Examples of Data Gathering</u>	
<u>Quantitative Information</u>	<u>Qualitative Information</u>

<p><u>Results of—</u></p> <ul style="list-style-type: none"> <li>• <u>Current screening instruments</u></li> <li>• <u>Previous screening instruments</u></li> <li>• <u>Formal and informal classroom reading assessments</u></li> <li>• <u>Additional brief and targeted skill assessments</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Observations of student during screening</u></li> <li>• <u>Other observations of student progress</u></li> <li>• <u>Teacher observations</u></li> <li>• <u>Parent/guardian input (e.g., family history, early language skills)</u></li> <li>• <u>Current student work samples</u></li> <li>• <u>Work samples from earlier grade(s)</u></li> <li>• <u>Intervention history</u></li> </ul>
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For students who fall close to the predetermined cut points, implementation of short-term, tiered intervention with regular progress monitoring is one way to determine if additional data gathering or a formal evaluation is needed. Teachers and administrators need to be mindful that screening for risk is an ongoing process. Decisions made based on a screener at a single-point-in-time need to be reevaluated as necessary and may need to be altered as more information is obtained.

Screening data must be shared with parents. Teachers and school administrators must also use screening data to guide instruction at the classroom level. When large percentages of students are determined to be at risk for dyslexia, it signals a need to review instructional programming and practices and teacher training in effective and explicit reading instruction.

It is important to remember that at any point in the data review process a referral for an FIIE under the IDEA may be initiated. Parents also have the right to request an FIIE at any time. Regardless of the process in place for screening and data review, whenever accumulated data indicates that a student may have dyslexia and may require the provision of special education services, despite the provision of adequate instruction and intervention, the student must be referred for an FIIE under the IDEA.

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# Chapter 4: Evaluation and Identification of Students with Dyslexia

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## Child Find

As a reminder, Child Find is a provision in the federal IDEA law that requires the state and each LEA 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 appropriate public education (FAPE) (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, and a student identified with dyslexia who needs direct dyslexia instruction would meet eligibility for special education and related services, 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 visit the Texas Sped Support website, <http://spedsupport.tea.texas.gov/>. Whether to refer a student for an evaluation under the IDEA must always be made on a case-by-case basis and must be driven by data-based decisions.

In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a LEA receives parental consent. The student must continue to receive grade level, systematic explicit core reading instruction (Tier 1) and any other appropriate tiered interventions while the FIIE is being conducted.

## **Dyslexia is a Specific Learning Disability (SLD)**

In IDEA, dyslexia is considered one of a variety of etiological foundations for specific learning disability (SLD). 34 CFR, §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.*

State law (TEC §29.0031) also states dyslexia is an example of and meets the definition of a SLD under IDEA.

## Referring for an Evaluation

At any time if dyslexia and need for special education services, including dyslexia instruction, is suspected, the student must be referred for an FIIE. In the case of a screening team/committee, if in the data gathering stage the data leads to a suspicion of dyslexia and a possible need for special education services, the team/committee must refer the student for an FIIE. Additionally, parents/guardians always have the right to request an FIIE at any time. Once a parent makes a written request for an FIIE, the LEA 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 dyslexia. If dyslexia is suspected, the student needs to be evaluated following the guidelines outlined in this chapter, under IDEA and its corresponding regulations, and state law and corresponding regulations. If the school refuses the request to evaluate, it must give parents prior written notice within 15 school days 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 *Notice of Procedural Safeguards*, and *Overview of Special Education for Parents*. [Overview of Special Education for Parents \(texas.gov\)](http://www.tea.texas.gov/speced/parents) 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.

# What is the FIIE?

The FIIE that is conducted for any suspected disability, including dyslexia, assists in determining:

- Whether the student is a student with a disability in need of special education and related services;
- The impact of the disability on the student's access to and progress in the general education curriculum; and
- If identified and determined eligible by an admission, review and dismissal (ARD) committee, the content of the student's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum.

It is a comprehensive evaluation that uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. No one single measure or assessment is used, and the evaluation must assess a student in all areas of a suspected disability or disabilities.

## Members of the Multidisciplinary Team (MDT)

Once consent to evaluate the student is received from the parent, a multidisciplinary team (MDT) is formed, and this team assumes the responsibility of following all evaluation procedures for the FIIE.

The MDT is a group of members that will be responsible for evaluating a student in **all** areas of suspected disability. The composition will vary based on the suspected disability or disabilities. All members of the MDT bring their specific skill sets to the evaluation process. The members work together to gather, analyze, and interpret evaluation data so that no one member makes unilateral decisions.

State law requires that, when dyslexia is suspected, a person with specific knowledge of dyslexia and related disorders, the reading process, and dyslexia instruction must be a part of the LEA's MDT. This person must:

1. Hold a licensed dyslexia therapist (LDT) 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) and (2) is not available, meet the applicable training requirements adopted by the SBOE pursuant to Sections 7.102 and 38.003.

LEAs must prioritize the individuals who meet the credentials of items (1) and (2) above when designating an individual to fill this role, as those are the statutorily required professionals. To meet the credentials of the most advanced dyslexia-related certification, the individual must have received certification or training from the following programs or providers: Academic Language Therapy Association, the International Dyslexia Association, the Orton Gillingham Academy, Wilson Language Training, or have received training through an International Multisensory Structured Language Education Council-(IMSLEC)-accredited course at the teaching or therapy level.

Understanding the limitations of availability of the individuals who meet the credentials of items (1) and (2) above, an LEA may identify another individual to serve in this role who, within the school year of being designated as such member, must:

- register and complete the Texas Education Agency's (TEA's) Texas Dyslexia Academies (TDAs);
- register and complete the TEA's Guidance for the Comprehensive Evaluation of a Specific Learning Disability training; and
- must document that the member has training in current research- and evidence-based assessments that are used to identify the most common characteristics of dyslexia.

When TEA updates the required trainings above, the member must complete those updated trainings within one calendar year from the date the revised training was made available.

# MDT Duty #1: Review of Existing Evaluation Data (REED)

One of the responsibilities of the MDT is to gather and review data to determine if, when provided learning experiences and instruction appropriate for their age or grade-level standards, a student is not achieving adequately. As part of a FIIE, the MDT conducts a REED, often through a planning meeting, to identify existing data and additional data that needs to be collected. This helps to focus the evaluation and determine which reading areas will require additional data to determine if the student is achieving adequately or not.

## Areas to Assess in a Dyslexia Evaluation

When the MDT assesses for dyslexia, they are assessing for a specific type of SLD. Dyslexia and SLD are not separate evaluations. Dyslexia is an example of and meets the criteria of an SLD. As a reminder, basic reading skills include letter knowledge, reading words in isolation, decoding unfamiliar words accurately. Reading fluency skills include reading rate, accuracy, and prosody. Basic reading skills and reading fluency are two of the eight areas of underachievement for SLD. As research demonstrates that the other areas of underachievement are sometimes common in those with dyslexia, or sometimes show student strengths in those areas, a comprehensive evaluation will likely not be limited to just basic reading and reading fluency.

The MDT should determine through the REED process what existing data exists and what additional data is necessary in order to comply with the evaluation requirements described in this handbook, as well as in federal and state law and rules. An evaluation for dyslexia must ultimately show evidence of the following, using new or existing assessment data:

<b><u>Areas to Assess in a Dyslexia Evaluation</u></b>	
<b><u>Areas that Must be Assessed</u></b>	<b><u>Additional Areas that May Warrant Assessment</u></b>
<u>Letter knowledge (name and associated sound)</u>	<u>Verbal working memory</u>
<u>Reading words in isolation (phonological memory)</u>	<u>Processing speed</u>
<u>Decoding unfamiliar words accurately</u>	<u>Vocabulary</u>
<u>Reading fluency (rate, accuracy, and prosody)</u>	<u>Listening comprehension</u>
<u>Reading comprehension</u>	<u>Verbal expression</u>
<u>Spelling of written words (orthographic processing)</u>	<u>Written Expression</u>
<u>Phonological/phonemic awareness</u>	<u>Other academic areas</u>
<u>Rapid naming of symbols or objects</u>	

## **Areas that Must Be Assessed**

Areas that must be assessed include letter knowledge, word decoding, fluency (rate, accuracy, and prosody) and spelling, as these difficulties would be evident in a student with dyslexia. Additionally, many students with dyslexia have difficulty with reading comprehension. Sometimes students demonstrate difficulties with memory for letter patterns, letter sequences, and letters in whole words (orthographic processing), which may be selectively impaired or may coexist with phonological awareness deficits.

Phonological and phonemic awareness are necessary skills to address in an evaluation as difficulties in phonological and phonemic awareness may be seen in students with dyslexia that impact a student’s ability to learn letters and the sounds associated with the letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming of symbols or objects is also a necessary area to address, as rapid naming might or might not be weak in a student with dyslexia, but, if a student does demonstrate difficulty with rapid naming, this difficulty is often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate.

## **Additional Areas that May Warrant Assessment**

Various language processes, such as morpheme and syntax awareness, memory and retrieval of verbal labels, and the ability

to formulate these ideas into grammatical sentences might also be factors affecting reading. Reading development also impacts written expression, which is the ability to communicate thoughts and ideas through writing. Written expression includes the generation of ideas, the production of writing, including handwriting and spelling, application of grammar, text fluency, sentence construction and planning, and overall execution of the writing process. Therefore, these may be areas that need to be addressed based on the individual student and the MDT’s consideration of data.

**Identifying Strengths**

A critical part of any evaluation and determining a student’s achievement is identifying a student’s strengths. When considering whether a student has dyslexia, an important question will be whether the student’s data shows inadequate achievement in reading – despite having adequate instruction and as compared with the student’s other abilities. For example, a student with word-level reading deficits may have strengths in other areas such as reasoning, problem-solving, understanding concepts, critical thinking, and/or vocabulary. Other areas will be important in the consideration of whether a student may have dyslexia. Strengths and weaknesses may exist within a student's reading skills. Note that determining strengths of a student often comes from informal and existing data rather than formal assessments. Strengths can be documented or gathered utilizing data sources within the context of the student’s performance in academic and nonacademic areas such as sources found in Figure \_\_\_\_\_, below.

**Multiple Sources of Data is Critical**

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 must 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). These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure \_\_\_\_\_ below.

**Figure \_\_\_\_\_. Sources and Examples of Cumulative Data**

<ul style="list-style-type: none"> <li>• <u>Vision screening</u></li> <li>• <u>Hearing screening</u></li> <li>• <u>Teacher observations and reports</u></li> <li>• <u>Classroom assessments and work samples</u></li> <li>• <u>Accommodations provided</u></li> <li>• <u>Academic progress reports (report cards)</u></li> <li>• <u>Gifted/talented assessments</u></li> <li>• <u>Parent conference notes</u></li> <li>• <u>Results of kindergarten-grade 1 universal screening as required in TEC §38.003</u></li> <li>• <u>K–2 reading instrument results as required in TEC §28.006 (English and native language, if possible)</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>7<sup>th</sup>-grade reading instrument results as required in TEC §28.006</u></li> <li>• <u>State student assessment program results as described in TEC §39.022</u></li> <li>• <u>Previous school and outside evaluations</u></li> <li>• <u>School attendance and discipline records</u></li> <li>• <u>Curriculum-based assessments and measures</u></li> <li>• <u>Instructional interventions provided and student’s progress monitoring data</u></li> <li>• <u>Parent observations and reports, including whether a family history of dyslexia exists</u></li> </ul>
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**MDT Duty #2: Determine What Additional Data is Necessary and Complete the Comprehensive Evaluation Report**

Once the MDT has reviewed existing data, they begin collecting any needed new data to help identify if the student is not



achieving adequately and demonstrates the characteristics of dyslexia despite adequate reading instruction. If there is sufficient existing data from sources such as informal, criterion-referenced, curriculum-based measures, and norm-referenced assessments, additional testing may not be needed for all areas above. When the MDT determines that additional testing is needed, the MDT must comply with all state and federal requirements in its evaluation.

MDTs may choose to administer standardized, norm-referenced, cognitive assessments as part of the data used to determine the presence of dyslexia. **However, the presence or absence of specific scores or thresholds on standardized, norm-referenced cognitive assessments cannot be used as the sole measure in ruling in or out the presence of dyslexia.** There does not need to be a cognitive weakness that matches an academic weakness based on standardized assessments. **Dyslexia identification is based on multiple measures demonstrating inadequate word-level reading and spelling skills in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.**

It is important to gather information and data from multiple sources to ensure the evaluation is comprehensive and to provide evidence to support conclusions. Multiple sources of data may be found in informal data, curriculum-based measurements, criterion-referenced assessments, and norm-referenced tests.

MDTs collect data that will be used by the admission, review, and dismissal (ARD) committee, which is the committee that will be formed to determine eligibility for special education and related services, and, if determined eligible, to write a student's individualized education program (IEP) to include present levels of reading achievement and reading intervention goals. The student's intellectual functioning should not be the primary focus of an MDT, but rather the student's reading skills in relation to high quality instruction and the student's skills in the absence of print would be the primary considerations.

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.**

In Texas, a student must either demonstrate an insufficient response to scientific, research-based intervention, commonly referred to as response to intervention (RTI), or exhibit a pattern of strengths and weaknesses (PSW) as to determine whether the child meets the eligibility criteria of dyslexia or another SLD. An MDT may use either method as part of evaluating and identifying dyslexia or another SLD. The use of a severe discrepancy between intelligence quotient (IQ) and achievement method cannot be used to determine the presence of dyslexia or other SLDs in Texas. Dyslexia or other SLDs can be determined by analyzing a PSW in performance, achievement, or both relative to enrolled grade level standards or by determining that sufficient progress has not been made in meeting enrolled grade level standards based on a student's RTI. See 34 CFR 300.309 and 19 TAC 89.1040 for more information.

With either method, the evaluation and identification of SLD will utilize data sources within the context of the student's performance in the classroom, which could include parent observations of homework or work done at home to supplement instruction; be based on multiple reliable and valid data sources that provide information about the student and the learning environment across settings and over time; and assist in understanding why the student is having difficulties and how the school can intervene, which could include the consideration of previous or outside evaluations.

If a student has participated in research-based interventions implemented with fidelity, student data demonstrating a lack of progress to those interventions would be part of the RTI evidence that an MDT analyzes for purposes of a possible identification of dyslexia or another SLD. However, it's important to note that participation in interventions cannot be used to delay or deny an FIIE.

A PSW method for identifying dyslexia or another SLD will consider whether a pattern of strengths and weaknesses is demonstrated in multiple sources of data whereby performance, achievement, or both is atypical compared to the student's age, grade-level standards, or intellectual development and that pattern is relevant to identification of dyslexia or another

SLD and appears to be attributable to a disability. Additionally, if assessing cognitive processes and academic skills, this method may look at whether there are deficits in academic areas that correlate with processing deficits. However, this cannot be used exclusively to rule in or rule out the identification of dyslexia. This method is NOT the same as determining significant variances (i.e., discrepancies) among cognitive function areas or between cognitive function areas and academic achievement. This method also does NOT require a specific number of strengths and weaknesses within the data but rather a pattern across multiple data sources.

The MDT will look for evidence reflective of the primary characteristics of dyslexia, i.e., inadequate achievement 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).

The following figure also represents questions that the MDT must address in the evaluation report to assist the ARD committee when determining whether dyslexia is present.

**Figure . Questions to Determine the Identification of Dyslexia**

- Does the data show difficulty with accurate and/or fluent word reading?
- Does the data show poor spelling skills?
- Does the data indicate 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.)
- Do multiple sources of data show inadequate word level reading and spelling skills despite the provision of high quality instruction for the student's age or enrolled grade level?
- For students who have participated in evidence-based tiered interventions, have the student's word level and spelling difficulties persisted despite those interventions?

If the MDT determines the student demonstrates the characteristics of dyslexia, then the MDT explains the impact of dyslexia on the student's access and progress in the enrolled grade-level general curriculum.

- Baseline data describes in detail the student's needs in reading as well as any other academic and/or functional needs.
- Barriers in the general curriculum resulting from dyslexia will be described.
- This information will lead to recommendations about needed specially designed instruction, including evidence-based dyslexia instruction.
- Remember that the MDT member who has specific knowledge about the reading process, dyslexia and related disorders, and dyslexia instruction must be a part of, and sign off on, the evaluation report.

The next step to determine if a student has dyslexia and the need for special education and related services will be decided by the ARD committee. Only the ARD committee has authority to make eligibility decisions for special education and related services. Eligibility is determined by federal and state law and regulations.

## Eligibility Determination Made by the Admission, Review, and Dismissal (ARD) Committee

The ARD committee will review the MDT's evaluation report and consider 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 evidence-based dyslexia instruction, as this is identified in Chapter 6, the student meets the two prongs of special education eligibility in that 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.

A member with specific knowledge of dyslexia and related disorders, dyslexia instruction, and the reading process, as this person is defined on pages 14-15 must also be a part of any student's ARD committee at which special education eligibility based on identification of dyslexia will be discussed.

An ARD committee must 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 dyslexia and the need for specially designed instruction for dyslexia. A common misconception is that the mere presence of a sensory impairment automatically rules out dyslexia. This is not true. A sensory impairment can coexist with dyslexia. The ARD committee needs to consider this possibility, particularly when a student's academic skills are not progressing as expected despite receiving adequate instruction and appropriate supports and services to meet the needs of the student's sensory impairment. It may be that the sensory impairment does not fully explain the student's current academic underachievement. For some students, the sensory impairment may be a contributing factor but is not what is primarily causing the observed academic underachievement. For these students, dyslexia may also be present.

If an ARD committee does not find a student eligible for special education and related services, the student may still have an impairment that requires accommodations under Section 504. A Section 504 committee should be convened to determine eligibility based on the FIIE.

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# Chapter 5: Dyslexia Instruction

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## Evidence-Based Dyslexia Instruction

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 or at-risk for dyslexia a foundation upon which intervention instruction can have a more significant impact.

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 provides multisensory structured literacy instruction for students with dyslexia. Evidence-based dyslexia instruction must be explicit, systematic, and intentional in its approach. This instruction is designed to likely take place in a small group setting. Evidence-based dyslexia instruction must be—

- evidence-based and effective for students with dyslexia;
- taught by an appropriately trained instructor; and
- implemented with fidelity.

Evidence-based dyslexia programs and instruction are considered specially designed instruction (SDI) and therefore special education services, so the provision of those services must follow the IDEA requirements. This means that evidence-based dyslexia instruction is only available to students who are served under IDEA, which prescribes the legal requirements for special education and related services. LEAs must ensure that the provision of evidence-based dyslexia instruction addresses the critical, evidence-based components and methods of delivery described in this chapter.

An LEA's first consideration for every student who requires dyslexia instruction should be an evidence-based dyslexia program taught with fidelity and in accordance with all SBOE dyslexia program requirements included in this handbook. 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 individualized modifications.

The ARD committee, when discussing how a student will access an LEA's evidence-based dyslexia program, must address the following:

- How the program addresses the required components of dyslexia instruction described in this handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented with a focus on one or more components;
- How the program addresses the required instructional delivery methods described the handbook, and whether the student's PLAAFP or other areas of the IEP show evidence that the program must be supplemented or modified 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 any modifications to it, 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.

## Critical Components of Evidence-Based Dyslexia Instruction

- **Phonological awareness**—Phonological awareness is the understanding of the internal sound structure of words. A phoneme is the smallest unit of sound in a given language that can be recognized as being distinct from other sounds. An important aspect of phonological awareness is the ability to segment spoken words into their component phonemes [phonemic awareness].
- **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).
- **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.
- **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.
- **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.
- **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.
- **Reading fluency**—Reading fluency is the ability to read text with sufficient speed and accuracy to support comprehension. 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).

Both the provider of dyslexia instruction and the regular classroom teacher should provide multiple opportunities to strengthen these skills; therefore, responsibility for teaching reading must be shared by classroom teachers, reading specialists, interventionists, special education teachers, and providers of dyslexia instruction.

## Delivery of Dyslexia Instruction

While it is necessary that students are provided instruction in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices.

Dyslexia instruction must be delivered in a **multimodal and multisensory** way, while making adjustments for the individual student based on any sensory impairments or other needs. To the extent possible based on the student's needs, visual, auditory, kinesthetic, and tactile (VAKT) methods must be used.

Delivery of effective instruction for students with dyslexia must also include **all** of the following:

- **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.

- **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. It 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.
- **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. This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student. When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner.
- **Synthetic instruction**—Synthetic instruction presents the parts of the language and then teaches how the parts work together to form a whole.
- **Analytic instruction**—Analytic instruction presents the whole and teaches how this can be broken into its component parts.

## Providers of Dyslexia Instruction (PDIs)

The most highly trained and qualified individuals need to be the ones providing dyslexia instruction, including evidence-based dyslexia instruction. A PDI must be trained fully in the LEA’s instructional materials for dyslexia. LEAs should strive to have the most highly trained and qualified individuals providing instruction. These individuals might be licensed dyslexia therapists or may have received certification from the Academic Language Therapy Association (ALTA), the International Dyslexia Association (IDA), the Orton Gillingham Academy, Wilson Language Training, or may have received training through an IMSLEC-accredited course at the teaching or therapy level. A PDI does not have to be certified as a special educator when serving a student who also receives special education and related services if that provider is the most appropriate person to offer dyslexia instruction and is not employed in a position that requires the certification. 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. Requiring the most highly trained and qualified individual 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 evidence-based dyslexia instruction to students.

Remember that PDIs must be fully trained in the LEA’s instructional materials for dyslexia, and such materials must contain the critical evidence-based components for dyslexia instruction and the required methods of delivery for dyslexia instruction. Completion of a literacy achievement academy does not meet these requirements.

Although Texas does not have a certification or licensure requirement specific to PDIs, 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 Appendix \_\_\_\_\_.

Please note that certification and licensing requirements may change with time. For more complete and up-to-date information, contact the specific licensing body.

# Chapter 6: Definition and Characteristics of Dysgraphia

## Definition

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 recognized to be distinct disorders that can exist concurrently or separately.

**Dysgraphia is a specific learning disability (SLD).**

As mentioned in the Introduction and Purpose chapter, dysgraphia and dyslexia are both language-based disorders. 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). 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).

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).

## Characteristics and Consequences

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)

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.**

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)

- Associated 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)

## Associated Academic Difficulties and Other Conditions

Students with dysgraphia may have problems in reading, reading comprehension, and mathematics. Besides academic struggles, some students with dysgraphia may exhibit other complex conditions and/or behaviors. Students with dysgraphia often have co-occurring conditions, including attention deficit hyperactivity disorder (ADHD), learning disabilities in other areas, and speech and language disabilities.

These additional conditions can have a significant impact on the effectiveness of instruction provided to students with dysgraphia. Acknowledging that students with dysgraphia 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 dysgraphia. Educators and parents should provide students with affirmation and an environment that fosters engagement and success.



# Chapter 7: Universal Screening for Dysgraphia

## Screening Basics and Requirements

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 dysgraphia. Screening is not a formal evaluation.

Like universally screening for dyslexia in kindergarten and grade 1, TEC 38.003 requires that all kindergarten and first-grade public school students be screened for related disorders [of dyslexia]. Dysgraphia is a related disorder as both dyslexia and dysgraphia are language-based disorders. Since commercial dysgraphia universal screening instruments may not be available, LEAs must develop procedures to screen kindergarten and first-grade students for dysgraphia based on a collection of student writing samples and teacher observation. Universal screening results should identify those students who are potentially at risk for dysgraphia.

## Timing of Screening

TEC §38.003 mandates that **kindergarten students be screened at the end of the school year**. In scheduling the kindergarten screener, LEAs needs to consider the questions in the figure below.

**Figure . Considerations for Local Scheduling of Dysgraphia Screening in Kindergarten**

- 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/compilation 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 screener?
- Has adequate time been provided for educators to offer appropriate interventions to the student?
- Has sufficient time been provided for decision making regarding next steps in the screening process?

Texas Education Code §38.003 does not explicitly state when first grade students must be screened. The SBOE, through approval of the rule which requires adherence to this handbook (19 TAC §74.28), has determined that **students in first grade must be screened no later than 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 writing difficulties can be addressed in a timely manner. Because kindergarten is not mandatory in 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 dysgraphia. Screening of first grade students by January 31 will ensure that sufficient time is provided for data gathering, evaluation, early intervention, etc., to meet the needs of students.

Keep in mind that, even though the screening deadlines are at the end of the year for kindergarten and January 31 for first grade, the procedures for dysgraphia screening will likely include collections of writing samples collected throughout the course of the year and will not be a one point-in-time screener.

## Screening Criteria

Screening for dysgraphia must, at minimum, consist of analyzing 3 (preferably at least 5) writing samples and demonstrations of handwriting to observe whether a student demonstrates the following characteristics of dysgraphia:

- Slow or labored written work
- Poor formation of letters
- 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
- Inability to copy words accurately
- Inability of student to read what was previously written
- Avoidance of written tasks

## Who Administers Dysgraphia Screeners

An LEA must ensure that a student’s classroom teacher of record is trained on the LEA’s procedures related to how to compile and interpret the dysgraphia screener.

Individuals who collect the samples must also document student behaviors observed while compiling the samples.

An example checklist to assist with screening for dysgraphia is located at Appendix \_\_\_\_\_.

## Interpreting Results of Screening

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 dysgraphia. Dysgraphia is a neurobiological disorder that exists along a continuum of severity.

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 dysgraphia. Screening, by definition, must never be the final determination of whether a student has dysgraphia. 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.

Third, considering the length of time in school will be a consideration, as students enter kindergarten and grade 1 at different readiness levels and some with and without formal or informal prior handwriting instruction.

Risk will fall 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.

For students who are identified at risk for dysgraphia, the school needs to provide intervention targeted to the student’s needs provided by the appropriate staff as determined by the LEA. **It is important to note that the use of a tiered intervention process, such as Response to Intervention (RTI) or a Multi-Tiered System of Supports (MTSS), must not be used to delay or deny an evaluation for dysgraphia, especially when parent or teacher observations reveal the common characteristics of dysgraphia.** Any student may be referred for a FIEE under IDEA, at any time, regardless of the results of the screening, if the student is thought to have a disability that requires the provision of special education and related services.

## Establishing a Screening Team/Committee for Those At-Risk

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 dysgraphia so that targeted intervention can be provided. Screening must lead to effective instruction for it to be useful. Therefore, once the screener has been administered and a student has been determined to be possibly at risk for dysgraphia, **a screening team/committee must analyze the results, identify the level of risk for each student, and make informed decisions.**

The screening team/committee must review all data to make informed decisions regarding whether a student exhibits characteristics of dysgraphia. This team must consist of individuals who—

- have knowledge of the student;
- are trained to interpret the quantitative and qualitative results from the screening process; and
- have knowledge of the characteristics of dysgraphia.

The team/committee might consist of the student’s classroom teacher, a provider of dyslexia instruction (PDI), a licensed dyslexia therapist (LDT), the individual who administered the screener, a representative of the Language Proficiency Assessment Committee (LPAC) (as appropriate), special education teacher, and an administrator.

More information will likely be needed to make an informed decision regarding referral for evaluation, implementation of targeted interventions with progress monitoring, or continuation of handwriting instruction only. Data gathering will provide this additional information.

## Data Gathering

Both quantitative and qualitative information are critical components when the screening team/committee is gathering data to make its informed decisions. Teachers and administrators need to be mindful that screening for risk is an ongoing process.

Screening data must be shared with parents. Screening data must also be used by teachers and school administrators to guide instruction at the classroom level. When large percentages of students are considered at-risk for dysgraphia, it signals a need to review instructional programming and practices and teacher training in effective and explicit handwriting instruction. Information from the student’s parents regarding additional background for hand dominance, fine motor activities such as holding crayons to color, scissors to cut, or a fork to eat is helpful when making decisions for targeted intervention.

It is important to remember that at any point in the data review process a referral for an FIIE under the IDEA may be initiated. Parents also have the right to request an FIIE at any time. Regardless of the process in place for screening and data review, whenever accumulated data indicates that a student may have dysgraphia and may require the provision of special education services, despite the provision of adequate instruction and intervention, the student must be referred for an FIIE under the IDEA.

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# Chapter 8: Evaluation and Identification of Students with Dysgraphia

## Child Find

As a reminder, Child Find is a provision in the federal IDEA law that requires the state and each LEA 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 appropriate public education (FAPE) (20 U.S.C. §1400(d); 34 C.F.R. §300.1). Because a student suspected of having dysgraphia may be a student with a disability under the IDEA, and a student identified with dysgraphia who needs specially designed instruction would meet eligibility for special education and related services, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dysgraphia, LEAs must follow procedures for conducting an FIIE under the IDEA. For detailed information regarding Child Find visit the Texas Sped Support website, <http://spedsupport.tea.texas.gov/>. Whether to refer a student for an evaluation under IDEA must always be made on a case-by-case basis and must be driven by data-based decisions.

In most cases, an FIIE under the IDEA must be completed within 45-school days from the time a LEA receives parental consent. The student must continue to receive grade level, systematic explicit core instruction (Tier 1) and any other appropriate tiered interventions while the FIIE is being conducted.

### Dysgraphia is a Specific Learning Disability (SLD)

In IDEA, dysgraphia 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.*

Additionally, state law, TEC 38.003, states that dysgraphia is a related disorder to dyslexia.

## Referring for an FIIE

At any time if dysgraphia and need for special education services is suspected, the student must be referred for an FIIE. In the case of a screening team/committee, if in the data gathering stage the data leads to a suspicion of dysgraphia and a possible need for special education services, the team/committee must refer the student for an FIIE. Additionally, parents/guardians always have the right to request an FIIE at any time. Once a parent makes a written request for an FIIE, the LEA 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 dysgraphia. If dysgraphia is suspected, the student needs to be evaluated following the guidelines outlined in this chapter, under IDEA and its corresponding regulations, and state law and corresponding regulations. If the school refuses the request to evaluate, it must give parents prior written notice within 15 school days 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 *Notice of Procedural Safeguards*, and *Overview of Special Education for Parents*. [Overview of Special Education for Parents \(texas.gov\)](#) 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.

## What is the FIIE?

The FIIE that is conducted for any suspected disability, including dysgraphia, assists in determining:

- Whether the student is a student with a disability in need of special education and related services;
- The impact of the disability on the student’s access to and progress in the general education curriculum; and
- If identified and determined eligible by an admission, review and dismissal (ARD) committee, the content of the student’s individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum.

It is a comprehensive evaluation that uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. No one single measure or assessment is used, and the evaluation must assess a student in all areas of a suspected disability or disabilities.

## Members of the Multidisciplinary Team (MDT)

Once consent to evaluate the student is received from the parent, a multidisciplinary team (MDT) is formed, and this team assumes the responsibility of following all evaluation procedures for the FIIE.

The MDT is a group of members that will be responsible for evaluating a student in **all** areas of suspected disability. The composition will vary based on the suspected disability or disabilities. All members of the MDT bring their specific skill sets to the evaluation process. The members work together to gather, analyze, and interpret evaluation data so that no one member makes unilateral decisions. When dysgraphia is suspected, an occupational therapist may be a necessary member of the MDT.

## MDT Duty #1: Review of Existing Evaluation Data (REED)

One of the responsibilities of the MDT is to gather and review data to determine if, when provided learning experiences and instruction appropriate for their age or grade-level standards, a student is not achieving adequately. As part of an FIIE, the MDT conducts a REED, often through a planning meeting, to identify existing data and additional data that needs to be collected. This helps to focus the evaluation and determine which writing areas will require additional data to determine if the student is achieving adequately or not.

## Areas to Assess in a Dysgraphia Evaluation

The MDT should determine through the REED process what existing data exists, including parent concerns with writing and writing samples, and what additional data is necessary to comply with the evaluation requirements described in this handbook, as well as in federal and state law and rules. An evaluation for dysgraphia must ultimately show evidence of the following, using new or existing assessment data:

<u>Areas to Assess in a Dysgraphia Evaluation</u>	
<u><b>Areas that Must be Assessed</b></u>	<u><b>Areas that May Warrant Assessment</b></u>
<u>Letter formation (legibility)</u>	<u>Phonological awareness</u>
<u>Spelling of written words</u>	<u>Phonological memory</u>
<u>Written Expression (communicating in writing)</u>	<u>Working memory</u>
<u>Word/sentence copying (timed and untimed)</u>	<u>Verbal expression</u>
<u>Word/sentence dictation (timed and untimed)</u>	<u>Other academic areas</u>
<u>Writing fluency (both accuracy and rate)</u>	

### Areas that Must Be Assessed

Difficulties in the areas of letter formation needed for legibility and general handwriting skills would be evident in a student with dysgraphia. Additionally, many students with dysgraphia have difficulty with spelling and written expression. Written expression is the ability to communicate thoughts and ideas through writing. Written expression includes the generation of ideas, the production of writing, including handwriting and spelling, application of grammar, text fluency, sentence construction and planning, and overall execution of the writing process.

Being able to recall accurate orthographic patterns for letters and words is a necessary process to address in an evaluation for dysgraphia as this is a necessary act of handwriting. These difficulties are demonstrated when a student writes a letter, word, or sentence. A student's handwriting speed and legibility are the two cornerstones of functional handwriting. Therefore, when analyzing the student's written output as demonstrated through tasks such as copying of text (timed and untimed), word/sentence dictation (timed and untimed) and writing fluency (both accuracy and rate) the evaluator can examine both the process and product of the assessment since the product may suggest specific difficulties.

### **Additional Areas that May Warrant Assessment**

When a student is asked to spell a dictated word, the student must utilize phonological awareness to access phonological long-term memory and the associated lexical-semantic representations. This in turn activates the orthographic long-term memory to create abstract letter representation that requires motor planning and coordination to execute the task of writing, all maintained in working memory (Chung, Patel, and Nizami, 2019). The important point is that handwriting is language by hand, which uses the graphomotor system to produce visible language which relies greatly on internal representations of letter forms and written words that must be retrieved from memory during the writing process. Therefore, these may be areas that need to be assessed based on the individual student and the MDT's consideration of data.

Dysgraphia is a specific dissociation in the functional writing system of individuals whose overall motor, sensory, language, cognitive, and social-emotional development are typical for the person's age, but their transcription skills (handwriting and spelling) are significantly underdeveloped compared to their verbal reasoning and ability to generate ideas. The deficient transcription skills comprise the higher level processes in written composition. Although overall motor development may be appropriate for the student's age, developmental level, or grade level, subtle motor inefficiencies may compromise writing development.

### **Identifying Strengths**

A critical part of any evaluation is identifying a student's strengths. When considering whether a student has dysgraphia, an important question will be whether the student's data shows inadequate achievement in writing – despite receiving adequate instruction and as compared with the student's other abilities. Other areas will be important in the consideration of whether a student may have dysgraphia. Strengths and weaknesses may exist within a student's writing skills. Note that determining strengths of a student often comes from informal and existing data rather than formal assessments. Strengths can be documented or gathered utilizing data sources within the context of the student's performance in academic and nonacademic areas such as sources found in Figure \_\_\_\_\_, below.

### **Multiple Sources of Data is Critical**

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 must 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). These cumulative data also include information from parents/guardians. Sources and examples of cumulative data are provided in Figure \_\_\_\_\_.

**Figure \_\_\_\_ . Sources and Examples of Cumulative Data**

<ul style="list-style-type: none"> <li>• <u>Vision screening</u></li> <li>• <u>Hearing screening</u></li> <li>• <u>Teacher observations and reports</u></li> <li>• <u>Parent reports of concerns about handwriting, spelling, or written expression</u></li> <li>• <u>Classroom handwriting assessments</u></li> <li>• <u>Classroom spelling assessments</u></li> <li>• <u>Samples of written work (e.g., journal, story responses, writing samples, etc.)</u></li> <li>• <u>Accommodations provided</u></li> <li>• <u>Academic progress reports (report cards)</u></li> <li>• <u>Gifted/talented assessments</u></li> <li>• <u>Samples of written schoolwork (both timed and untimed)</u></li> <li>• <u>Parent conference notes</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>State student assessment program results as described in TEC §39.022</u></li> <li>• <u>Previous school and outside evaluations</u></li> <li>• <u>School attendance and discipline records</u></li> <li>• <u>Curriculum-based assessments and measures</u></li> <li>• <u>Instructional interventions provided and student's progress monitoring data</u></li> <li>• <u>Screening data</u></li> <li>• <u>Parent observations and reports, including whether a family history exists</u></li> <li>• <u>Results of kindergarten-grade 1 universal screening as required in TEC §38.003</u></li> </ul>
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## MDT Duty #2: Determine What Additional Data is Necessary and Complete the Comprehensive Evaluation Report

Once the MDT has reviewed existing data, they begin collecting any needed new data to help identify if the student is not achieving adequately and demonstrates the characteristics of dysgraphia despite adequate handwriting instruction. If there is sufficient existing data from sources such as informal, criterion-referenced, curriculum-based measures, and norm-referenced assessments, additional testing may not be needed for all areas above. When the MDT determines that additional testing is needed, the MDT must comply with all state and federal requirements in its evaluation.

MDTs may choose to administer standardized, norm-referenced, cognitive assessments as part of the data used to determine the presence of dysgraphia. However, the presence or absence of specific scores or thresholds on standardized, norm-referenced cognitive assessments cannot be used as the sole measure in ruling in or out the presence of dysgraphia. There does not need to be a cognitive weakness that matches an academic weakness based on standardized assessments. Dysgraphia identification is based on multiple measures demonstrating inadequate achievement in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

It is important to gather information and data from multiple sources to ensure the evaluation is comprehensive and to provide evidence to support conclusions. Multiple sources of data may be found in informal data, curriculum-based measurements, criterion-referenced assessments, and norm-referenced tests.

MDTs collect data that will be used by the admission, review, and dismissal (ARD) committee, which is the committee that will be formed to determine eligibility for special education and related services, and, if determined eligible, to write a student's individualized education program (IEP) to include present skill levels and intervention goals.

Identifying if the student is underachieving in one or more areas is based on the 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.**

In Texas, a student must either demonstrate an insufficient response to scientific, research-based intervention, commonly referred to as response to intervention (RTI), or exhibit a pattern of strengths and weaknesses (PSW) as to determine whether the child meets the eligibility criteria of dysgraphia or another SLD. An MDT may use either method as part of evaluating and identifying dysgraphia or another SLD. The use of a severe discrepancy between intelligence quotient (IQ) and achievement method cannot be used to determine the presence of dysgraphia or other SLDs in Texas. Dysgraphia or other SLDs can be determined by analyzing a PSW in performance, achievement, or both relative to enrolled grade level standards or by determining that sufficient progress has not been made in meeting enrolled grade level standards based on a student's RTI. See 34 CFR 300.309 and 19 TAC 89.1040 for more information.

With either method, the evaluation and identification of SLD will utilize data sources within the context of the student's performance in the classroom, which could include parent observations of homework or work done at home to supplement instruction; be based on multiple reliable and valid data sources that provide information about the student and the learning environment across settings and over time; and assist in understanding why the student is having difficulties and how the school can intervene, which could include the consideration of previous or outside evaluations.

If a student has participated in research-based interventions implemented with fidelity, student data demonstrating a lack of progress to those interventions would be part of the RTI evidence that an MDT analyzes for purposes of a possible identification of dysgraphia or another SLD. However, it's important to note that participation in interventions cannot be used to delay or deny an FIIE.

A PSW method for identifying dysgraphia or another SLD will consider whether a pattern of strengths and weaknesses is demonstrated in multiple sources of data whereby performance, achievement, or both is atypical compared to the student's age, grade-level standards, or intellectual development and that pattern is relevant to identification of dysgraphia or another SLD and appears to be attributable to a disability. Additionally, if assessing cognitive processes and academic skills, this method may look at whether there are deficits in academic areas that correlate with processing deficits. However, this cannot be used exclusively to rule in or rule out the identification of dysgraphia. This method is NOT the same as determining significant variances (i.e., discrepancies) among cognitive function areas or between cognitive function areas and academic achievement. This method also does NOT require a specific number of strengths and weaknesses within the data but rather a pattern across multiple data sources.

The MDT will look for evidence reflective of the primary characteristics of dysgraphia, such as:

- Handwriting;
- Writing fluency (accuracy and rate, e.g., slow or labored written work) and/or
- Written expression; and/or
- Spelling.

The following figure also represents questions that the MDT must address in the evaluation report to assist the ARD committee when determining whether dysgraphia is present.

**Figure . Questions to Determine the Identification of Dysgraphia**



- Does the data show illegible and/or inefficient handwriting with variably shaped and poorly formed letters?
- Does the data show difficulty with unedited written spelling?
- Does the data show 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)?
- Do multiple sources of data show inadequate handwriting and writing fluency despite the provision of high quality instruction for the student's age or enrolled grade level?
- For students who have participated in evidence-based tiered interventions, have the student's handwriting and writing fluency difficulties persisted despite those interventions?

If the MDT determines the student demonstrates the characteristics of dysgraphia, then the MDT explains the impact of dysgraphia on the student's access and progress in the enrolled grade-level general curriculum.

- Baseline data describes in detail the student's needs in writing as well as any other academic and/or functional needs.
- Barriers in the general curriculum resulting from dysgraphia will be described.
- This information will lead to recommendations about needed specially designed instruction.

The next step to determine if a student has dysgraphia and the need for special education and related services will be decided by the ARD committee. Only the ARD committee has authority to make eligibility decisions for special education and related services. Eligibility is determined by federal and state law and regulations.

## Eligibility Determination Made by the Admission, Review, and Dismissal (ARD) Committee

The ARD committee will review the MDT's evaluation report and consider all available data to determine eligibility for special education and related services. When a student is determined to have dysgraphia by the ARD committee and the data shows a need for specially designed dysgraphia intervention/instruction, as this is identified in Chapter 9, the student meets the two prongs of special education eligibility in that the student has a qualifying disability – as dysgraphia is an SLD under IDEA – and demonstrates a need for specially designed instruction.

An ARD committee must 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 dysgraphia and the need for specially designed instruction for dysgraphia. A common misconception is that the mere presence of a sensory impairment automatically rules out dysgraphia. This is not true. A sensory impairment can coexist with dysgraphia. The ARD committee needs to consider this possibility, particularly when a student's academic skills are not progressing as expected despite receiving adequate instruction and appropriate supports and services to meet the needs of the student's sensory impairment. It may be that the sensory impairment does not fully explain the student's current academic underachievement. For some students, the sensory impairment may be a contributing factor but is not what is primarily causing the observed academic underachievement. For these students, dysgraphia may also be present.

If an ARD committee does not find a student eligible for special education and related services, the student may still have an impairment that requires accommodations under Section 504. A Section 504 committee should be convened to determine eligibility based on the FIEE.

# Chapter 9: Dysgraphia Intervention/Instruction

## Critical Considerations for Dysgraphia Intervention/Instruction

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.

- Show students how to hold a pencil.
- Model efficient and legible letter formation.
- Provide multiple opportunities for students to practice effective letter formation.
- Use scaffolds, such as letters with numbered arrows showing the order and direction of strokes.
- Have students practice writing letters from memory.
- Provide handwriting fluency practice to build students' automaticity.
- 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).

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 an ARD committee 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 must be aligned to meet the student's specific needs as determined by ARD committee. The figure below provides a hierarchy of instruction for handwriting as a reference to best practice:

<b>Figure . Handwriting Hierarchy of Instruction</b>	
<u>Posture</u>	<u>Also known as "Watch Our Writing" (W.O.W)</u> <ul style="list-style-type: none"><li>• <u>Feet are flat on the floor</u></li><li>• <u>Back is straight</u></li><li>• <u>Paper slanted so that the edge of the paper is parallel to the writing arm</u></li><li>• <u>Paper anchored with non-writing hand</u></li><li>• <u>Pencil grip and position correct</u></li></ul>
<u>Grip</u>	<u>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.</u>

<u>Letter Formation</u>	<u>Emphasis placed in the following order:</u> <ul style="list-style-type: none"> <li>• <u>Shape</u></li> <li>• <u>Proportion</u></li> <li>• <u>Size</u></li> <li>• <u>Rhythm/fluency</u></li> <li>• <u>Slant</u></li> </ul>
<u>Sequence</u>	<ul style="list-style-type: none"> <li>• <u>Lower case letters first; Capitals as needed beginning with first letters of student name</u></li> <li>• <u>Manuscript – group by stroke formation</u></li> <li>• <u>Cursive – group by beginning approach stroke</u></li> <li>• <u>Letters</u></li> <li>• <u>Syllables</u></li> <li>• <u>Words</u></li> <li>• <u>Phrases</u></li> <li>• <u>Sentences</u></li> <li>• <u>Paragraphs</u></li> </ul>

## 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)

## Written Expression

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.

Students with written expression difficulties because of dysgraphia 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 Dysgraphia Intervention/Instruction

While it is necessary that students are provided instruction in the above content, it is also critical that the way in which the content is delivered be consistent with research-based practices.

Dysgraphia intervention/instruction must be delivered in a **multimodal and multisensory** way, while making adjustments for the individual student based on any sensory impairments or other needs. To the extent possible based on the student's

needs, visual, auditory, kinesthetic, and tactile (VAKT) methods must be used.

Delivery of effective intervention/instruction for students with dysgraphia must also include **all** of the following:

- **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.
- **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. It 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.
- **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. This teacher knowledge is essential for guiding the content and emphasis of instruction for the individual student. When a reading skill becomes automatic (direct access without conscious awareness), it is performed quickly in an efficient manner.

## Providers of Dysgraphia Instruction

An ARD committee will need to determine, based on a student’s evaluation report, present levels of academic achievement and functional performance, annual goals, and other data the professionals best suited to instruct the student who has been identified with dysgraphia. The professional must be trained in the research-based elements for effective instruction for handwriting and the delivery of the principles of effective instruction. More than one professional, such as the provider of dyslexia instruction and an occupational therapist, may be necessary to serve the student appropriately.

# Chapter 10: Considerations for Emergent Bilingual Students (EBs)

Much diversity exists among emergent bilingual students (EBs). 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. (Walqui, 2000). EBs may be students served in bilingual and English as a second language (ESL) programs as well as students designated as an emergent bilingual student 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 EBs 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.

## Screening Information to Consider when Screening EBs for Dyslexia and Dysgraphia

Some English learners receive language instruction in their native language. Screening measures should therefore be conducted in that same language to ensure alignment with the language of instruction. Other English learners may participate in English as a Second Language classrooms. They will be screened in English, but it is important to keep in mind that these students will be developing their proficiency in spoken English at the same time they are developing English literacy skills. If proficiency in spoken English is impeded, it will affect the student’s ability to progress with reading and writing. (IDA Fact Sheet, 2023.)

For these reasons and more, it is important to pay particular attention to English learners’ progress in English as well as their native language and to compare their progress to their peers who are also English learners. If a student is not making expected progress in English, compare the development of those same skills in the native language and evaluate the results based upon the language of instruction (which is often English). If skills are below the expected level in both the native language and English, further testing should be conducted to determine if the student is exhibiting a reading disability such as dyslexia. The need for further testing should be determined based upon the factors discussed above, including the type of language instruction the student is receiving and the recommendations of teachers, parents, and others involved in the education of the student. For more information [please see IDA’s fact sheet, English Learners and Dyslexia and TEAs Emergent Bilingual Students with Multi-Needs Cross Reference Checklist](#). The TEA resource was created to help teachers who are instructing emergent bilingual students who may also be at risk for dyslexia.

## Information to Consider When Evaluating Emergent Bilingual Students

### Reviewing Language Proficiency

A Language Proficiency Assessment Committee (LPAC) is required to meet annually to review EB 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 are provided below in Figure ...

**Figure . Additional Data Sources for Emergent Bilingual Students**

- Home Language Survey
- Assessment related to identification for limited English proficiency (oral language proficiency test)
- 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

## Additional Considerations When Evaluating Emergent Bilingual (EB) Students

A professional involved in the evaluation, interpretation of evaluation results, and identification of EB students with dyslexia must have the following training/knowledge:

- Knowledge of first and second language acquisition theory
- Knowledge of the written system of the first language: transparent (e.g., Spanish, Italian, German), syllabic (e.g., Japanese-kana), Semitic (e.g., Arabic, Hebrew), and morpho syllabic (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
- Knowledge of cultural bias in standardized assessments
- Knowledge of behaviors associated with language acquisition
- Knowledge of sociocultural influences on learning

Bilingualism itself is not a risk factor for dyslexia, but it is associated with reading difficulties in some learners. Identifying reading difficulties accurately and timely in children learning English as a second or an additional language is challenging because difficulties with acquiring a new language can mask signs indicating the risk of dyslexia (Zhang, & Wang, 2023)). It is important that appropriate assessment tools are used to ensure that EB students are fairly represented in the population of students who are identified as having dyslexia.

IDEA 2004 allows the use of subjective, qualitative measures in the evaluation of EB students as long as a team approach is used, and the measures are equitable, valid, and nondiscriminatory. It is best to use a combination of formal and informal measures in a bilingual assessment. Another way to support the assessment of different language skills, if there is not a test in the native language of the student, is to use informal measures of evaluation such as reading a list of words and listening comprehension in the native language.

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. 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 . Dyslexia in Transparent and Opaque Orthographies**

Opaque

Transparent

<u>Early and marked difficulty with word-level reading</u>	<u>Less difficulty with word-level reading</u>
<u>Fluency and comprehension often improve once decoding is mastered</u>	<u>More difficulty with fluency and comprehension</u>

**Figure . Characteristics of Dyslexia in English and Spanish**

<u>English</u>	<u>Spanish</u>
<u>Phonological awareness</u>	<u>Phonological awareness—may be less pronounced</u>
<u>Rapid naming</u>	<u>Rapid naming</u>
<u>Regular/irregular decoding</u>	<u>Decoding—fewer “irregular words” in Spanish</u>
<u>Fluency</u>	<u>Fluency—often a key indicator</u>
<u>Spelling</u>	<u>Spelling—may show fewer errors than in English, but still more than students that do not have dyslexia</u>
<u>Reading comprehension may be a weakness in both English and Spanish.</u>	

## Instructional Considerations for EB Students with Dyslexia

EB students receiving dyslexia instruction 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). PDIs working with EBs must have additional training on the specialized needs of EBs.

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. 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. A systematic approach will enhance instruction and assist the EB student in transferring native language and literacy knowledge to second language and literacy acquisition. Bilingualism is not a barrier to acquiring good literacy skills.

For EB students learning to read in English and not in their native language, progress in reading may be hindered due to limited vocabulary in English. Teachers often do not speak the same home language as their students. However, it is important to understand the linguistic components of the various home languages and thus utilize the commonalities across languages to enhance second language, literacy, and content instruction (Cardenas-Hagan, 2018). Therefore, in addition to all the components of effective instruction previously discussed, intervention for EB students also must emphasize oral language development (Cardenas- Hagan, 2018). Because the English language is derived from Anglo-Saxon, Latin, Greek, French, and other languages, EB students can expand their oral language and vocabulary knowledge by understanding the cognates (baseball/béisbol or leader/lider) that exist in their native language and English. The similarities of words in the native language and English must be explicitly taught.

It is also necessary to incorporate ESL strategies during the instruction and in all content areas. In Texas, LEAs 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 must incorporate the ELPS. A few strategies to consider include the following:

- Establish routines so that EB students understand what is expected of them
- Provide native language support when giving directions or when students do not understand the task
- Provide opportunities for repetition and rehearsal so that the new information can be learned to mastery
- Adjust the rate of speech and the complexity of the language used according to the second language proficiency level of each student
- Provide extra time for the EB student to process the English language. This is especially necessary during the early stages of second language development.
- Provide extra time for the EB student to formulate oral and written responses
- Emphasize text that includes familiar content and explain the structure of the text



# Chapter 11: Considerations for Gifted and Twice Exceptional Learners

Twice exceptional or 2e is a term used to describe students who are both intellectually gifted (as determined by an accepted standardized assessment) and learning disabled, which includes students with dyslexia. The NAGC (National Association for Gifted Children) recognizes three types of students who could be identified as 2e:

- Identified gifted students who have a learning disability
- Students with a learning disability whose giftedness has not been identified
- Unidentified students whose gifts and disabilities may be masked by average school achievement

International Dyslexia Association (n.d.). *Gifted and Dyslexic: Identifying and Instructing the Twice Exceptional Student*. <https://app.box.com/s/7b1pme4nshtqe2uh1cll9mv9bmbf4pxz>

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 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/twice-exceptional-learners-2e> on TEA's Equity in G/T Education website.

## Enrollment in Gifted/Talented and Advanced Academic Programs

A student who has been identified with dyslexia can also be a gifted learner, or a twice-exceptional learner. A twice-exceptional learner is a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high-performance capability in an intellectual, creative, or artistic area; possesses an unusual capacity for leadership; or excels in a specific academic field and who also gives evidence of one or more disabilities as defined by federal or state eligibility criteria.

Disability criteria may include the following:

- Learning disabilities
- Speech and language disorders
- Emotional/behavioral disorders
- Physical disabilities
- Traumatic brain injury
- Autism spectrum disorder
- Sensory disabilities (hearing impaired, visually impaired, blind-deaf)
- Other health impairments that limit strength, vitality, or alertness (such as ADHD)

Twice-exceptional students 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.

## Accommodations or Modifications in an Accelerated or Advanced Course

In determining the appropriate courses and programs, the following questions should be considered by a twice-exceptional learner's ARD or Section 504 committee:

- Does the student meet the basic eligibility or admission requirements applied to ALL students?
- Does the student need special education or related aids and services to receive FAPE?
- Do the academic accommodations or related aids and services constitute a fundamental alteration of the program?

The U.S. Department of Education's Office for Civil Rights offers information for addressing students with disabilities seeking enrollment in advanced academic programs such as Advanced Placement and International Baccalaureate courses. For more information, see the Dear Colleague Letter regarding Access by Students with Disabilities to Accelerated Programs at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.html>.

Additional support, information, and resources are available through the Equity in Gifted/Talented (G/T) Education website at [www.gtequity.org/index.php](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), 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 LEAs serving twice-exceptional students is available at [www.gtequity.org/twice.php](http://www.gtequity.org/twice.php).

*Appendix A: Questions and Answers:*

*Still being developed*

Appendix B: Certifications/Licenses Available for Providers of Dyslexia Instruction (taken from current handbook and moved to appendix B)

**Figure 5.1. Training Requirements for Educators Providing Dyslexia Services**

<u>Dyslexia Certification/License</u>	<u>Licensing Body</u>	<u>Degree Required</u>	<u>Training Program</u>	<u>Course Contact Hours</u>	<u>Practicum Hours</u>	<u>Direct Observations</u>	<u>Certification Exam</u>	<u>Continuing Education Requirement</u>
<u>Educator certification* as appropriate</u>	<u>State Board for Educator Certification (SBE)</u>	<u>Bachelors</u>	<u>Training which meets components of instruction and delivery</u>	<u>Varies with program</u>	<u>Varies with program</u>	<u>Varies with program</u>	<u>None</u>	<u>None</u>
*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.								
<u>Licensed Dyslexia Therapist (LDT)</u>	<u>Texas Department of Licensing and Regulation (TDLR)</u>	<u>Masters</u>	<u>IMSLEC Accredited or other MSLE Program</u>	<u>200</u>	<u>700</u>	<u>10</u>	<u>yes</u>	<u>20 hrs/2 yrs</u>
<u>Licensed Dyslexia Practitioner (LDP)</u>	<u>Texas Department of Licensing and Regulation (TDLR)</u>	<u>Bachelors</u>	<u>IMSLEC Accredited or other MSLE</u>	<u>45</u>	<u>60</u>	<u>5</u>	<u>yes</u>	<u>20 hrs/2 yrs</u>
<u>Certified Academic Language Therapist (CALT)</u>	<u>Academic Language Therapy Association (ALTA)</u>	<u>Bachelors</u>	<u>IMSLEC Accredited or other MSLE</u>	<u>200</u>	<u>700</u>	<u>10</u>	<u>yes</u>	<u>10 hrs/1 yr</u>
<u>Certified Academic Language Practitioner (CALP)</u>	<u>Academic Language Therapy Association (ALTA)</u>	<u>Bachelors</u>	<u>IMSLEC Accredited or other MSLE Program</u>	<u>45</u>	<u>60</u>	<u>5</u>	<u>yes</u>	<u>10 hrs/1 yr</u>
<u>Certified Structured Literacy/Dyslexia Specialist</u>	<u>Center for Effective Reading Instruction (CERI)</u>	<u>Bachelors</u>	<u>IDA Accredited</u>	<u>135</u>	<u>30</u>	<u>3</u>	<u>yes</u>	<u>10 hrs/1 yr</u>
<u>Certified Structured Literacy/Dyslexia Interventionist</u>	<u>Center for Effective Reading Instruction (CERI)</u>	<u>Bachelors</u>	<u>IDA Accredited</u>	<u>90</u>	<u>30</u>	<u>3</u>	<u>yes</u>	<u>10 hrs/1 yr</u>
<u>Wilson Level II Certification/Therapist</u>	<u>Wilson Language Training</u>	<u>Bachelors</u>	<u>IDA Accredited</u>	<u>200</u>	<u>215</u>	<u>11+</u>	<u>yes</u>	<u>50 hrs/5 yrs</u>
<u>Wilson Level I Certification/Practitioner</u>	<u>Wilson Language Training</u>	<u>Bachelors</u>	<u>IDA Accredited</u>	<u>105</u>	<u>65</u>	<u>5+</u>	<u>yes</u>	<u>50 hrs/5 yrs</u>

<u>AOGPE Fellow Level</u>	<u>Academy of Orton-Gillingham Practitioners and Educators (AOGPE)</u>	<u>Master's</u>	<u><a href="#">AOGPE</a></u>	<u>250</u>	<u>600</u>	<u>13</u>	<u>no</u>	<u>none</u>
<u>AOGPE Certified Level</u>	<u>Academy of Orton-Gillingham Practitioners and Educators (AOGPE)</u>	<u>Bachelors</u>	<u><a href="#">AOGPE</a></u>	<u>160</u>	<u>300</u>	<u>10</u>	<u>no</u>	<u>none</u>
<u>AOGPE Associate Level</u>	<u>Academy of Orton-Gillingham Practitioners and Educators (AOGPE)</u>	<u>Bachelors</u>	<u><a href="#">AOGPE</a></u>	<u>Option A - 60 Option B - 70</u>	<u>Option A - 100 1 to 1 hours Option B - 50 1 to 1 hours; &amp; 50 group hours</u>	<u>10</u>	<u>no</u>	<u>none</u>

Appendix C: Checklist for Dysgraphia Screening – still being developed but including in first reading

**Student Name:**

**Date:**

**Step One:**

The following characteristics were reviewed by analyzing a collection of 3 to 5 writing samples (different times of the day, different lengths, copying vs. composing) and observations in the classroom:

<b>Characteristics:</b>	<b>Yes</b>	<b>No</b>
<u>Direct and explicit instruction in letter formation with guided practice to become proficient in the task of handwriting has been provided</u>		
<u>Slow or labored written work</u>		
<u>Poor formation of letters (letters are not recognizable out of context)</u>		
<u>Poor pencil grip</u>		
<u>Inadequate pressure during handwriting (too hard or too soft)</u>		
<u>Excessive erasures and/or retracing of letters</u>		
<u>Poor spacing between words</u>		
<u>Poor spacing inside words</u>		
<u>Inability to recall accurate orthographic patterns for words</u>		
<u>difficulty copying words from a book or board accurately</u>		
<u>Student experiences difficulty reading what was previously written</u>		
<u>Avoidance of written tasks</u>		

**Please note that legible handwriting includes the following characteristics:**

- **Letter formation** – recognizable out of context; consistent formations
- **Size**- of the letters and proportional size between upper and lowercase letters
- **Spacing** – between letters and words
- **Line quality** – steadiness and thickness of line
- **Alignment** – uniformity of size and consistency on the writing line

**Step Two:**

Compare to a writing sample demonstrating grade-appropriate handwriting skills. The purpose is to obtain an overall impression of the quality of the written product (not the content of the writing), to establish the extent to which the handwriting allows for effective communication.

<b>Overall Impression of the writing</b>	<b>Yes</b>	<b>No</b>
<u>Only few words are legible</u>		
<u>Script is extremely effortful to read</u>		
<u>Very poor layout on the page</u>		
<u>Most words contain additional elements, re-tracing or over-writing of letters</u>		

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The following research reflects the essential components of dyslexia instruction discussed above and may serve as additional sources of information for those working with students identified with dyslexia. The similarities between the state’s approach and the research are noted in bold. Unless otherwise indicated, the following pages contain excerpts from the resources cited.

- 1. August and Shanahan (2006, pp. 3–5) state the following:
    - **Instruction that provides substantial coverage in the key components of reading—identified by the National Reading Panel (NICHD, 2000) as phonemic awareness, phonics, fluency, vocabulary, and text comprehension**—has clear benefits for language-minority students.
    - **Instruction in the key components of reading** is necessary—but not sufficient—for teaching language-minority students to read and write proficiently in English. Oral proficiency in English is critical as well, but student performance suggests that it is often overlooked in instruction.
    - Oral proficiency and literacy in the first language can be used to facilitate literacy development in English.

August, D., & Shanahan, T. (Eds.). (2006). *Executive summary: Developing literacy in second-language learners: Report of the National Literacy Panel on language-minority children and youth*. Mahwah, NJ: Lawrence Erlbaum.

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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.

4. Clark and Uhry (2004, pp. 89–92) state the following:

- Children with dyslexia need the following:
  - Direct, intensive, and systematic input from and interaction with the teacher
  - Immediate feedback from the teacher
  - Careful pacing of instruction
  - Systematic structured progression from the simple to the complex
- Other components of instruction include the following:
  - Learning to mastery
  - Multisensory instruction

Clark, D., & Uhry, J. (Eds.). (2004). *Dyslexia: Theory and practice of instruction* (3rd ed.). Austin, TX: Pro-Ed.

5. Henry (2010, p. 21) states the following:

By teaching the concepts inherent in the word origin and word structure model across a decoding-spelling continuum from the early grades through at least eighth grade, and by using technology when it serves to reinforce these concepts, teachers ensure that students have strategies to decode and spell most words in the English language. This framework and continuum readily organize a large body of information for teachers and their students. Not only do students gain a better understanding of English word structure, but they also become better readers and spellers.

Henry, M. K. (2010). *Unlocking literacy: Effective decoding and spelling instruction* (2nd ed.). Baltimore, MD: Paul H. Brookes Publishing.

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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 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) 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. & Shaywitz, J. (2020). *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.

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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>

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**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 demonstrated effectiveness. 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 5.2. Treatments Ineffective for Dyslexia**

<b>Examples</b>	<b>What Research Has Found</b>	<b>Citation</b>
<b><u>Colored Overlays and Colored Lenses</u></b>	<u>“Consistent with previous reviews and advice from several professional bodies, we conclude that the use of colored 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.”</u>	<b><u>Griffiths, P.G., Taylor, R.H., Henderson, L.M., &amp; Barrett, B.T. (2016). The effect of coloured 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></u></b>
<b><u>Specialized fonts designed for people with dyslexia</u></b>	<u>“Dyslexie font did not lead to improved reading compared to normal ‘Arial’ font, nor was it preferred by most students.”</u>	<b><u>Kuster, S. M., van Weerdenburg, M., Gompel, M., &amp; 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></u></b>
<b><u>Vision Therapy</u></b>	<u>“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.”</u>	<b><u>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></u></b>
<b><u>Specific Working Memory Training Programs</u></b>	<b><u>“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.”</u></b>	<b><u>Melby-Lervåg, M., Redick, T. &amp; 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></u></b>

## Appendix : Instructional Accommodations for Students with Disabilities (from current handbook and moved)

Students with dyslexia who receive an evidence-based dyslexia program 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 must 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 must not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators must have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators must 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/>.

## Appendix : Instructional Accommodations for Students with Dysgraphia (from current handbook and moved)

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

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 must 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 must not be limited by whether an accommodation is allowable on a state assessment.

In order to make accommodation decisions for students, educators must have knowledge of the Texas Essential Knowledge and Skills (TEKS) and how a student performs in relation to them. Educators must 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>

## Approval of Updates and Substitutions to Adopted Instructional Materials

February 2, 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.

**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 I:**

[Houghton Mifflin Harcourt, science, grade 6](#)

**Attachment II:**

[McGraw-Hill, science, grade 6](#)

**Attachment III:**

[Savvas, science, grade 6](#)

**Attachment IV:**

[Summit K12, science, grade 6](#)

**Separate Exhibit:**

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

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

**Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund**  
**(Second Reading and Final Adoption)**

**February 2, 2024**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: 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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund. The proposed amendment would reinsert information related to the Permanent School Fund (PSF) distribution policy that was mistakenly repealed when 19 TAC Chapter 33 was revised to implement Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. No changes are recommended since approved at first reading.

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

Texas Constitution, Article VII, §5(a)(2), authorizes the State Board of Education (SBOE) to make distributions from the PSF to the Available School Fund (ASF) with certain limits.

Texas Constitution, Article VII, §5(f), authorizes the SBOE to manage and invest the PSF according to the prudent investor standard and make investments it deems appropriate.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will ensure the reinstated provisions become effective as soon as possible.

**PREVIOUS BOARD ACTION:** Section 33.2 was adopted effective April 21, 2010. Effective March 1, 2023, significant changes to Chapter 33 were made to implement SB 1232, 87th Texas Legislature, Regular Session, 2021. At the November 2023 SBOE meeting, the board approved the proposed amendment for first reading and filing authorization.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill 1232, 87th Texas Legislature, Regular Session, 2021, established the Texas PSF Corporation and transferred responsibilities to manage and invest the fund to the Texas PSF Corporation. As a result, SBOE rules in Chapter 33 were significantly revised and reorganized effective March 1, 2023.

The proposed amendment would reinstate mistakenly repealed language in §33.2 that addresses the SBOE's responsibilities to determine a rate for PSF distributions to the ASF.

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



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 reestablishing mistakenly repealed provisions to align with SB 1232, 87th Texas Legislature, Regular Session, 2021. The provisions would address the SBOE's responsibilities to determine a rate for PSF distributions to the ASF.

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 provisions related to distributions to the ASF required by the Texas Constitution, Article VII, §5(a)(1), that were mistakenly repealed when Chapter 33 was revised to implement SB 1232, 87th Texas Legislature, Regular Session, 2021. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

The proposal would have no data and reporting impact.

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

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 November 2023 SBOE meeting, notice of the proposed amendment to §33.2 was filed with the Texas Register, initiating the public comment period. The public comment period on the proposal began December 22, 2023, and ended at 5:00 p.m. on January 22, 2024. At the time this item was prepared, no public comments had been received. Any comments received will be provided to the board at the January-February 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January-February 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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund, is necessary and shall have an effective date of 20 days after filing 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:**

Mike Meyer, Deputy Commissioner, Finance

Amy Copeland, Director, State Funding

Kristi McCorquodale, Bond Guarantee Program Analyst, State Funding

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund

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

**Chapter 33. Statement of Investment Objectives, Policies, and Guidelines of the Texas  
Permanent School Fund**

**Subchapter A. State Board of Education Rules**

**§33.2. Distributions to the Available School Fund.**

Each year, the State Board of Education (SBOE) shall determine whether a distribution to the Available School Fund (ASF) shall be made for the current state fiscal year. The SBOE shall determine whether such distribution is permitted under the Texas Constitution, Article VII, §5(a)(2). The annual determination for the current fiscal year shall include a projection of the expected total return of the Permanent School Fund (PSF) at the end of the current fiscal year and the realized returns during the nine preceding state fiscal years. Any one-year distribution to the ASF shall not exceed 6.0% of the average market value of the PSF, excluding real property managed, sold, or acquired under the Texas Constitution, Article VII, §4, as determined under the Texas Constitution, Article VII, §5(a)(1). When adopting the rate of distribution, the SBOE shall strive to balance the needs of current and future generations of Texas school children by attempting to maintain consistent levels of distributions per student and assets per student, after adjusting for inflation.

**Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing,  
Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide  
(Second Reading and Final Adoption)**

**February 2, 2024**

**COMMITTEE ON SCHOOL FINANCE/PERMANENT SCHOOL FUND: 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 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide. The proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG), Version 19, which would include allowable costs for dyslexia and related disorders added by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023. The FASRG provides accounting rules for school districts, open-enrollment charter schools, and education service centers. No changes are recommended since approved for first reading.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§7.102(c)(32), 44.007(a)-(d), and 44.008(b).

TEC, §7.102(c)(32), requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal accounts as required under TEC, Chapter 44, Subchapter A.

TEC, §44.007(a), requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. TEC, §44.007(b), requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor. TEC, §44.007(c), requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE. TEC, §44.007(d), requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.

TEC, §44.008(b), requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Texas Student Data System Public Education Information Management System (TSDS PEIMS).

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will ensure the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools as soon as possible.

**PREVIOUS BOARD ACTION:** The current FASRG, Version 18, was adopted by reference in §109.41 effective September 13, 2022. At the August-September 2023 SBOE meeting, the committee discussed the proposed amendment to §109.41 and the proposed updates to the FASRG modules to be adopted by reference in the rule. At the November 2023 SBOE meeting, the board approved for first reading and filing authorization the proposed amendment to §109.41.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. Revisions to the FASRG would align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and charter school accounting systems shall use the accounting code structure presented in the Account Code section of the FASRG (Module 1). Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of the FASRG (Module 1).

The FASRG, Version 19, contains six modules on the following topics: Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices; Module 2, Special Supplement - Charter Schools; Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts; Module 4, Auditing; Module 5, Purchasing; and Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System.

State law provides authority for both the SBOE and the commissioner of education to adopt rules on financial accounting. To accomplish this, the SBOE and the commissioner each adopt the FASRG by reference under separate rules. The SBOE adopts the FASRG by reference under §109.41, and the commissioner adopts the FASRG by reference under 19 TAC §109.5001.

The following changes would be made to Modules 1-6 of the FASRG.

#### Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices

Module 1 aligns with current governmental accounting standards. Proposed Module 1 would include the following changes. Updates would be made to accounting codes and accounting guidance, which will include allowable costs for dyslexia and related disorders added by House Bill 3928, 88<sup>th</sup> Texas Legislature, Regular Session, and previous guidance would be clarified. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB).

## Module 2, Special Supplement - Charter Schools

Module 2 aligns with current financial accounting reporting standards. Proposed Module 2 would include the following significant changes. Updates would be made to accounting codes and accounting guidance, including a requirement for the recording of Teacher Retirement System (TRS) on-behalf revenue and payments and the calculation for the amounts, and previous guidance would be clarified. The proposed module would establish financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The proposed module would also include current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements would facilitate preparation of financial statements that conform to GAAP established by the Financial Accounting Standards Board (FASB).

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

Module 3 aligns with current financial accounting standards. Proposed Module 3 would include the following changes. Updates would be made to accounting codes and accounting guidance, which would include allowable costs for dyslexia and related disorders added by House Bill 3928, 88th Texas Legislature, Regular Session, 2023, as well as the addition of accounting codes for TRS on-behalf payments, and previous guidance would be clarified. Charter schools would be required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards in the TSDS PEIMS. In addition, charter schools would be required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the FASB.

## Module 4, Auditing

Module 4 aligns with current auditing standards. Proposed Module 4 would include the following changes. Updates would be made to accounting codes and accounting guidance, and previous guidance would be clarified. The proposed module would establish auditing requirements for Texas public school districts and charter schools and include current requirements from TEC, §44.008, as well as Code of Federal Regulations, Title 2, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The proposed module would also include current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements would facilitate preparation of financial statements that conform to GAAP established by the GASB.

## Module 5, Purchasing

Module 5 aligns with current purchasing laws and standards. Proposed Module 5 would include the following changes. Updates would be made to purchasing guidance that has changed from previous legislation. Purchasing rules that needed additional explanation would be clarified. School districts and charter schools would be required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

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

Proposed Module 6 would include the following changes. Updates would be made to clarify language that needed additional explanation, and other changes would be made due to changes in law. School districts and charter schools would be required to maintain proper budgeting and financial accounting and reporting systems. The module would provide information to assist local school officials' understanding of the numerous options for use of the state compensatory education allotment and provide current guidance for compliance.

The FASRG is posted on the Texas Education Agency (TEA) website at <https://tea.texas.gov/finance-and-grants/financial-accountability/financial-accountability-system-resource-guide>.

**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 expand and limit an existing regulation. The proposal would amend requirements and provide updated governmental accounting and auditing standards. In some instances, the proposed changes would add information, and in some instances, information would be removed.

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

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

The proposal would ensure that the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** 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 November 2023 SBOE meeting, notice of the proposed amendment to §109.41 was filed with the Texas Register, initiating the public comment period. The public comment period began December 22, 2023, and ended at 5:00 p.m. on January 22, 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 January-February 2024 meeting. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in January-February 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 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide; and

Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, is necessary and shall have an effective date of 20 days after filing as adopted with the Texas Register. (*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:**

Mike Meyer, Deputy Commissioner, Office of Finance  
David Marx, Senior Director, Financial Compliance



**Attachment I:**

Text of Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

**Attachment II:**

Proposed FASRG Module 1, Financial Accounting and Reporting (FAR)

**Attachment III:**

Proposed FASRG Module 1, FAR Appendices

**Attachment IV:**

Proposed FASRG Module 2, Special Supplement - Charter Schools

**Attachment V:**

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

**Attachment VI:**

Proposed FASRG Module 4, Auditing

**Attachment VII:**

Proposed FASRG Module 5, Purchasing

**Attachment VIII:**

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

Due to the size of Attachments II-VIII, the FASRG modules are available electronically on the TEA website at <https://tea.texas.gov/finance-and-grants/financial-accountability/financial-accountability-system-resource-guide>.

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

**Chapter 109. Budgeting, Accounting, and Auditing**

**Subchapter C. Adoptions By Reference**

**§109.41. Financial Accountability System Resource Guide.**

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication Financial Accountability System Resource Guide, Version 19 [~~18.0~~], which is adopted by this reference as the agency's official rule. A copy is available on the TEA website with information related to financial compliance.

# **COMMITTEE ON SCHOOL INITIATIVES**

**Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners  
(First Reading and Filing Authorization)**

**February 2, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §21.252(a).

TEC, §21.252(a), requires the State Board of Education (SBOE) to establish certification criteria for independent hearing examiners.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, §7.102(f), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will allow independent hearing examiners to be selected using the modified requirements as soon as possible.

**PREVIOUS BOARD ACTION:** The SBOE adopted §157.41 in 1995 and last amended it effective October 21, 2019. A discussion item regarding §157.41 was presented to the Committee on School Initiatives at the June 2023 SBOE meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Chapter 157, Subchapter D, addresses criteria for the certification of hearing examiners eligible to conduct hearings.

During the rule review required under Texas Government Code, §2001.039, the SBOE requested that Texas Education Agency (TEA) staff present a proposed amendment to §157.41 that would modify the experience requirements for hearing examiners.

Subsection (d)(2) would be amended to require that an independent hearing examiner must not have had his or her license reprimanded, suspended, or revoked within the last three years.

Subsection (d)(3) and (4) would be amended to reduce the requirements that an independent hearing examiner must have been licensed to practice law and engaged in the practice of law on a full-time basis from five years to three years.

Subsection (e) would be amended to expand the experience requirements to include family law, criminal law, and personal injury law.

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

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by modifying the experience requirements for independent hearing examiners.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would reduce the number of years independent hearing examiners must have been licensed to practice law and must have been engaged in the practice of law on a full-time basis from five years to three years. It would also expand the experience requirements to include family law, criminal law, and personal injury law. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** 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 March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 2024.

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

Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners.

**Staff Member Responsible:**

Christopher Maska, Deputy General Counsel, Hearings and Appeals, Office of General Counsel

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 157, Hearings and Appeals, Subchapter D, Independent Hearing Examiners, §157.41, Certification Criteria for Independent Hearing Examiners

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

**Chapter 157. Hearings and Appeals**

**Subchapter D. Independent Hearing Examiners**

**§157.41. Certification Criteria for Independent Hearing Examiners.**

- (a) License required. An individual who is certified as an independent hearing examiner must be licensed to practice law in the State of Texas.
- (b) Representations prohibited. An independent hearing examiner, and the law firm with which the independent hearing examiner is associated, must not serve as an agent or representative of:
  - (1) a school district;
  - (2) a teacher in any dispute with a school district; or
  - (3) an organization of school employees, school administrators, or school boards.
- (c) Moral character and criminal history. An independent hearing examiner must:
  - (1) possess good moral character; and
  - (2) as demonstrated by a criminal history report process required by the commissioner of education, not have been convicted, given probation (whether through deferred adjudication or otherwise), or fined for:
    - (A) a felony;
    - (B) a crime of moral turpitude; or
    - (C) a crime that directly relates to the duties of an independent hearing examiner in a public school setting.
- (d) Status as a licensed attorney. An independent hearing examiner must:
  - (1) currently be a member in good standing of the State Bar of Texas;
  - (2) within the last ~~three~~ **[five]** years, not have had the independent hearing examiner's bar license:
    - (A) reprimanded, either privately or publicly;
    - (B) suspended, either probated or otherwise; or
    - (C) revoked;
  - (3) have been licensed to practice law in the State of Texas or any other state for at least ~~three~~ **[five]** years prior to application; and
  - (4) have engaged in the actual practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least ~~three~~ **[five]** years.
- (e) Experience. During the three years immediately preceding certification, an independent hearing examiner must have devoted a minimum of 50% of the examiner's time practicing law in some combination of the following areas, with a total of at least one-tenth or 10% of the independent hearing examiner's practice involving substantial responsibility for taking part in a contested evidentiary proceeding convened pursuant to law in which the independent hearing examiner personally propounded and/or defended against questions put to a witness under oath while serving as an advocate, a hearing officer, or a presiding judicial officer:
  - (1) civil litigation;
  - (2) administrative law;

- (3) school law; ~~or~~
  - (4) labor law; ~~or~~
  - (5) family law;
  - (6) criminal law; or
  - (7) personal injury law.
- (f) Continuing education. During each year of certification, an independent hearing examiner must receive credit for ten hours of continuing legal education, with three hours in the area of school law and seven hours in the area of civil trial advocacy and legal writing skills, which must include any combination of course work in evidence, civil procedure, and legal writing skills, during the period January 1 to December 31 of each year of certification.
- (g) Sworn application. In order to be certified as an independent hearing examiner, an applicant must submit a sworn application to the commissioner of education. The application shall contain the following acknowledgments, waivers, and releases.
- (1) The applicant agrees to authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of the application, including information regarding grievances maintained by the State Bar of Texas.
  - (2) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose grievance matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
  - (3) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose criminal matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.
- (h) Assurances as to position requirements. In the sworn application, the applicant must:
- (1) demonstrate that the applicant currently maintains an office or offices within the State of Texas;
  - (2) designate the office locations from which the applicant will accept appointments;
  - (3) demonstrate that the applicant provides telephone messaging and facsimile services during regular business hours;
  - (4) agree to attend meetings of independent hearing examiners in Austin, Texas, at the examiner's expense; and
  - (5) agree to comply with all reporting and procedural requirements established by the commissioner.
- (i) Voluntary evaluations. The commissioner may solicit voluntary evaluations from parties to a case regarding their observations of the independent hearings process.
- (j) Insufficient examiners in a region. In the event that insufficient numbers of independent hearing examiners are certified for any geographic region of the state, the commissioner may assign an independent hearing examiner whose office is within reasonable proximity to the school district.
- (k) Annual recertification.
- (1) Certification expires on December 31 of each calendar year. All independent hearing examiners seeking recertification shall reapply on a date specified by the commissioner. Certification as a hearing examiner is effective on a yearly basis only and does not confer any expectation of recertification in subsequent years.
  - (2) The commissioner, in his discretion, after providing notice and an opportunity to respond, may decline to recertify an independent hearing examiner, if the commissioner determines that the independent hearing examiner has failed to perform the duties of an independent hearing examiner



in a competent manner. The commissioner may consider, but is not limited to, the following factors:

- (A) timeliness;
  - (B) accuracy and appropriateness of procedural and evidentiary rulings;
  - (C) decorum or control; or
  - (D) application of appropriate legal standards.
- (3) The commissioner's decision in regard to recertification is final and not appealable.
- (l) Action against certification. The commissioner, after providing notice and an opportunity to respond, may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner or the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, has:
- (1) served as an agent or representative of a school district;
  - (2) served as an agent or representative of a teacher in any dispute with a school district;
  - (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or
  - (4) failed to timely issue a recommendation.

## Open-Enrollment Charter School Generation 29 Application Updates

February 1, 2024

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

**SUMMARY:** This item provides an opportunity for the committee to receive updates regarding the Generation 29 Open-Enrollment Charter Application cycle.

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

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

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

**FUTURE ACTION EXPECTED:** Following the conclusion of the application cycle, the board will have an opportunity to review and take action or no action on the commissioner's list of proposed Generation 29 Subchapter D Open-Enrollment Charter Schools.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is engaged in an ongoing effort to remain abreast of the evolving state-educational landscape and prepare to address areas that are within its jurisdiction. To that end, this item is for discussion of updates pertaining to the Generation 29 application.

Public information concerning open-enrollment charter schools is available at the Division of Charter Schools – Subchapter D Charters page found on the Texas Education Agency's website (<https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>). The Generation 29 applications and required attachments are also linked from that page.

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

Kelvey Oeser, Deputy Commissioner, Educator and System Support  
Marian Schutte, Executive Director, Authorizing

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

**February 1, 2024**

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

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

**STATUTORY AUTHORITY:** The statutory authority for the rule review is the Texas Government Code (TGC), §2001.039. The statutory authority for 19 TAC Chapter 100, Subchapter A, is the TEC, §12.101. The statutory authority for 19 TAC Chapter 100, Subchapter B, is TEC, §§7.102(c)(8), 12.028, 12.101(b), and 12.101(b-0).

Texas Government Code, §2001.039, requires all state agencies to review their rules at least once every four years.

TEC, §7.102(c)(8), requires the SBOE to adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by the TEC, Chapter 12.

TEC, §12.028, requires the SBOE to adopt by rule a procedure to be used for placing on probation or revoking a home-rule school district charter.

TEC, §12.101(b), requires the SBOE chair to designate a board member to liaise with the commissioner of education for the purpose of coordinating granting of open-enrollment charter schools under this section.

TEC, §12.101(b-0), requires a majority of the board members present and voting to vote against the commissioner's charter proposals within 90 days of notice, otherwise the charter proposals take effect.

**FUTURE ACTION EXPECTED:** The rule review of 19 TAC Chapter 100, Subchapters A and B, will be presented to the SBOE for adoption at the April 2024 board meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The rule in 19 TAC Chapter 100, Subchapter A, addresses the open-enrollment charter selection process outlining the SBOE's coordination, deliberating process, and the no-contact provision required of applicants.

The rule in 19 TAC Chapter 100, Subchapter B, governs adverse action on a home-rule charter district. No home-rule charter districts currently exist, but such a district could be created.

**ANTICIPATED REVISIONS TO RULES:** No changes to rules in 19 TAC Chapter 100, Subchapters A and B, are anticipated at this time.

**PUBLIC COMMENTS:** The Texas Education Agency (TEA) will file the notice of proposed review of 19 TAC Chapter 100, Subchapters A and B, with the Texas Register following the January/February 2024 SBOE meeting. The TEA will accept comments as to whether reasons for adopting 19 TAC Chapter 100, Subchapters A and B, continue to exist. The public comment period on the proposed rule review begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on this item at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

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

**Staff Members Responsible:**

Kelvey Oeser, Deputy Commissioner, Educator and Systems Support  
Marian Schutte, Executive Director, Authorizing

**Attachment:**

Text of 19 TAC Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters

**ATTACHMENT  
Text of 19 TAC**

**Chapter 100. Charters**

**Subchapter A. Open-Enrollment Charter Schools**

**§100.1. Selection Process.**

- (a) In accordance with Texas Education Code (TEC), §12.101, a State Board of Education (SBOE) member shall be designated by the SBOE chair to work in coordination with the commissioner of education on the review of TEC, Chapter 12, Subchapter D, open-enrollment charter school applicants.
- (b) Following the commissioner's notification to the SBOE of the charters the commissioner proposes to grant, a majority of the SBOE members present and voting may vote to veto the commissioner's proposed charter(s) or may vote to take no action. The SBOE's consideration of the proposed charters will occur no later than 90 days following the commissioner's notification.
- (c) The SBOE may not vote or deliberate on any charter application that has not been proposed by the commissioner. For purposes of this section, deliberation is defined in Texas Government Code, §551.001.
- (d) An applicant for an open-enrollment charter, or any person or entity acting on behalf of an applicant for an open-enrollment charter, shall not communicate with a member of the SBOE concerning a charter school application beginning on the date the application is submitted and ending on the date the applicant passes through an external review with a qualifying score. The SBOE may veto a proposed application for violation of this subsection.

*Statutory Authority: The provisions of this §100.1 issued under the Texas Education Code, §12.101.*

*Source: The provisions of this §100.1 adopted to be effective October 21, 2014, 39 TexReg 8265; amended to be effective October 31, 2023, 48 TexReg 6354.*

**Subchapter B. Home-Rule School District Charters**

**§100.201. Adverse Action on a Home-Rule School District Charter.**

- (a) The State Board of Education (SBOE) may place on probation or revoke a home-rule school district charter if the SBOE determines that the district:
  - (1) committed a material violation of the charter;
  - (2) failed to satisfy generally accepted accounting standards of fiscal management; or
  - (3) failed to comply with the requirements of the Texas Education Code (TEC), Chapter 12, Subchapter B, or other applicable law or rule.
- (b) The recommendation to place on probation or revoke the charter of a home-rule school district charter shall be made by the Texas Education Agency (TEA) in accordance with 19 TAC §157.11 of this title (relating to Notice of Intent), no fewer than 60 calendar days prior to the meeting of the SBOE at which the recommendation will be considered.
- (c) The TEA shall notify the district before placing on probation or revoking the charter. The notice shall clearly specify the following, either in the notice or by reference to other documents included with the notice:
  - (1) the action sought and the grounds for taking such action;
  - (2) a statement of the legal authority and jurisdiction under which the hearing will be held;
  - (3) a reference to the particular sections of the statutes and rules involved; and

- (4) the date, time, and place for a hearing on the action sought, which shall be provided to the district and to parents and guardians of district students, if requested in accordance with subsection (e) of this section.
- (d) Notice served on the district shall be notice to parents and guardians of students in the district.
- (e) Within ten calendar days after receiving the notice, the district may request a hearing and submit a written response containing specific answers to each of the findings included in the notice. If a request for hearing and a written response are not submitted within ten calendar days, the recommendations of the TEA on the proposed action shall be submitted to the SBOE for action.
- (f) A hearing held under this section shall be open to the public and must be held at the district unless a different location is agreed to by the district. The hearing shall be held not fewer than ten calendar days from the date the district receives notice and shall be governed by Chapter 157, Subchapter A, of this title (relating to General Provisions for Hearings Before the State Board of Education).
- (g) The administrative law judge may order that testimony and evidence from parents and guardians of students at the charter school be taken via prefiled written testimony under the Texas Government Code, §2001.085.

*Statutory Authority: The provisions of this §100.201 issued under the Texas Education Code, §7.102(c)(8) and (9) and §12.028.*

*Source: The provisions of this §100.201 adopted to be effective October 10, 1999, 24 TexReg 8547.*

## **Approval of Revisions to Required School Safety Training for School District Trustees**

**February 2, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to approve revisions to the school safety training curriculum for school district trustees.

**STATUTORY AUTHORITY:** Texas Education Code ([TEC](#)), [11.159\(b-1\)](#).

TEC, §11.159(b-1), requires the State Board of Education (SBOE) to require a trustee to complete training on school safety. The SBOE, in coordination with the Texas School Safety Center, must develop the curriculum and materials for the training.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** House Bill (HB) 690, passed by the 87th Texas Legislature, Regular Session, 2021, requires the SBOE to require a trustee to complete training on school safety. The SBOE coordinates with the Texas School Safety Center to develop the curriculum and materials for the training.

In November 2021, the SBOE approved the school safety training and made it available on TEA Learn in February 2022. The SBOE adopted rules governing the new school safety training in 19 TAC §61.3 which became effective on May 31, 2022.

At the November 2023 meeting, the Texas School Safety Center presented to the Committee on School Initiatives proposed revisions to the curriculum. This item provides an opportunity for the board to approve the revisions to the school safety training curriculum proposed by the Texas School Safety Center.

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

Approve the revisions to the school safety training curriculum proposed by the Texas School Safety Center.

**Staff Members Responsible:**

John Scott, Chief of School Safety and Security

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

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

**February 2, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to consider one reappointment to the board of trustees of Boys Ranch Independent School District (ISD). The reappointment is necessary due to the expiration of the term of office of one board member.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for ISDs created under its authority to establish certain special purpose school districts. Trustees so appointed hold office until their successors are appointed and qualified. When a vacancy occurs, the chief executive officer (CEO) of Cal Farley's Boys Ranch notifies the commissioner of education of the vacancy in compliance with TEC, §11.352. The CEO submits resumes and other documents verifying that individuals are qualified to hold the position as well as a statement that the individual would accept the position if appointed. The CEO is required by 19 TAC §61.2 to provide one nomination to the SBOE. The nominee must be qualified under the general school laws of Texas.

Mr. Richard Nedelkoff, president and CEO of Cal Farley's Boys Ranch, has notified the commissioner that the term of office of one board member is expiring. Mr. Nedelkoff has requested that Mr. Joshua Sprock be reappointed for a two-year term.

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

Based on Mr. Richard Nedelkoff's recommendation, approve the reappointment of Mr. Joshua Sprock to serve a two-year term of office from February 2, 2024, to February 1, 2026, on the Boys Ranch ISD Board of Trustees.

**Staff Members Responsible:**

Steve Lecholop, Deputy Commissioner, Office of Governance  
Christopher Lucas, Director, Policy, Planning, and Operations, Office of Governance

**Attachment:**

Correspondence from Mr. Richard Nedelkoff, president and CEO of Cal Farley's Boys Ranch that includes supporting documentation for the nominee





**BOYS RANCH**  
FOUNDED BY CAL FARLEY

November 1, 2023

Mr. Mike Morath  
Commissioner  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Dear Commissioner Morath,

In my capacity as President and Chief Executive Officer of Cal Farley's Boys Ranch, I request that the State Board of Education, at its January meeting, reappoint Joshua Sprock to the Boys Ranch Independent School District (BRISD) Board of Trustees. Mr. Sprock is qualified under Texas Law and meets all requirements.

The following documents are provided: resume, signed statement expressing willingness to accept appointment and serve in full adherence to the state-established standards for school board members and certifying that the biographical information is true and correct, and background check information.

I understand that the BRISD Board of Trustees has the power to govern and oversee management of the district, and my power as President and Chief Executive Officer of Cal Farley's Boys Ranch is limited to duty as defined by statues relating to the process of appointing members to the BRISD Board of Trustees. I also certify that the membership composition of the BRISD Board of Trustees is in full compliance with the provisions of the Texas Education Code, section 11.352. I further certify that the role of the BRISD superintendent is in full compliance with the provisions of the Texas Education Code, section 11.201.

Should you have any questions, please contact me at 806-322-2609 or via email at [richardnedelkoff@calfarley.org](mailto:richardnedelkoff@calfarley.org).

I appreciate your consideration and look forward to confirmation of this appointment.

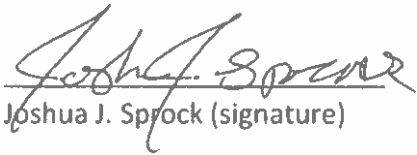
Sincerely,

Richard Nedelkoff  
President and Chief Executive Officer

RN:ss

STATEMENT TO ACCOMPANY  
BOYS RANCH INDEPENDENT SCHOOL DISTRICT  
SCHOOL BOARD TRUSTEE APPOINTMENT REQUEST  
FOR  
**JOSHUA J. SPROCK**

I, **Joshua J. Sprock**, verify that I am qualified under the general school laws of Texas to be a BRISD School Board Trustee. I certify that the attached biographical information is true and correct. I am willing to accept the appointment as BRISD School Board Trustee and serve in such capacity with full adherence to the state-established standards for the duties and responsibilities of school board members.

  
Joshua J. Sprock (signature)

10-5-23  
Date

**Joshua J. Sprock**  
**6404 Oakhurst**  
**Amarillo, TX 79109**  
**(806) 570-3260**  
**JoshuaSprock@calfarley.org**

**EDUCATION:**

**Masters in Community/School Counseling Chadron State College- In progress (6 hrs)**  
**Bachelors of Science in Secondary Education, Chadron State College. Graduation date: May 7, 2005**

**Certification: Secondary Education Social Science (7-12)**  
**High School Diploma, Natrona County High School, May 1997.**

**WORK EXPERIENCE:**

**Cal Farley's Boys Ranch (August 2005-Present) (866) 302-2789**

**Staff Development Coordinator October 2015-Present**

Responsible for the coordination of New Employee Orientation/Pre-Service Training, Childcare Training.

**Campus Life Supervisor January 2008-2015**

Supervision of three homes in charge of 30 children and eleven adults. I am responsible for training house parents, crisis intervention, managing budgets, scheduling, performance appraisals, and other jobs as assigned.

**House Parent August 2005-January 2008**

Serve as role model and work to meet the physical, emotional, social and spiritual needs of the youth.

**Student Teaching – 9<sup>th</sup> and 10<sup>th</sup> Grades World History& 11<sup>th</sup>-12<sup>th</sup> Grades American History 11<sup>th</sup> &12<sup>th</sup> Grade Psychology.**

January 4 – April 29, 2005 Sioux County High School, Cooperating Teacher – Mr. Jim Jones.  Developed Group Activities that utilized students' unique strengths.

Lessons involved Socratic discussion, cooperative learning, hands-on experiences, and interdisciplinary teaching.

Worked with "6 Trait" writing program to encourage higher-level writing skills.

Developed thematic units in American/World History around major instructional goals.

Applied Nebraska State Standards to lesson plans.

Assisted with History Day and Physical Education.

**Practicum (100 hours)**

Observed in the classroom and worked with students one-on-one, in small groups, and with the class as a whole.

**Wal-Mart Supercenter (June 2002—August 2005) (308) 432-6999**

**Inventory Control Specialist/Risk Control Team Leader**

various clerical responsibilities such as typing and filing, taking inventory, restocking/organizing product, assisting customers, creating store displays

**McDonalds – Swing Manager (March 1995--June 2002).**

Responsible for supervising and maintaining control of shifts and training employees on a regular basis.

**ADDITIONAL QUALIFICATIONS:**

Licensed Childcare Administrator (2014)

TBRI Educator (2015)

Certified Satori Alternatives in Managing Aggression Facilitator (2011)

LSCI certified (2016)

Neruo-sequential Model of Therapeutics Trainer (2017)

**Recommendation for Two Reappointments to the Fort Sam Houston  
Independent School District Board of Trustees**

**February 2, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to consider two reappointments to the board of trustees of Fort Sam Houston Independent School District (ISD). The reappointments are necessary due to the expirations of the terms of office of two board members.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for military reservation ISDs. Trustees so appointed shall hold office for two years and until their successors are appointed and qualified. Enlisted military personnel may be appointed to the board; however, a majority must be civilians, and all may be civilians. When a vacancy occurs on one of the boards, the base commander notifies the commissioner of education of such vacancy in compliance with TEC, §11.352.

Brigadier General, United States Air Force, Russell D. Driggers has notified the commissioner of education that the terms of office of two trustees of Fort Sam Houston ISD are due to expire. Brigadier General Driggers recommends the reappointments of Mr. Willie E. White and Ms. Andrea D. Nicholas 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 reappointments of Mr. Willie E. White and Ms. Andrea D. Nicholas to serve terms of office from February 2, 2024, to February 1, 2026, on the Fort Sam Houston ISD Board of Trustees.

**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 documentation 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 Mr. Willie E. White and Ms. Andrea D. Nicholas to the Fort Sam  
Houston Independent School District (FSHISD) Board of Trustees

1. Please consider this my formal request to reappointment Mr. Willie E. White and Ms. Andrea D. Nicholas to the FHSISD Board of Trustees. Enclosed are their resumes, as required by Texas Administrative Code Section 61.2a (1), along with their signed statements expressing their willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The nominees are eligible for appointment under the general school laws of Texas and live or work 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 10 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. Nita Ford-Hightower at (210) 221-8782 or nita.fordhightower.1@us.af.mil.

DRIGGERS.RUSS<sup>1</sup> Digitally signed by  
ELL.D.1024001233<sup>1233</sup> DRIGGERS.RUSSELL.D.102400  
Date: 2023.10.04 10:55:51 -05'00'

**RUSSELL D. DRIGGERS**  
Brigadier General, USAF  
Commander

2 Attachments:

1. Mr. Willie E. White Resume and Eligibility Statement
2. Ms. Andrea D. Nicholas Resume and Eligibility Statement



**SCHOOL LIAISON PROGRAM**

**Joint Base San Antonio  
Statement of Eligibility**

Applicant Full Name: Willie E White

Residential Address: 10207 Ivy Jade

Schertz TX 78154

Physical Address of Employer:

HQ IMCOM

FT Sam Houston TX 78234

Board of Trustees Location Applying For: FT Sam Houston

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 work on the operating location.
- I attest to the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve a 2 year term in the capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

WHITE.WILLIE.EDWA  
RD.JR.1049527019

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WHITE.WILLIE.EDWARD JR 1049527019  
Date: 2023.05.23 13:51:05 -05'00'

**05/23/2023**

Signature of Applicant

Date

**Willie E White**

Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly. Form must be completed prior to setting up your interview with the selection board.***

***WILLIE E. WHITE***

*10207 Ivy Jade / Schertz, TX. 78154 / C: 210-834-5043 / W 210-466-0106  
[willie.e.white1.civ@army.mil](mailto:willie.e.white1.civ@army.mil) / [willie8241@sbcglobal.net](mailto:willie8241@sbcglobal.net) / Secret clearance*

**PROFESSIONAL SUMMARY**

Driven interpersonal and versatile management analyst with over 31 years combined active duty and civilian senior management. Demonstrates outstanding senior leadership and organizational management laterally/vertically within the military and civilian community. Travels to D.C. Conducting In-Person bi-annual meetings at Capitol Hill. Utilizes persuasive oral communication skills needed in requesting federal government funding for the military school district. Meets bi-annually face to face in the offices of both Texas Senators and each Regional Congressional representatives requesting continued federal government annual funding. Community servant and leader for the past seven years currently serving as the President, Fort Sam Houston Independent School District Board of Trustees. Expert in analyzing, researching, and formulating official responses to written and telephonic congressional requests for information. I am directly connected to all Texas Senator and Congress Staffs. Experience receiving, tracking, monitoring, and controlling inquiries from Members of Congress, Congressional staffs, and Congressional Committees Effectively utilize technical competencies applying the skills, knowledge, and abilities in the areas of reconciliation, funding and budgeting in the management of two multi-million-dollar government contracts, information technology and telecommunications totaling over \$50 million combined. A leader who thrives on problem solving and administrative management. Oversees the needs of over 2,000 teachers, administrators and students, approver of District Annual Budget of over \$221 million per year, and manages student academic success, District Safety Plan, preside over all board meetings utilizing Roberts Rules. Plan, coordinate, integrate, and implement the military School District congressional strategy to support and integrate complex and widely varying missions and essential operating dollars. Sergeant Major; Civil Affairs responsible for South Korea military/civilian affairs. Trained to prevent and mitigate civilian interference with military operations. Directly worked for 13 months with Non-Governmental Organizations (NGOs) at the national and international levels Served as the senior enlisted medical advisor to the commander on all medical matters.

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**PROFESSIONAL EXPERIENCE**

**Installation Management Command**, G5 Plans & Integration Branch Management Analyst: Supervisor: Charlotte Hogan; [Charlotte.hogan1.civ@army.mil](mailto:Charlotte.hogan1.civ@army.mil) 40 hrs. wk.; April 2019 – Present Series: 0343

Management Analyst accountable for conducting surveys, researching, developing, and evaluating studies and work processes within the command. I have presented command decision briefings to the Commanding General and HQ Staff. Extensive history managing, analyzing interpreting and working multiple Management Decision Execution Package (MDEPs) in G5 Plans and Integration as the Alternate MDEP manager as well as managing numerous other MDEPs in IMCOM G7 College of Installation Management and G9 Community Recreation Directorate. HQ IMCOM lead analyst for the Bi-weekly Command Operational Planning Team (OPT) charged with planning, scheduling, and information

- Request 100% payment disbursement to each garrison to reimburse all travel expenses incurred utilizing the NAF General Ledger Account Codes (GLAC).
- Program Manager for MDEPs (QMNG) IMCOM Garrisons; Military Training Specific Allotment (MTSA) allocated funding for over 70 active-duty service members with a \$1.6M Budget.
- Travel Coordinator and NAF/MWR funding allocation and reimbursement manager for 12-15 career courses per year totaling from \$400K-500K spending cost for 150 students.
- Prepared and briefed each G8 Quarterly Training Budget to Deputy Commanding General and assisted in setting the yearly Programming and Budgeting for the Academy, IMCOM Military Training Specific Allotment (MTSA), and the Academy Operational Expense.
- Programed over two MDEPs in 3 Program Element Groups (PEG).
- Spearheaded the first collaborative Memorandum of Agreement with Webster University awarding Garrison Commander/Command Sergeants Major college credit hours for the course; implemented comprehensive studies to analyze and evaluate the program measurement effectiveness.

**HQ, IMCOM G9 Business** Training Coordinator - Supervisor: Daryl Harris, [daryl.w.harris.naf@army.mil](mailto:daryl.w.harris.naf@army.mil): 40 hrs. wk.; May 2010 - Nov/2014: Series: 0343

Responsibility included but not limited to accounting for NAF Senior leader's attendance to development training for career advancement. Managed an Operating Budget of \$3.5 million as the Contract Officer Representative for Booz Allen Hamilton and Inclusive Recreation for Wounded Warrior/Penn State contracts. Extensive work in Manpower; how its counted, categorized, and measured for internal compliance.

- Contract Officer Representative COR for Penn State University and Booz Allen Hamilton with an operating budget of \$3.5 million; Received all purchase orders and invoiced all services and courses.
- Accounted for and invoiced over 55 Purchase Orders totaling \$40 million and accounted for and invoiced 8,000 pieces of equipment for over 25 overseas shipments to Iraq and Afghanistan valued at and 100% with No loss.
- G9 primary management analyst responsible for MWR professionals to attend six Wounded Warrior Courses for 120 Joint Services personnel who attended Penn State University certifications.
- Negotiated with Region Directors manages and oversee the daily operation of the command's primary conferences to include Conus Europe, Pacific, to support the Army.
- Performed contract surveillance and reconcile monthly payments for contractor scope of services.
- Coordinated 11 MWR Region Leader's attendance to career developmental training.

**HQ Moral Welfare Recreation Command;** Human Resource Analyst, Management Intern Program-Supervisor: Daryl Harris, [daryl.w.harris.naf@army.mil](mailto:daryl.w.harris.naf@army.mil) 40 hrs. wk.; Aug 2009 – Jun 2011 Series: 0343

Lead analyst accountable for recruitment and managing the placement of 30 newly hired Management Interns and Developmental Chefs yearly; oversaw \$1.5M budget for all MWR Garrisons. Extensive knowledge with implementing Trainee budget guidance and knowledge overseeing the organization's resource management activities. Personally mentor each Intern on a weekly basis, track workforce development, training, and management development for a rotation of 60 Interns over a two-year period.

- Developed the MWR Command audit trails for databases using Program & Budget Guidance for monetary and manpower accountability for a two-year period.
- Mentored two cycles of 30 Management Interns through daily communication on problem solving, personnel management, workforce development, mandatory training, and management development.
- Lead MWR Analyst, for conducting highly complex training support studies, analysis, and current tasking's/operations integration requirements accounting for over 60 Interns receiving 100% mandatory OPM management courses, and training events.





**SCHOOL LIAISON PROGRAM**

**Joint Base San Antonio  
Statement of Eligibility**

Applicant Full Name: Andrea Delonda Nicholas

Residential Address: 7327 Roveen Trail

San Antonio Texas 78244

Physical Address of Employer: Temporary address due to building renovations.

2310 Kenly Ave

San Antonio/Lackland AFB Texas 78236

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 work on the operating location.
- I attest to the contents of my resume.
- I am a qualified voter.
- I willingly accept the appointment to the Board of Trustees and will serve a 2 year term in the capacity with full adherence to the state established standards on the duties and responsibilities of school board members.

NICHOLAS.ANDREA.D Digitally signed by  
.1115435473 NICHOLAS.ANDREA.D.1115435473  
Date: 2023.05.31 15:35:48 -05'00'

Signature of Applicant

**Andrea Nicholas**

Printed Name of Applicant

**31 May 23**

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.***

25 May 23

School Liaison Program  
Fort Sam Houston, TX 78234

Dear School Liaison Program Manager,

I am submitting my resume for consideration as a member of the Fort Sam Houston Independent School District Board of Trustees as advertised on the JBSA installation website.

I am interested in this position because I believe in the vision of the District and want to be an integral part of helping it meet its goals as a District of Innovation. I offer FSHISD over 40 years of experience on Fort Sam Houston, including 34 years dedicated to working directly with military families through Child and Youth Programs. I freely extend my time, dedication, and a multitude of professional skills.

As a former FSHISD student, I request the opportunity to serve as a member of the Board of Trustees for the educational institution that provided me with the foundation I needed to be successful. I consider an appointment to the Board of Trustees to be an honor and another chance to continue to fulfill the "give back" promise I made.

I am confident that the combination of my experience and skills will prove to be an appreciated resource for the District.

Thank you in advance for your time and consideration. Should you desire to have additional information, please feel free to contact me via email at [andreadnicholas69@gmail.com](mailto:andreadnicholas69@gmail.com) or telephone at 210-367-1065. I look forward to meeting with you to share how I may contribute to the positive works already being implemented throughout the FSHISD.

Sincerely,

*Andrea Nicholas*

Andrea Nicholas  
Board of Trustee Applicant

## **Andrea D. Nicholas**

7327 Roveen Trail, San Antonio, Texas 78244

Telephone: 210-367-1065 Email: andreadnicholas69@gmail.com

care was provided. Monitored child development and Family Child Care homes by conducting announced and unannounced site visits to ensure staff adhered to risk management procedures to meet all applicable military and State licensing regulations. Assisted programs with developing an annual budget IAW all applicable regulations and standards to meet the needs of the program and its patrons. Distributed funding and reconciled financial data as it pertained to executing program budgets. Provided technical assistance/guidance to programs and families enrolling in the Fee Assistance program. Served as a coach/mentor in assisting programs to establish an accreditation team and provided technical support/updates towards obtaining or maintaining credentials and/or national accreditation. Served as subject matter expert and coordinated with military organizations and outside agencies to provide program materials, consultations, and trainings. Remained abreast of child and youth development philosophy, principles, methods, and techniques as endorsed by the military and nationally recognized child/youth organizations. Served as a Records Custodian for Child and Youth Programs. Recruited, supported and maintained relationships with community based child care programs to provide families with child care that was commensurate in quality and cost to care offered on the installation. Represented the military as a viable partner with resources to increase the quality of care in off installation catchment areas which benefited all children served.

**Mar 2008 to Oct 2011 Outreach Services (OS) Director, Child, Youth & School Services (CYS), JBSA-Fort Sam Houston, Texas**

Provided oversight and accountability for staff performance and safety/well-being of patrons IAW policies and procedures. Supervised and evaluated staff according to established performance standards. Provided professional recognition and/or disciplinary action. Ensured staff followed risk management procedures and standard operating procedures to support program goals. Implemented and monitored policies reference fees, patron eligibility, baseline programming, space allocations, etc. Prepared operating procedures to anticipate installation trends and documented it in Installation Child and Youth Operations Plan. Applied professional knowledge to plan and implement OS components via Parent Liaison Services, Community Liaison Services, and CYS Liaison Services, Outreach Care and Supervision Options, and Mobile programs. Provided staff training and development. Processed personnel actions in a timely manner. Conducted analysis of annual program budget variances and prepared written justification for funding of program resource requirements.

### **EDUCATION**

**Wayland Baptist University- San Antonio, Texas, MEd, 2021**

**Wayland Baptist University- San Antonio, Texas, BSOE, Management, 2007**

**St Philip's College- San Antonio, Texas, AA, Liberal Arts (Education), 2004**

**St Philip's College- San Antonio, Texas, AAS, Computer Information Sys-Acct Specialist, 1990**

### **TRAINING**

Over 50 hours of Texas Association of School Administrators/Texas Association of School Boards training, Lean Six Sigma Black Belt (Organizational Efficiency), Resiliency Training Facilitator, Basic Management Course - MWR Academy, Operation Excellence Customer Service Trainer, Galileo Leadership Training, Managing Multiple Projects, Alpine Tower Teambuilding, Parents as Teachers-Heroes at Home, Ethics, Action Skills for Supervisors and Effective Teams (ASSETS), Teamwork and Motivation, Effective Writing, Working with Not Against Parents, and various Military Child Education Coalition Trainings

### **AFFILIATIONS**

2021-present Delta Sigma Theta Sorority, Inc.- Member

2019-present Iota Phi Lambda Sorority, Inc. - 1<sup>st</sup> Vice-President

2017-present Help Raise 1 Help Save 1- Mentor

2012-present SayTown Snappers - Vice President

1990-present JBSA-Fort Sam Houston Youth Sports/National Youth Sports Coach Association Coach

### **REFERENCES**

Roxanne Lacy 210-860-4811

Rex Murphy 210-324-1447

**Recommendation for One Appointment to the Lackland  
Independent School District Board of Trustees**

**February 2, 2024**

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

**SUMMARY:** This item provides an opportunity for the board to consider one appointment to the board of trustees of Lackland Independent School District (ISD). The appointment is necessary due to the retirement of one board member.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §11.352.

TEC, §11.352 authorizes the State Board of Education (SBOE) to appoint school board members in special purpose school districts.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBOE is statutorily authorized to appoint board members for 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 of a vacancy on the board of trustees of Lackland ISD due to the retirement of one board member. Brigadier General Driggers recommends the appointment of Mrs. Tonseda Henson to the Lackland ISD Board of Trustees.

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

Based on Brigadier General Driggers's recommendation, approve the appointment of Mrs. Tonseda Henson to serve a term of office from February 2, 2024, to February 1, 2026, on the Lackland ISD Board of Trustees.

**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 documentation for the nominee



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



8 Dec 2023

MEMORANDUM FOR MR. MIKE MORATH, COMMISSIONER, TEXAS EDUCATION  
AGENCY

FROM: 502 ABW/CC  
2080 Wilson Way Bldg. 247  
JBSA Ft Sam Houston TX 78234-2362

SUBJECT: Appointment of Mrs. Tonseda Henson to the Lackland Independent School  
District Board of Trustees

1. Please consider this my formal request to appoint Mrs. Tonseda Henson to the Lackland Independent School District (LISD) Board of Trustees. Enclosed is her resume, as required by Texas Administrative Code Section 61.2a (1), along with her signed statement expressing her willingness to accept the appointment and serve in full adherence to the established state standards for school board members.
2. The nominee is eligible for appointment under the general school laws of Texas and lives or works on Joint Base San Antonio-Lackland. The nominee is 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 3 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 LISD 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. Dianna Fryer at (210) 671-8388 or dianna.fryer@us.af.mil.

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**RUSSELL D. DRIGGERS**  
Brigadier General, USAF  
Commander

2 Attachments:

1. Mrs. Tonseda Henson Resume
2. Mrs. Tonseda Henson Eligibility Statement

## Professional Attributes

Budget, Finance,  
& Cost Control

Coaching and  
Mentoring

Conflict  
Resolution

Customer  
Service Focused

Detail Oriented

Diversity/  
Inclusion  
Champion

Effective  
Communicator

Flexible/  
Adaptable

Human  
Resource  
Professional

Military  
Readiness

International  
Experience  
(Japan, Korea)

Organizational  
Development

Project Designer

Talent Manage-  
ment

Leadership/  
Development  
Trainer

Strategic  
Planning

Team Building/  
Partnerships

## Tonseda (Toni) Henson

24723 Chianti Way, San Antonio, Texas, 78260

Cell: 210-842-3392

Work: (210) 925-2351

Email: tonsedahenson@aol.com; tonseda.henson@us.af.mil

### **May 22 –Present, Manpower, Personnel and Force Development, A1, Director, GS-0301-14, 40 hrs/wk, JBSA Lackland**

Leads the A1 team to thrive during the 688th Cyberspace Wing (CW) Optimization and Transformation. Maintains the manpower strategy and supports top talent acquisition for 688 CW. Oversees manpower management, personnel management, and personnel services for the total force (military, DOD civilian, and DOD contractors). Serves as the focal point for personnel support actions and manages and synchronizes the level of personnel support required. Tracks the efforts of Squadrons to stay abreast of personnel activities that could affect the Wing and provide additional support as necessary. Supports 3200+ military, Department of the Air Force civilian personnel and contractors worldwide. Advises the Wing on force support functions: manpower, personnel, career development, formal/ancillary training, sexual assault, and prevention liaison, and violence prevention training.

- Oversaw Force Development initiatives to ensure Library/Education/Weighted Airman Promotion Sys. continuous testing with zero closures despite significant manning shortages. Managed the base training program, secured 95 percent Career Development Course pass rate for 16 units exceeding AF's requirements. Facilitated educational services, benefits, & outreach programs. Advised leadership on force development and talent management.
- Leading a collaborative effort to develop/submit a series of Organizational Change Requests (OCR) to propel the 688th CW into the MAJCOM's first A-Staff, facilitating the organization's transformation while simultaneously maintaining Group Command opportunities in accordance with CSAF and COMACC direction.
- Developing robust career path roadmaps for Military and Civilian positions - impacting 2K+ personnel. Legitimizing full operational capability for cyberspace and intelligence leadership positions to line up with the updated organizational change request forming A-staff directives.
- Overseeing transition from pre-A-Staff civilian mission requirements to post-mission requirements. 60+ Core Personnel Documents (CPD) updated for submission
- Processed 130 civilian hiring actions and maintained a 92% fill rate for the Wing's funded billets; provided direct oversight for 580+ civilian monetary awards totaling \$1.4M+
- Identified 81 Commander's Support Staff (CSS) in need of in-depth guidance and process improvement, established the monthly CSS Tiger Talk providing virtual round table discussion for mentoring and direction, increased CSS productivity by 40%.
- Stood up an Organizational Planning Team (OPT) to navigate the 688th Cyberspace Wing through the interim measures to promote mission success on the road to ultimately incorporate an A-Staff structure as part of the 688th Cyberspace Wing HQ. The OPT meets twice monthly and has successfully resolved manning mismatches, resulting in the Wing's alignment with reorganization and transformation roadmaps.

**Oct 20 - Nov 21, Force Support (FS) Deputy Director, GS-0301-13, 40 hrs/wk, Kunsan AB**

Led the FSS team to thrive under a constrained COVID-19 operational environment; rendered mission success for the 8th Fighter Wing, emphasized in place deployments, mission readiness and plans, and shelter in place operations. Led the Squadron in cultural & social issues. Directed programming and execution of \$2.6M operations and maintenance (O&M) funds and \$6.8M in non-appropriated (NAF) budgets across manpower, personnel, and services.

- Oversaw Force Development initiatives to ensure Library/Education/Weighted Airman Promotion Sys. continuous testing with zero closures despite significant manning shortages. Managed the base training program, secured 95 percent Career Development Course pass rate for 16 units exceeding AF's requirements. Facilitated educational services, benefits, & outreach programs. Advised leadership on force development.
- Accomplishments include Kunsan AB FSS Bowling Center, Outdoor Recreation, CAC Tours, Loring Club, & Wolf Pack Lodging as Best of the Pacific 2021-22.
- Knowledgeable in military command structures, mission readiness, programs, organizational relationships, & program goals/objectives.
- Researched/developed strategies, metrics, plans, programs, and processes to collaborate across the force support enterprise. Drove test base initiative for fitness assessment alternatives, enhancing the quality of life (QOL), cultural and social issues, resolved conflicts for 4K military personnel. Successfully supervised, mentored, motivated, and appraised the mil/civ staff.
- Oversaw the Manpower and Financial (Budget) Management Flights. Advised on Program Objective Memorandum (POM) planning decisions and Fact of Life Changes (FoLCS) impacting projected expenditures.
- Oversaw human capital studies to increase programming, budgeting, productivity, and profitability across manpower, personnel, and services. Directed 32 manpower impact reviews, yielded accurate alignment of military and civilian positions.
- Knowledgeable in applying USAF, DoD, OPM, and installation level management and leadership principles and understanding cultural and social issues. Managed safety, security, personnel management, and directed EO regulations.
- Directed and oversaw all aspects of Human Resource Management, including strategic management, workforce planning, D&I training, policy, and labor relations, ensuring compliance with legal and regulatory requirements. Cultivated a winning culture; yielded 9 Group, 6 Wing, and 1 AF award. Squadron coined 53 times.
- Led program review boards, responsible for researching, analyzing, and evaluating (quantitative or analytical) to determine effectiveness. Dev. dashboards, metrics, trend analysis, & briefings to guide & influence decision-making. Advised Facility Review Board, successfully defended prop to prioritize the DFAC new military construction project, 27M.
- Received/reviewed customer comments and conducted inquiries and fact-finding investigations. Made programmatic corrections/recommendations to improve QOL. Delivered effective written and oral communication. Briefed Snr Leadership.

**Oct 2017-Oct 2020/Nov 2021-May 2022, FS Career Field Administrator, GS-301-12, 40 hrs/wk, JBSA, AFPC**

- Managed the Air Force Voluntary Education Program for the FS CFT
- Knowledgeable about enterprise policies and procedures supporting AF Vol Ed Programs
- Served as FS CFT Representative for the AF Automated Education Management System (AFAEMS) incorporating the AF Virtual Education Center, Academic Institution (AI) Portal, and Credentialing/Skill Bridge Provider Portal

Henson, Tonseda (Toni) 2

- Coordinated with senior leaders to facilitate a Strategic view of Manpower Personnel and Services for the regular/recurring immersion of FS CFT members
- Provided FS CF personnel career management/mentoring services
- Managed the FS CF selection of candidates for vacancies/reassignments skills and qualifications, mission requirements, and diversity/inclusivity as outlined in the Human Capital Annex Strategic Master Plans
- Knowledgeable and skilled in applying analytical and evaluative Human Resource Management techniques to identify, consider, and resolve issues concerning complex/diverse organizations
- Formulated theories in mathematical terms and manipulates workforce data in spreadsheets, databases, visualization software to yield results
- Supervised team meetings in preparation for the Civilian Force Support/Non-Appropriated Fund Development Team
- Arranged/facilitated meetings with team leaders to discuss current processes, resolve issues, and provide direction to accomplish CF Manager's Strategic Plan for FS CFT
- Authored and edited comprehensive/informative presentations, briefings, and newsletters
- Represented FS CFT in Government-wide workgroups, conferences, and seminars; collaborates with other functional CFs/government agencies to derive/streamline/recommend process improvements

**May 2015 - Oct 2017, Supv Training & Curriculum Specialist, GS-1701-12, 40 hrs/wk, JBSA**

- Developed/Implemented curriculum, program quality, developmental programming and monitored compliance with accreditation
- Mentored FSS program managers and trainers, led to a record high 120K annual training hours
- Facilitated newcomers, pre-deployment and career training, and briefings to military and civilian audiences on programs and families on relocation, financial readiness, family advocacy programs
- Chaired the Multi-disciplinary Inclusion Action Team (MIAT), essential member of the Community Action Information Board (CAIB)
- Developed systems to sustain AF-wide programs that impact Airmen, families, communities
- Conducted 108 comprehensive no-notice DoD inspections of AF CYP facilities at 52 AF installations
- Strategic planning for global Youth Programs encompassing 72 sites, 2K+ personnel, 70K+ customers

**Jan 2009 - May 2015, Child and Youth Specialist, GS-1702-12, 40 hrs/wk, HQ AFSVA JBSA-Lackland**

- Provided direction, technical guidance, planning, training, and administration to AF CYP. Conducted 100+ compliance inspections
- Knowledge of safety and security regulations, practices, and procedures
- Developed in-depth knowledge for interpreting and reviewing public law, AF policy, Child and Youth Inspection criteria and processes, child care fee policies, and youth development programs



- Developed/implemented professional briefings and training to commanders/leaders in line with regulatory and fiscal requirements, support goals, and mission requirements
- Analyzed program and statistical information and compiled data from observations
- Increased revenue by 100%, garnered 250K grants, decreased expenses, improved customer relations
- Reviewed CYP policies and provided HQ AF recommendations for amendments annually

#### EDUCATION

- Doctor of Educational Leadership, Liberty University, May 2022
- Master of Education, Concordia University, May 2004
- Master of Human Relations, University of Oklahoma, May 1995
- Bachelor of Science Liberal Studies, Northern Arizona University, May 1988

#### PROFESSIONAL MILITARY EDUCATION

- Air War College, Air University, est. Dec 2023
- Master of Military Operational Art and Science (ACSC-OLMP), Air University, Oct 2014
- Squadron Officer School, Air University, May 2004

#### DEFENSE/GOVERNMENT-SPONSORED TRAINING

- Mortuary Officer Course, Maxwell Air Force Base, Apr 2021
- Analysis of Online Learning, Air Education and Training, Aug 2019
- Instructor/Developer of Online Learning, Air Education and Training, Sep 2019
- Human Resources Level I Certificate, Graduate School USA, Mar 2019
- Strategies for Effective Leadership, University of Tennessee, Aug 2018
- AFPC Action Officers Course, Dec 2017
- Challenge of Leadership, Nov 2017
- HR Supervisors Course, Jul 2017
- Master Resilience Training Course, Jun 2016
- Civilian Management Course, May 2016
- Violence Prevention Course, May 2015

#### AWARDS/HONORS/SKILLS/ACCOMPLISHMENTS

- Quality Step Increase, 2004/2021
- Performance Award, 1992-2021
- Civilian of the Quarter 2021/2016
- Notable Achievement Award, 2021/2016
- Civilian of the Year, 2016
- Air Force Organizational Excellence Award, Mar 2016

#### Publications

- Wind Beneath My Wings, book published 2004

#### Community Service

- Summit Christian Center, Information Center, Ambassador; 2009 – Present
- Tuscany Heights Elementary School, Volunteer; 2009 – Present

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Henson, Tonseda (Toni) 4



## Joint Base San Antonio Statement of Eligibility

Applicant Full Name: Tonseda Lucas Henson

Residential Address: 24723 Chianti Way, San Antonio Texas, 78260

Physical Address of Employer: 204 S Frank Luke Dr, Bldg. 1623, San Antonio Texas, 78226

Board of Trustees Location Applying For: Lackland Air Force Base, Texas

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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Signature of Applicant

30 Oct 2023

Date

Tonseda Lucas Henson

Printed Name of Applicant

***Digital Signatures are authorized. If using a wet signature, please sign, date and print legibly.  
Form must be completed prior to setting up your interview with the selection board.***

**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)**

**February 2, 2024**

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

**SUMMARY:** This item presents for first reading and filing authorization a proposed amendment to 19 Texas Administrative Code (TAC) Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District. The proposed amendment would reflect changes made by House Bill (HB) 4210, 88th Texas Legislature, Regular Session, 2023, to the State Board of Education's (SBOE's) process for appointing trustees for military reservation districts.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), [§11.352](#), as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023.

TEC, [§11.352](#), as amended by HB 4210, 88th Texas Legislature, Regular Session, 2023, requires the SBOE to appoint a board of three or five trustees for each military reservation district.

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

**EFFECTIVE DATE:** The proposed effective date of the proposed amendment is 20 days after filing as adopted with the Texas Register. Under TEC, [§7.102\(f\)](#), the SBOE must approve the rule action at second reading and final adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date would provide clarity on who is eligible to serve on a board of trustees of a military reservation school district before the beginning of the new school year.

**PREVIOUS BOARD ACTION:** Section 61.2 was originally adopted effective September 1, 1996. It was amended effective December 20, 2010, and amended again effective March 7, 2012. It was amended most recently effective March 24, 2020. A discussion item regarding possible changes was presented to the committee at its November 2023 meeting.

**BACKGROUND INFORMATION AND JUSTIFICATION:** TEC, [§11.352](#), requires the SBOE to appoint a board of three or five trustees for each military reservation district established under TEC, [§11.351](#). Enlisted personnel and officers may be appointed to the school board, but a majority of the trustees must be civilians. To be eligible to serve, one must either live or be employed on the military reservation. The trustees are selected from a list of people provided by the commanding officer of the military reservation.

HB 4210, 88th Texas Legislature, Regular Session, 2023, amended TEC, [§11.352\(b\)](#) and (c), to establish that a person who retires from active duty or civilian service while serving as a member of the board of trustees of a military reservation district may continue to serve for the remainder of his or her term. The bill also changed the SBOE's responsibility to adopt rules for the governance of special-purpose districts from permissive to required.

To implement HB 4210, the proposed amendment would add new §61.2(d) to specify that a trustee of a military reservation school district who retires from active duty or civilian service while serving as a member of the board of trustees may continue to serve for the remainder of his or her term.

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

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by adding a provision to allow a trustee to continue serving his or her term upon retirement from active duty or civilian service.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** The proposal would update the eligibility of people to serve on military reservation schools districts to conform to HB 4210 and provide clarity to the public on who is eligible to serve on a board of trustees of a military reservation school district. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. 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 March 1, 2024.

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

Approve for first reading and filing authorization proposed amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

**Staff Members Responsible:**

Steve Lecholop, Deputy Commissioner, Governance

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

**Attachment:**

Text of Proposed Amendment to 19 TAC Chapter 61, School Districts, Subchapter A, Board of Trustees Relationship, §61.2, Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District

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

**Chapter 61. School Districts**

**Subchapter A. Board of Trustees Relationship**

**§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.**

- (a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:
- (1) submit a list to the commissioner of education with at least one nominee for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of at least one nominee for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of at least one nominee for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;
  - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;
  - (3) submit a copy of a current biographical vita (resume) for each nominee, with a signature by the nominee attesting truth to the contents of the biographical vita;
  - (4) submit a statement from each nominee that expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
  - (5) submit a signed statement that expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
  - (6) submit a signed statement regarding the governance and management operations of the district that expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
  - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
- (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
  - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;
  - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
  - (4) submit a statement from each of the nominees that expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
  - (5) submit a signed statement that expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;

- (6) submit a signed statement regarding the governance and management operations of the district that expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
  - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.
- (d) Notwithstanding subsection (c) of this section, a trustee of a military reservation school district appointed under this section who retires from active duty or civilian service while serving as a member of the board of trustees may continue to serve for the remainder of his or her term.

## Discussion of Ongoing State Board for Educator Certification Activities

February 1, 2024

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

**SUMMARY:** This item provides an opportunity for the committee to receive updates on current and upcoming State Board for Educator Certification (SBEC) activities and proposed SBEC rules and amendments.

**STATUTORY AUTHORITY:** Texas Education Code (TEC), §§21.031, 21.035, 21.041, and 21.042.

TEC, §21.031, charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct of public school educators and ensuring that all candidates for certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of the state.

TEC, §21.035, requires Texas Education Agency (TEA) staff to provide administrative functions and services to the SBEC.

TEC, §21.041(a), authorizes the SBEC to adopt rules necessary to implement its own procedures.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(c) and (d), authorizes the SBEC 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 (SBOE) for review.

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** On May 30, 1995, the 74th Texas Legislature enacted Senate Bill 1, a revision of the TEC. The TEC, §21.031 and §21.041, establish and authorize the SBEC to adopt rules to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators. In addition, the 79th Texas Legislature enacted House Bill 1116, continuing the SBEC following sunset review. This legislation amended TEC, §21.035 to require the TEA to provide all administrative services and functions required by the SBEC. Most of these functions have been assigned to TEA's Department of Educator Preparation, Certification, and Enforcement.

Under TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposal by a vote of at least two-thirds of the members of the SBOE present and voting. If the SBOE fails to reject the rules contained in the proposal before the 90th



day after the date on which it receives the rules, the rules take effect as rules of the SBEC as provided by Chapter 2001, Government Code. The SBOE may not modify a rule proposed by the SBEC. Since 1996, the SBEC has submitted a number of rules it proposed to the SBOE for review.

**Staff Member Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

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

**February 1, 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 propose amendments to 19 Texas Administrative Code (TAC) Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, §232.7, Requirements for Certificate Renewal, and §232.11, Number and Content of Required Continuing Professional Education Hours. The proposed amendments would provide minor technical edits to clarify the existing hardship exemption processes established in rule, would implement the statutory requirements of House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, and would update the continuing professional education (CPE) training requirements to remove the limit on certain professional development hours that can be completed by classroom teachers and school counselors every five years for the purposes of standard certificate renewal.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.7 is the Texas Education Code (TEC), §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code (TOC), §55.002 and §55.003. The statutory authority for 19 TAC Chapter 232, Subchapter A, §232.11, is the TEC, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)–(4) and (7)–(9); 21.054; 21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(d-2), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session; 2023; 21.0541; 21.0543; and 22.0831(f); and TOC, §55.002 and §55.003.

TEC, §21.003(a), states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B.

TEC, §21.0031(f), clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate.

TEC, §21.031, authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public-school educators.

TEC, §21.041(b)(1)–(4), requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate.

TEC, §21.041(b)(7)–(8), requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Texas Government Code

(TGC), Chapter 2001, and provide for the adoption, amendment, and enforcement of an educator's code of ethics.

TEC, §21.041(b)(9), requires the SBEC to propose rules that provide for continuing education requirements.

TEC, §21.054, requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023, specifies that subject to subsection (d-2), continuing education requirements for a classroom teacher may not require that more than 25 percent of the training required every five years include instruction in specified topics.

TEC, §21.054(d-2), as added by HB 2929, 88th Texas Legislature, Regular Session, 2023, specifies that training in a topic of instruction described by subsection (d) attended by a classroom teacher in excess of an amount of hours equal to 25 percent of the training required of the teacher every five years shall be counted towards the teacher's overall training requirements.

TEC, §21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023, specifies that continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction in specified topics.

TEC, §21.0541, requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator (AED).

TEC, §21.0543, requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction.

TEC, §22.0831(f), states SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements.

TOC, §55.002, states a state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty for failing to renew the license in a timely manner if the individual establishes that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

TOC, §55.003, states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

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

**PREVIOUS BOARD ACTION:** None.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, and CPE.

As a result of the 88th Texas Legislature, Regular Session, 2023, HB 2929 amended TEC, §21.054(d) and (f), and added subsection (d-2), removing limits on the number of hours in certain specific topics that classroom teachers and school counselors can obtain in CPE every five years for purposes of certificate renewal.

Following is a description of the proposed amendments to 19 TAC Chapter 232, Subchapter A.

19 TAC §232.7. Requirements for Certificate Renewal.

The proposed amendment to 19 TAC §232.7(b) would make a minor technical edit in the cross reference to paragraphs (1)-(4) to separate criteria in paragraphs (1)-(3) specific to hardship exemption requests due to catastrophic illnesses of the educator or family member and military service from criteria in paragraph (4) specific to a hardship exemption request made by a local education agency on behalf of an educator with an inactive standard certificate due to non-compliance with completion of CPE hours to meet certificate renewal requirements.

The proposed amendment to 19 TAC §232.7(b)(5) would add a cross reference to subsection (b)(4) to confirm that a fee is required only for hardship exemption requests specified in paragraph (4).

19 TAC §232.11. Number and Content of Required Continuing Professional Education Hours.

The proposed amendment to 19 TAC §232.11(d)(3) would remove the limit on CPE hours that can be completed by classroom teachers renewing certificates on or after September 1, 2023. The section would be updated to align with provisions of HB 2929 that allow classroom teachers to complete at least 25 percent of training hours, including e-instruction, in specified topics and to confirm that hours completed beyond the 25 percent minimum can also be utilized for certificate renewal purposes.

The proposed new 19 TAC §232.11(d)(4) would add that CPE training hours on topics described in §232.11(d)(3) in excess of 25 percent will be counted toward a teacher's overall training requirements.

The proposed amendment to 19 TAC §232.11(f)(2) would strike the September 1, 2024 certificate renewal reference and related requirements on CPE hours for school counselors and would update language to specify that school counselors renewing on or after September 1, 2023, must complete at least 25 percent of CPE hours in specified topics, in alignment with provisions of HB 2929.

The proposed amendment to 19 TAC §232.11(f)(3) would strike paragraph (3), which limits the total number of CPE hours that a school counselor can complete in specific topics if renewing on or after September 1, 2024. The information is no longer applicable and/or needed based on clarifications about CPE training hours provided in HB 2929.

The proposed amendment to 19 TAC §232.11 would preserve the discretion for educators in choosing CPE hours while still reminding educators of the significance of these topic areas.

SBOE Review of Proposed SBEC Rules

Under TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. The Texas Education Agency (TEA) staff has determined that there is 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 TGC, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, the proposal 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, repeal, or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be clear guidance for applicants, educators, school districts, and providers on CPE requirements. The TEA staff has determined there is no anticipated cost to persons required to comply with the proposal.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**ENVIRONMENTAL IMPACT:** No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

**PUBLIC COMMENTS:** In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

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

Take no action on the proposed amendments to 19 TAC Chapter 232, General Certification Provisions, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

Marilyn Cook, Senior Director, Educator Preparation and Certification

**Attachment:**

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

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

**Chapter 232. General Certification Provisions**

**Subchapter A. Certificate Renewal and Continuing Professional Education Requirements**

**§232.7. Requirements for Certificate Renewal.**

- (a) The Texas Education Agency (TEA) staff shall develop procedures to:
  - (1) notify educators at least six months prior to the expiration of the renewal period to the email address as specified in §230.91 of this title (relating to Procedures in General);
  - (2) confirm compliance with all renewal requirements pursuant to this subchapter;
  - (3) notify educators who are not renewed due to noncompliance with this section; and
  - (4) verify that educators applying for reactivation of certificate(s) under §232.9 of this title (relating to Inactive Status and Late Renewal) are in compliance with subsection (c) of this section.
  
- (b) The TEA staff shall administratively approve each hardship exemption request that meets the criteria specified in paragraphs (1)-(3) of this subsection for a hardship exemption due to a catastrophic illness or military service or paragraph (4) [(1)-(4)] of this subsection for a hardship exemption requested by a local education agency .
  - (1) A hardship exemption must be due to one of the following circumstances that prevented the educator's completion of renewal requirements:
    - (A) catastrophic illness or injury of the educator;
    - (B) catastrophic illness or injury of an immediate family member; or
    - (C) military service of the educator.
  - (2) The request for a hardship exemption must include documentation from a licensed physician or verified military records.
  - (3) The request for the amount of time allowed for renewal is equal to:
    - (A) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the educator's catastrophic illness or injury; or
    - (B) the amount of time that a licensed physician determined that the educator was not able to complete renewal requirements due to the catastrophic illness or injury of an immediate family member; or
    - (C) two years of additional time for a military service member, in accordance with the Texas Occupations Code, §55.003.
  - (4) A hardship exemption may be approved for a local education agency on behalf of an educator who has an invalid certificate due to lack of earning the required continuing professional education (CPE) hours as prescribed in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours). The hardship exemption is valid for the academic year of the application and may be renewed up to one additional academic year, provided that the superintendent or designee of the local education agency requests the extension.

- (5) If a hardship exemption request, as described in paragraph (4) of this subsection, is approved, the educator must pay the appropriate renewal fee, pursuant to §230.101 of this title (relating to Schedule of Fees for Certification Services).
- (c) To be eligible for renewal, an educator must:
- (1) subject to §232.16(c) of this title (relating to Verification of Renewal Requirements), satisfy CPE requirements, pursuant to §232.11 of this title;
  - (2) hold a valid standard certificate that is not currently suspended and has not been surrendered in lieu of revocation or revoked by lawful authority;
  - (3) not be a respondent in a disciplinary proceeding under Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases);
  - (4) be in compliance with all terms of any orders of the State Board for Educator Certification resulting from a disciplinary proceeding against the educator under Chapter 249 of this title;
  - (5) successfully resolve any reported criminal history, as defined by §249.3 of this title (relating to Definitions);
  - (6) not be in arrears of child support, pursuant to the Texas Family Code, Chapter 232;
  - (7) pay the renewal fee, provided in §230.101 of this title, which shall be a single fee regardless of the number of certificates being renewed; and
  - (8) submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code, §22.0831.
- (d) The TEA staff shall renew the certificate(s) of an educator who meets all requirements of this subchapter.

**§232.11. Number and Content of Required Continuing Professional Education Hours.**

- (a) The appropriate number of clock-hours of continuing professional education (CPE) must be completed during each five-year renewal period.
- (b) One semester credit hour earned at an accredited institution of higher education is equivalent to 15 CPE clock-hours.
- (c) Required Content.
  - (1) All educators must receive CPE training regarding educating students with disabilities. This training must include information particular to educating students with dyslexia.
  - (2) Other than hours earned to comply with subsections (d), (e), (f), (g), and (k) of this section, professional development activities shall be related to the certificate(s) being renewed and focus on the standards required for issuance of the certificate(s), including:
    - (A) content area knowledge and skills; and
    - (B) professional ethics and standards of conduct.
- (d) Classroom Teacher.
  - (1) Classroom teacher certificate holders shall complete 150 clock-hours.
  - (2) A classroom teacher who renews a certificate prior to September 1, 2023, must attain some hours of CPE that includes training directly related to each of the following topics and may include two or more listed topics combined:



- (A) collecting and analyzing information that will improve effectiveness in the classroom;
  - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (D) educating diverse student populations, including:
    - (i) students who are educationally disadvantaged; and
    - (ii) students at risk of dropping out of school; and
  - (E) understanding appropriate relationships, boundaries, and communications between educators and students.
- (3) For Subject to paragraph (4) of this subsection, a classroom teacher who renews a certificate on or after September 1, 2023, may not be required to obtain more than 25 percent [not more than 37.5 hours] of CPE training hours, including e-instruction [shall include instruction] in [ ] and [must be] directly related to, each of the following topics [and] , which may include two or more listed topics combined:
- (A) collecting and analyzing information that will improve effectiveness in the classroom;
  - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (D) educating diverse student populations, including:
    - (i) students who are educationally disadvantaged; and
    - (ii) students at risk of dropping out of school; and
  - (E) understanding appropriate relationships, boundaries, and communications between educators and students.
- (4) Training in a topic of instruction described by paragraph (3) of this subsection obtained by a classroom teacher in excess of an amount of hours equal to 25 percent of CPE training hours shall be counted toward the teacher's overall training requirements.
- (e) Principal and Principal as Instructional Leader.
- (1) Principal and Principal as Instructional Leader certificate holders shall complete 200 clock-hours.
  - (2) A principal and principal as instructional leader who renews a certificate prior to September 1, 2023, must attain some hours of CPE that include training directly related to each of the following topics:
    - (A) effective and efficient management, including:
      - (i) collecting and analyzing information;
      - (ii) making decisions and managing time; and
      - (iii) supervising student discipline and managing behavior;

- (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under Texas Education Code (TEC) [TEC] , §33.005;
  - (E) mental health programs addressing a mental health condition;
  - (F) educating diverse student populations, including:
    - (i) students who are educationally disadvantaged;
    - (ii) emergent bilingual students; and
    - (iii) students at risk of dropping out of school; and
  - (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.
- (3) For a principal and principal as instructional leader who renews a certificate on or after September 1, 2023, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:
- (A) effective and efficient management, including:
    - (i) collecting and analyzing information;
    - (ii) making decisions and managing time; and
    - (iii) supervising student discipline and managing behavior;
  - (B) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (C) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (D) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005;
  - (E) mental health programs addressing a mental health condition;
  - (F) educating diverse student populations, including:
    - (i) students who are educationally disadvantaged;
    - (ii) emergent bilingual students; and
    - (iii) students at risk of dropping out of school; and
  - (G) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Texas Penal Code, §21.12, or for which reporting is required under TEC, §21.006.
- (f) School Counselor.
- (1) School Counselor certificate holders shall complete 200 clock-hours.

(2) A school counselor who renews a certificate on or after September 1, 2023, [prior to September 1, 2024,] must attain at least 25 percent [~~some hours~~] of CPE hours that includes [include] training directly related to each of the following five topics:

- (A) assisting students in developing high school graduation plans;
- (B) implementing dropout prevention strategies;
- (C) informing students concerning:
  - (i) college admissions, including college financial aid resources and application procedures; and
  - (ii) career opportunities;
- (D) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
- (E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.

~~[(3) For a school counselor who renews a certificate on or after September 1, 2024, not more than 50 hours of CPE training shall include instruction in, and must be directly related to, each of the following topics and may include two or more listed topics combined:~~

- ~~(A) assisting students in developing high school graduation plans;~~
- ~~(B) implementing dropout prevention strategies;~~
- ~~(C) informing students concerning:
  - ~~(i) college admissions, including college financial aid resources and application procedures; and~~
  - ~~(ii) career opportunities;~~~~
- ~~(D) counseling students concerning mental health conditions and substance abuse, including through the use of grief informed and trauma informed interventions and crisis management and suicide prevention strategies; and~~
- ~~(E) effective implementation of the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005.]~~

(g) Superintendent.

(1) Superintendent certificate holders shall complete 200 clock-hours.

(2) An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with TEC, §21.054(h). For purposes of this subsection, "other maltreatment" has the meaning assigned by Human Resources Code, §42.002.

(h) School Librarian and Learning Resources Specialist certificate holders shall complete 200 clock-hours.

(i) Educational Diagnostician certificate holders shall complete 200 clock-hours.

(j) Reading Specialist certificate holders shall complete 200 clock-hours.

- (k) The required CPE for educators who teach students with dyslexia must include training regarding new research and practices in educating students with dyslexia. The required training may be satisfied through an online course approved by Texas Education Agency staff.
- (l) Professional development activities may include:
  - (1) an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program that is offered through a classroom instruction format that requires in-person attendance. A person receiving this training will receive twice the number of hours of instruction provided under that program, not to exceed 16 hours;
  - (2) suicide prevention training that meets the guidelines for suicide prevention training approved under the TEC, §21.451;
  - (3) an instructional course on the use of an automated external defibrillator in accordance with the guidelines established by the device's manufacturer and approved by the American Heart Association, the American Red Cross, other nationally recognized associations, or the medical director of a local emergency medical services provider, in accordance with the TEC, §21.0541;
  - (4) education courses that:
    - (A) use technology to increase the educator's digital literacy; and
    - (B) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices;
  - (5) educating students with mental health conditions, including how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
  - (6) for classroom teachers, educating emergent bilingual students; and
  - (7) educating students who engage in substance abuse.
- (m) An educator holding multiple classes of certificates shall complete the higher number of required CPE clock-hours in the classes held during each five-year renewal period unless otherwise specified in applicable State Board for Educator Certification rules codified in the Texas Administrative Code, Title 19, Part 7.
- (n) An educator eligible to renew multiple classes of certificates issued during the same renewal period may satisfy the requirements for any class of certificate issued for less than the full five-year period by completing a prorated number of the required CPE clock-hours. Educators must complete a minimum of one-fifth of the additional CPE clock-hours for each full calendar year that the additional class of certificate is valid.

**Review of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans**

**February 1, 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 propose amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed revisions would implement Senate Bills (SBs) 422 and 544 and House Bill (HB) 621, 88th Texas Legislature, Regular Session, 2023. The proposed revisions would add military service members as being eligible to receive several of the provisions in place for military spouses; would add provisions to issue a three-year temporary certificate to eligible military veterans, peace officers, fire protection personnel, and emergency medical services personnel; and would also add provisions for the issuance of a one-year temporary certificate to certain instructors for the Community College of the Air Force.

**STATUTORY AUTHORITY:** The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.0444, as added by HB 621, 88th Texas Legislature, Regular Session, 2023; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023; 21.054; and 21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(b); 55.006; 55.007; 55.008; 55.009; and 55.010.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify 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, §21.0444, as added by HB 621, 88th Texas Legislature, Regular Session, 2023, creates a temporary certification to teach career and technology education for certain military service members and first responders and requires the SBEC to propose rules for certificate issuance.

TEC, §21.052(b-1), requires the SBEC to propose rules to establish procedures to establish residency and expedite processing of certification applications submitted by a military veteran or military spouse.

TEC, §21.052(c), states the SBEC can specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d-1), requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active-duty service members.

TEC, §21.052(f), requires the SBEC to maintain an Internet website that outlines the procedures for military community members to obtain certification in Texas.

TEC, §21.052(i), defines active-duty service, lists the branches of the United States armed forces, and confirms the members of the military community eligible for processes established to certify educators from outside the state.

TEC, §21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023, creates a temporary teaching certificate for certain persons with experience as instructors for the Community College of the Air Force and requires the SBEC to propose rules for certificate issuance.

TEC, §21.054, requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023, specifies that a school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under TEC, §21.0444 for at least two years.

TOC, §55.001, defines key terms and identifies the individuals relevant to the processing and support of members of the military community.

TOC, §55.002, provides clarification and guidelines for implementing fee exemptions for members of the military community.

TOC, §55.003, states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal.

TOC, §55.004(a)-(c), requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure.

TOC, §55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, requires state agencies to adopt rules to allow military service members to use the same options as military spouses to meet the residency and other state-specific requirements for licensure.

TOC, §55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, updates the section title to add military service members and include them in all related provisions addressed by this section.

TOC, §55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, specifies that a state agency that issues a license must do so no later than 30 days following the date that a military service member, military veteran, or military spouse applies for licensure.

TOC, §55.005(b), requires that a license issued under §55.005 confers the same rights, privileges, and responsibilities as a license not issued under §55.005.

TOC, §55.006, requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community.

TOC, §55.007, provides state agencies authority to credit verified military service, training, or education toward licensing requirements.

TOC, §55.008, authorizes state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure.

TOC, §55.009, confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community.

TOC, §55.010, requires state agencies to prominently post notification of licensure provisions for military service members, military veterans, and military spouses on the home page of the agency's website.

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

**PREVIOUS BOARD ACTION:** None.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The SBEC rules in 19 TAC Chapter 234 consolidate all military-related provisions into one chapter for all members of the military community (i.e., military service members, military spouses, and military veterans).

The proposed revisions to 19 TAC Chapter 234 would implement SBs 422 and 544 and HB 621, 88th Texas Legislature, Regular Session, 2023. The following is a description of proposed revisions included in the attachment.

§234.1. Purpose.

The proposed amendment to 19 TAC §234.1 would create a new subsection (b) that adds peace officers, fire protection personnel, emergency medical services personnel, and qualified instructors for the Community College of the Air Force to these provisions usually dedicated to members of the military community (i.e., military service members, military spouses, and military veterans). The SBEC is proposing this change to implement legislation passed during the 88th Texas Legislature Regular Session, 2023, in a more streamlined manner by placing all the statutory provisions into one SBEC rule chapter. Proposed new subsection (c) would be re-lettered accordingly.

§234.3. Definitions.

The proposed amendment to 19 TAC §234.3 would expand the section by adding the definitions of the following additional eight terms: *permanent change of station order*, *review of credentials*, *peace officer*, *fire protection personnel*, *emergency medical services personnel*, *Texas Education Agency staff*, *license*, and *state agency*. These definitions are being added to align with provisions in legislation and to offer further clarity in the review and processing of requests from members of the military community and additional groups identified in the most recent legislation passed (e.g., peace officer, fire protection personnel, emergency medical services personnel).

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to 19 TAC §234.5(a) would strike the language "as soon as practicable" to replace it with "within 30 days of receipt of a complete application" to align with specifications in SB 422 that emphasize the importance of timely review and processing of certification applications submitted by members of the military community.

The proposed amendment to 19 TAC §234.5(b) would add military service members and military veterans to the one-year certificate issuance provisions referenced in this section that are already in place for military spouses following completion of a successful review of out of state credentials.

Proposed new 19 TAC §234.5(f) would implement provisions from SB 422 to allow a military service member to be issued a three-year temporary certificate upon successful completion of a credentials review or to declare his or her intent to teach in Texas up to three years maximum on a license issued by another state department of education following TEA's review of his or her credentials and written confirmation of approval. These proposed changes mirror provisions reflected in 19 TAC §234.5(d) and §234.5(e) and established for military spouses in previous legislative sessions.

Proposed re-lettered 19 TAC §234.5(g) would add military spouses to the provisions already in rule, and the subsequent subsections would be re-lettered, with no additional changes to the rule text.

Proposed new 19 TAC §234.5(m) would be added to reference applicability of the permanent change of station order as an acceptable document that can be submitted by members of the military community to establish residency requirements as applicable for certificate issuance and to serve as an acceptable form of identification to approve the military-related fee exemptions and other established provisions for members of the military community.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to 19 TAC §234.6(b)(1) would add clarification that a military service member is eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed. The proposed amendment would also confirm that completion of a criminal background check is also required prior to certificate issuance.

The proposed amendment to 19 TAC §234.6(b)(2)(C) would add clarification that military spouses are eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed.

The proposed amendment to 19 TAC §234.6(b)(3) would add clarification that military veterans are eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed. The proposed amendment also confirms that completion of a criminal background check is also required prior to certificate issuance.

Proposed new 19 TAC §234.6(c) would implement a provision in SB 422 to clarify that a change in the marital status of a military spouse would not impact his or her right to utilize provisions specified in 19 TAC §234.6(b)(2)(A) and (B).



19 TAC §234.9. Certification of Military Veterans, Peace Officers, Fire Protection Personnel, and Emergency Medical Services Personnel.

Proposed new 19 TAC §234.9(a)-(c) would implement provisions of HB 621, 88th Texas Legislature, Regular Session, 2023, to identify military veterans, peace officers, fire protection personnel, and emergency medical services personnel as the population of individuals eligible to receive the three-year temporary certificate for career and technology education and would establish the requirements for certificate issuance.

Proposed new 19 TAC §234.9(d) would provide guidance on the process to obtain a Texas standard certificate following expiration of the three-year temporary certificate.

§234.11. Certification of Full-Time Instructors for the Community College of the Air Force.

Proposed new 19 TAC §234.11(a) and (b) would implement provisions of SB 544, 88th Texas Legislature, Regular Session, 2023, to identify full-time instructors for the Community College of the Air Force as the population of individuals eligible to receive the one-year temporary certificate and would establish the requirements for certificate issuance. Proposed new §234.11(c) would provide guidance on the process to obtain a Texas standard certificate following expiration of the one-year temporary certificate.

Technical edits were made where applicable in the proposal to align the singularity of the terms military service member, military spouse, and military veteran.

SBOE Review of Proposed SBEC Rules

Under TEC, §21.042, the SBEC must submit a written copy of each rule it proposes to adopt to the SBOE for review. The SBOE may reject the proposed rule by a vote of at least two-thirds of the members of the SBOE present and voting but may not modify a rule.

**FISCAL IMPACT:** No changes have been made to this section since published as proposed. The TEA staff has determined that there is no additional fiscal impact on state and local governments and that there are no additional costs to entities required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** No changes have been made to this section since published as proposed. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

**GOVERNMENT GROWTH IMPACT:** No changes have been made to this section since published as proposed. The TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would increase the number of individuals subject to the rule's applicability because it would add military service members to some of the provisions already in place for military spouses, would add military veterans, peace officers, fire protection personnel, and emergency medical services personnel to the list of individuals eligible to receive a new, temporary three-year certificate created by the 88th Texas Legislature, Regular Session, 2023, to teach career and technology courses and would add full-time instructors for the Community College of the Air Force to the list of individuals eligible to receive a new temporary, one-year certificate, also created by the legislation. The proposed rulemaking would also create a new regulation by adding sections to these rules to comply with legislation and effectively implement the bills, and it would expand an existing regulation by adding to the population of individuals eligible to obtain certification and benefit from provisions specified in legislation.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** No changes have been made to this section since published as proposed. The public benefit anticipated as a result of the proposal would be continued support to members of the military community who seek to become educators in Texas and the creation of additional certification pathways for military veterans, peace officers, fire protection personnel, emergency medical services personnel, and full-time instructors for the Community College of the Air Force. There is no anticipated cost to persons who are required to comply with the proposal, unless the TEA staff is unable to qualify them for military-fee exemption provisions already established in rule by past legislation. Any individuals not eligible for the military-fee exemption provisions would be subject to the costs already established and applicable to anyone interested in pursuing teacher certification in Texas.

**DATA AND REPORTING IMPACT:** No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** No changes have been made to this section since published as proposed. The TEA staff has determined that the proposal would not require a written report or paperwork to be completed by a principal or classroom teacher.

**ENVIRONMENTAL IMPACT:** No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

**PUBLIC COMMENTS:** In accordance with the SBEC rulemaking process, a summary of comments received by the SBEC on its proposed rules is shared with the SBOE under separate cover prior to this SBOE meeting.

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

Take no action on the proposed revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans.

**Staff Members Responsible:**

Emily Garcia, Associate Commissioner, Educator Preparation, Certification, and Enforcement

Marilyn Cook, Senior Director, Educator Preparation and Certification

**Attachment:**

Text of Proposed Revisions to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans

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

**Chapter 234. Military Service Members, Military Spouses, and Military Veterans**

**§234.1. Purpose.**

- (a) The purpose of identifying military service members, military spouses, and military veterans is to establish a process to count applicable military service for timely admission into educator preparation programs, expedite the completion of certification credential reviews, support certification examination and licensure application fee exemptions as applicable, and support certification renewal of members of the military community.
- (b) Effective September 1, 2023, in support of legislation passed by the 88th Texas Legislature, Regular Session, 2023, this chapter has been updated to include military veterans, peace officers, fire protection personnel, emergency medical services personnel, who meet the qualifications outlined in this chapter to be issued a three-year temporary certificate to be placed in a career and technology education assignment, and to include qualified instructors for the Community College of the Air Force to be issued a one-year temporary certificate upon enrollment in a Texas-approved educator preparation program.
- (c) ~~(b)~~ In the event of conflict with any other rule in the Texas Administrative Code, Title 19, Part 7, this chapter shall supersede with regard to the certification of military service members, military spouses, and military veterans.

**§234.3. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Military service member--A person who is on active duty.
- (2) Military spouse--A person who is married to a military service member.
- (3) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (4) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code (TGC), §437.001, or similar military service of another state.
- (5) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (6) Permanent change of station order--United States armed forces active duty member document ordering a permanent change of station.
- (7) Texas Education Agency staff--an employee of the Texas Education Agency (TEA) who performs administrative functions on behalf of the State Board for Educator Certification.
- (8) Review of credentials--the licensure process completed by TEA staff for individuals certified to teach in other states or countries as specified in Chapter 230, Subchapter H, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).

- (9) Peace officer--as defined by Texas Code of Criminal Procedure, Article 2.12.
- (10) Fire protection personnel--as defined by TGC, §419.021.
- (11) Emergency medical services personnel--as defined by Health and Safety Code, §773.003.
- (12) License--a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business, occupation, or profession.
- (13) State agency--a department, board, bureau, commission, committee, division, office, council, or agency of the state.

**§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.**

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed within 30 days of receipt of a complete application ~~[as soon as practicable]~~ .
- (b) As soon as practicable after the issuance of a one-year certificate, Texas Education Agency (TEA) staff shall notify a military service member, a military spouse, and a military veteran , in writing or by email, ~~[a military spouse]~~ of the requirements for obtaining a standard Texas certificate.
- (c) A military spouse who has been issued a one-year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.
- (d) Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (e) Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and by completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state.
- (f) Effective December 1, 2023, a military service member shall be issued a three-year temporary certificate upon completion of the review of credentials, or, prior to beginning employment, a military service member must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military service member to teach in Texas a maximum of three years with credentials issued by another state.
- (g) ~~[(f)]~~ A military service member, ~~or~~ a military veteran , or a military spouse shall be entitled to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (h) ~~[(g)]~~ A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring

experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.

- (i) ~~(h)~~ A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (j) ~~(i)~~ A military ~~[Military]~~ service member ~~[members]~~ and a military veteran ~~[veterans]~~ are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) ~~(j)~~ A military ~~[Military]~~ service member ~~[members]~~ and a military veteran ~~[veterans]~~ are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (l) ~~(k)~~ A military ~~[Military]~~ spouse is ~~[spouses are]~~ exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. This member ~~[These members]~~ of the military community is ~~[are]~~ exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (m) As applicable to meet residency requirements and establish acceptable identification for military-related fee exemption and other provisions, a military service member, military spouse, or military veteran can submit a copy of the permanent change of station order for the military service member, military spouse, or military veteran.

#### **§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.**

- (a) To complete a review of credentials leading to issuance of licensure in Texas, each military service member ~~[members]~~, military veteran ~~[veterans]~~, or military spouse ~~[spouses]~~ must submit an application for review of credentials, copies of standard certificates issued in the other state(s), and official transcripts showing degree(s) conferred and date(s).
- (b) Upon completion of the review, the Texas Education Agency (TEA) will notify each military service member, military veteran, or military spouse, as specified in paragraphs (1)-(3) of this subsection, to provide results of the licensure review and information on next steps in the licensure process as follows.
  - (1) A military ~~[Military]~~ service member ~~[members]~~ will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
  - (2) A military spouse ~~[Military spouses]~~ will receive written results of the credentials review and have the following three options to teach in Texas with:
    - (A) the license issued by another state department of education, confirmed by TEA to be in good standing;

- (B) the Texas temporary three-year certificate already available under provisions in §234.5(d) of this title (relating to Certification of Military Service Members, Military Spouses, and Military Veterans); and
  - (C) the Texas standard certificate eligible for issuance immediately following a successful review of credentials by TEA, confirmation of exemption from or successful completion of required examinations, and completion of a criminal background check.
- (3) A military veteran [~~Military veterans~~] will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
- (c) A change in the marital status of a military spouse does not impact the provisions specified in subsection (b)(2)(A) and (B) of this section.

**§234.9. Certification of Military Veterans, Peace Officers, Fire Protection Personnel, and Emergency Medical Services Personnel.**

- (a) Effective September 1, 2023, military veterans, peace officers, fire protection personnel, and emergency medical services personnel as defined in §234.3 of this title (relating to Definitions) shall be issued a one-time, nonrenewable, three-year temporary certificate for career and technology education if they meet the following:
- (1) has served in the armed forces of the United States and was honorably discharged, retired, or released from active duty; or
  - (2) has served as a first responder and, while in good standing not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment as a first responder; and
    - (A) has an associate degree from an accredited institution of higher education and 48 months of active duty military service or service as a first responder; or
    - (B) a bachelor's degree, which includes 60 semester credit hours completed at a public or private institution of higher education with a minimum grade point average of at least 2.50 on a four-point scale and military service or service as a first responder.
- (b) A school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under Texas Education Code (TEC), §21.0444, for at least two school years. A teacher assigned as a mentor must:
- (1) to the extent practicable, teach in the same school;
  - (2) to the extent practicable, teach the same subject or grade level, as applicable; and
  - (3) meet the qualifications prescribed by commissioner of education rules adopted under TEC, §21.458(b), or §153.1011 of Part 2 of this title (relating to Mentor Program Allotment).
- (c) An individual who meets the qualifications specified in subsection (a) of this section and who is interested in obtaining the three-year, nonrenewable temporary certificate, may submit the following items to the Texas Education Agency staff:
- (1) a completed application;

- (2) verification of military veteran status or licensure as a peace officer, fire protection services personnel, or emergency medical services personnel; and
- (3) an official transcript showing degree conferred and conferral date, or successful completion of college coursework.
- (d) A military veteran, peace officer, fire protection personnel, and emergency services personnel must enroll in a Texas-approved educator preparation program to complete requirements for issuance of the standard certificate.

**§234.11. Certification of Full-Time Instructors for the Community College of the Air Force.**

- (a) Effective September 1, 2023, a one-year, temporary certificate may be issued to an individual who served as a full-time instructor for the Community College of the Airforce if he or she meets the following:
  - (1) holds a bachelor's degree as defined in §227.10 of this title (relating to Admission Criteria);
  - (2) has at least two semesters' experience as a full-time instructor for the Community College of the Air Force; and
  - (3) is currently enrolled in a Texas-approved educator preparation program.
- (b) An individual who meets the qualifications specified in subsection (a) of this section and is interested in obtaining the one-year temporary certificate, may submit the following items to the Texas Education Agency (TEA) staff:
  - (1) a completed application;
  - (2) a copy of credentials to serve as an instructor for the Community College of the Air Force;
  - (3) an official transcript showing degree conferred and conferral date; and
  - (4) verification of at least two semesters' experience as a full-time instructor for the Community College of the Air Force.
- (c) A qualified instructor for the Community College of the Air Force must take and pass all required examinations identified by TEA staff during the review of credentials and must complete any additional requirements specified for issuance of the standard certificate.



# **INFORMATION MATERIALS**

**STATE BOARD OF EDUCATION OPERATING RULES**  
(amended February 2, 2023)

**CHAPTER 1. BOARD ORGANIZATION**

*The statutory citation for this chapter is the Texas Education Code, §7.107.*

**§1.1. Officers of the Board.**

- (a) Selection.
  - (1) The vice chair and secretary of the board shall be elected by a majority vote in accordance with Texas Education Code, §7.107, to serve for a term of two years and until their successors are elected.
  - (2) Either of these officers may be removed from office by a vote of not less than two-thirds of the membership of the board.
  - (3) In case of death or resignation of the vice chair or the secretary of the board, the board shall elect by a majority vote a board member to fill the vacancy for the unexpired term of that officer at the next board meeting.
  
- (b) Duties.
  - (1) Chair. The chair shall preside at meetings and perform all other duties prescribed by law, by board rule, or by board direction.
  - (2) Vice chair. The vice chair shall perform the duties of the chair in case of absence or disability of the chair and other duties as the chair may request. Should the office of the chair become vacant, the vice chair shall serve as chair until a successor has been appointed by the governor.
  - (3) Secretary. The secretary shall perform all duties as required by law and such other duties as the chair may request.

## **§1.2. Committees of the Board.**

- (a) The standing committees of the board and their areas of oversight are:

### **Committee of the Full Board**

1. Establishment of essential knowledge and skills (TEKS)
2. Instructional materials proclamations and adoption of instructional materials
3. Consideration of the Commissioner of Education's open-enrollment charter school proposals

### **Committee on Instruction**

1. Establishment of curriculum and graduation requirements
2. Curriculum implementation (including credit by examination, Texas Advanced Placement Incentive Program, and procedures concerning dyslexia and related disorders)
3. Student assessment program implementation
4. General education
5. Education of individuals with disabilities
6. Gifted and talented education
7. Adult education
8. Library standards
9. Texas School for the Blind and Visually Impaired/Texas School for the Deaf

### **Committee on School Finance/Permanent School Fund**

1. State and federal funding issues
2. Financial budgeting, reporting, and regulation
3. Contract and grant approval
4. Instructional materials financing and operations
5. Community education funding
6. Oversight of the Bond Guarantee Program including coordination with the TEA and the Texas Permanent School Fund Corporation (Texas PSF)
7. Oversight of the Texas PSF, including receipt of required reports
8. Review of nominations for gubernatorial appointments: Teacher Retirement System, School Land Board

### **Committee on School Initiatives**

1. Long-range plans required by statute
2. Educational technology and telecommunications
3. Updates regarding open-enrollment application cycles and processes
4. School safety and items pertaining to the Texas school safety center and recommendations from the chief of school safety and security
5. State Board for Educator Certification rules review
6. School board member training policy
7. Hearing examiners
8. Military reservation and special purpose school districts
9. Extracurricular activities
10. Home-rule school district probation and revocation

- (b) Amendments to the areas of committee oversight reflecting new or changing board responsibilities may be made during the board's periodic operating rules review or by means of resolution addressing the change in responsibilities should such change occur between the operating rules review.
- (c) Committees may receive information, investigate, study and report to the board. The board may from time to time define by resolution the areas of oversight of each committee as may be necessary. Each committee shall review and make recommendations on the board agenda items falling under its areas of oversight; except that the chair of the board, in consultation with the respective committee chair, may designate any board agenda item for review and recommendation by the Committee of the Full Board.
- (d) The Committee of the Full Board shall be composed of all members of the board, and the chair of the board shall be the chair of the Committee of the Full Board.
- (e) The Committees on Instruction, School Finance/Permanent School Fund, and School Initiatives shall be composed of five members selected by the officers of the board. Each member will serve on one committee in addition to the Committee of the Full Board. The officers of the board shall request in writing the committee choices of the members ranked in order of preference and shall make committee assignments in the public view for terms of two years at the organizational meeting after the qualification of new members as the next order of business following election of board officers and adoption of rules. Vacancies shall be filled in a similar fashion. In addition to preference, the officers of the board shall consider relevant qualifications specific to a committee assignment in making committee assignments.
- (f) Each committee shall elect a chair from among its members and the chair may appoint a vice chair. An officer of the board is not eligible to serve as the chair of a standing committee. Should the committee chair be unable or unwilling to continue to serve as chair, the chairman of the board shall declare a vacancy and a new election shall be held by the committee.
- (g) Ad hoc committees (i.e., task forces) may be constituted from time to time as directed by a vote of the board or by the chair to perform such duties as the board or chair may assign. The personnel and length of service of ad hoc committees shall be designated by the chair unless otherwise directed by a vote of the board. No action taken by any ad hoc committee shall be final or binding upon the board unless otherwise directed by a vote of the board.
- (h) Occasionally, committees may find it necessary to request legal opinions, comprehensive studies, or reports to be prepared by the staff to aid the committees in their deliberations. To ensure clarity and coordination, all such requests shall be directed to State Board of Education Support staff and shall be reflected in the minutes of the committee meeting. The Chair or the Commissioner may request that the Attorney General issue an opinion under Texas Government Code §402.042.
- (i) The members appointed to the Committee on School Finance/Permanent School Fund will serve as the members of the board of directors of the Texas PSF that are appointed by the SBOE as provided under Texas Education Code §43.053(a)(1) and will cease to serve as a director upon the expiration of his or her term of service or other separation from such committee in accordance with these rules as provided under 19 TAC Chapter 33, Texas Permanent School Fund Corporation, §33.21.

**§1.3. Board Member Seating Selection.**

With the exception of the chair, vice chair, and secretary, the seating of board members will be by State Board of Education districts. The seating for the remaining 12 members will be rotated annually at the first board meeting of the calendar year. Any member with a special need may exchange seats with another board member who is in agreement with that exchange.

## CHAPTER 2. MEETINGS

*The statutory citations for this chapter are the Texas Education Code, §§7.055, 7.106, 7.107, 7.110, and 39.030, and the Texas Government Code, Title 5, Open Government; Ethics, Subtitle A, Open Government, Chapter 551, Open Meetings.*

### **§2.1. Regular Meetings of the Board.**

In accordance with Texas Education Code, §7.106, at least four regular meetings of the board a year shall be held in Austin, Texas. If a quorum is not present for a meeting, the meeting shall be recessed or adjourned and all items on the agenda shall be heard at a subsequent meeting.

### **§2.2. Special Meetings of the Board.**

Special meetings of the board may be held at times and places as ordered by the chair during a regular meeting, or special meetings may be called by the chair of the board to be held at a time and place the chair shall designate.

### **§2.3. Open Meetings.**

Regular, special, and committee meetings of the board shall be open to the public; however, the board or board committees may meet in executive session in accordance with law and these rules. Open meetings of the board and standing committees shall be broadcast live over the Internet. The chair may limit in-person attendance at a meeting to ensure health and safety of board members and members of the public. In such instances, governor's orders shall be followed, and members of the public shall be given access to view all portions of the meetings virtually.

### **§2.4. Executive Sessions.**

Executive sessions of the board or of board committees are meetings with only board members and persons authorized by law. Executive sessions shall be held in accordance with Texas Government Code, Chapter 551, Open Meetings.

### **§2.5. Agendas.**

- (a) The chair has the primary responsibility for creating the SBOE meeting agendas. This includes the SBOE agenda, the Committee of the Full Board agenda, and all committee agendas. Other than as provided in this subsection and subsections (b) and (c) of this section, all agenda items are subject to the approval of the chair. If a member wishes an item to be placed on the agenda of the Committee of the Full Board, the member should request in writing that the chair place the item on the agenda. The chair will respond in writing whether or not the item will be placed on the agenda. If the chair declines in writing to place the item on the agenda, the member may make a motion during a board meeting to include the item on the agenda. If the board approves the request, it is placed on the agenda of the Committee of the Full Board for the next meeting.
- (b) The chairs of the Committee on Instruction, Committee on School Finance/Permanent School Fund, Committee on School Initiatives, and ad hoc committees shall collaborate with the board chair regarding items to be placed on their respective committee agendas. Committee agendas shall include statutorily mandated motions, items assigned to the

committee by the board chair, items posted at the discretion of the committee chair and items voted on as set out in subsection (c) below. Committee chairs may post discussion items per their discretion, but action items must be approved by the board chair, subject to the process set out in (c) below.

- (c) Any member of the board may request that a committee chair place an item on the agenda of that chair's committee, other than the Committee of the Full Board, as either a discussion item or an action item. If the committee chair agrees, the item is placed on the agenda of that chair's committee in accordance with the member's request, subject to the approval of the board chair. If the committee chair denies the member's request, the member may appeal the denial to the board chair. If the board chair denies the request, the member may appeal the denial to the board. If the board approves the request, it is placed on the agenda of the committee to which the request was made at the next meeting of that committee.
- (d) A subject on the agenda that is outside the scope of the board's authority may only be considered by the board or the Committee of the Full Board by a vote of a majority of the membership of the board. The chair, in consultation with Agency legal counsel, shall make a determination regarding whether an item is outside the scope of the board's authority when preparing the agenda. Any member may move to place an item determined by the chair to be outside the scope of the board's authority on the agenda for a subsequent meeting.
- (e) The commissioner of education shall prepare and submit to each member of the board, prior to each meeting, a draft agenda schedule listing item titles with short summaries of each item. Materials supplementing the agenda may be included as attachments.
- (f) Official agendas and agenda attachments will be available one week before the board meeting. Any items submitted after this deadline may be considered at the next board meeting.

**§2.6. Official Transaction of Business.**

- (a) The board shall transact official business only when in session with a quorum present. Unless otherwise provided by law, in order for a board action to be final, it must be approved by a majority of the board members present and voting.
- (b) The chair may authorize the board to meet via remote video or web conference. As required by Government Code §551.127(c), if videoconference calling technology is used, the meeting location where the presiding officer of the meeting is present must be open to the public, except during executive sessions. The chair may limit the number of remote conference locations in the interest of decorum and capacity.
- (c) The chair may modify procedures for conducting meetings of the board if emergency protocols are enacted by the governor related to a pandemic or similar event. In such instances, governor's orders and emergency rules shall be followed.
- (d) A board member who wishes to participate in a meeting virtually shall notify the board chair and the State Board of Education Support office at least five business days prior to the start of the full board meeting during which the member will need to participate virtually. In the event of an emergency, every effort will be made to accommodate the board member. If a board member participates in a meeting virtually, the board member

must be visible by video and must have capabilities to be heard by other board members and members of the public. A member who is not present on camera during a vote of the board will be noted as absent for the vote.

- (e) No posters, props, or other visual displays are allowed by board members within the meeting rooms or at remote locations without permission from the presiding chair.
- (f) The presiding chair shall designate the area inside the velvet ropes as the bar of the meeting (the only place where discussion and votes may take place). Members of the public shall not enter areas of the bar of the meeting space designated for SBOE members only and shall not impede or interfere with the movement of SBOE members to or from designated areas. At the start of each meeting, the presiding chair shall inform members of the public that the bar has been established, that they are not permitted inside the bar, and that they may not limit members' movements to or from the bar.
- (g) For the sake of expediency, each board member shall be limited to 10 minutes of questions and discussion on each agenda item.

**§2.7. Rules of Order.**

- (a) The board shall observe *Robert's Rules of Order, Newly Revised*, except as otherwise provided by board rules or by statute.
- (b) The presiding chair shall preserve order and decorum during meetings by informing all individuals in attendance of the rules of decorum and providing notice that written rules are posted at the entrance to the room and in the room. The presiding chair shall also provide notice that an individual who does not comply with the rules of decorum may be removed from the meeting. In case of disturbance or disorderly conduct in the public gallery, the chair may order that any disruptive individuals be cleared from the area.
- (c) Members in the audience shall not distract or disrupt SBOE members or others in the audience during a meeting. Anyone needing to engage in a conversation should quietly exit the meeting room to a public space. If, after at least one warning from the presiding officer, any individual continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the individual removed from the meeting.
- (d) No signs, placards, flags, noisemakers, or other objects of a similar nature shall be permitted in the audience gallery area.
- (e) No applause, outburst, other demonstration, or disruption by any spectator shall be permitted during any portion of any State Board of Education meeting. After warnings to the audience to refrain from such demonstrations, the presiding chair may direct that disruptive individuals in the gallery area be removed as necessary to preserve decorum during meetings. If, after at least one warning from the presiding officer, any individual continues to disrupt a meeting by his or her words or actions, the presiding officer may direct that the individual be removed as necessary to preserve decorum during meetings.
- (f) Supporters of a testifier may not gather behind the podiums used for testimony. Testifiers are free to use a portion of their testimony time to acknowledge supporters seated in the audience.



**§2.8. Minutes.**

The official minutes of the board shall be kept by the office of the commissioner of education or the commissioner's designee and shall be available to any citizen desiring to examine them. Official minutes are those which the board has approved, and which carry the original signature of the secretary of the board.

**§2.9. Resolutions.**

- (a) A member wishing to offer a resolution shall give notice of the resolution by submitting a copy to the chair and the State Board of Education Support staff not less than four weeks prior to the Monday of the week during which the meeting at which the resolution is to be considered. The board shall consider the resolution and any germane amendments at the next meeting following such notice.
- (b) Titles for congratulatory, commendatory or other non-substantive resolutions shall be submitted by the timelines prescribed in this section with resolution text following a date and time consistent with the staff's pre-meeting preparation timeline.
- (c) The board may consider a resolution which expresses an opinion related to specific instructional materials or which expresses concerns as to the appropriateness of specific instructional materials for certain ages or populations. Resolutions considered under this subsection must conform to the following:
  - (1) The resolution shall be submitted in compliance with subsection (a) of this section.
  - (2) Board action on a resolution expressing an opinion related to specific instructional materials may only be considered after final action has been taken concerning placement of the specific instructional materials on the list of adopted instructional materials for use in the public schools of Texas. Board action relative to instructional materials resolutions must take place within 90 days of adoption of the specific instructional materials under 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, §66.66(b).
  - (3) Nothing in the resolution shall be construed to replace or modify any final action taken by the board under 19 TAC Chapter 66.
  - (4) The board may adopt a resolution expressing an opinion related to instructional materials based on the following criteria:
    - (A) Instructional materials should present the most current factual information accurately and objectively without editorial opinion or bias by the authors. Theories should be clearly distinguished from fact and presented in an objective educational manner. Materials should focus on scientific processes and recognize the ongoing process of scientific discovery and change over time in the natural world.
    - (B) Instructional materials should promote citizenship, patriotism, democracy, understanding of the essentials and benefits of the free enterprise system, respect for recognized authority, and respect for individual rights. The materials should not include selections or works that encourage or condone civil disorder, social strife, or disregard of the law. Violence, if it appears,

should be treated in the context of its cause and consequence. It should not appear for reasons of unwholesome excitement or sensationalism.

- (i) Instructional materials should present positive aspects of the United States and Texas and its heritage and abundant natural resources.
  - (ii) When significant political or social movements in history generate no clear consensus, instructional materials should present balanced and factual treatment of the positions.
  - (iii) Free enterprise means an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control; and prices, production, and the distribution of goods that are determined in a free market.
- (C) Instructional materials should not include blatantly offensive language or illustrations.
- (D) Instructional materials should treat divergent groups fairly without stereotyping and reflect the positive contributions of all individuals and groups to the American way of life. Illustrations and written materials should avoid bias toward any particular group or individual and present a wide range of goal choices. Particular care should be taken in the treatment of ethnic groups, issues related to the aging and aged, roles of men and women, the dignity of workers, and respect for the work ethic.
- (i) Instructional materials should not encourage lifestyles deviating from generally accepted standards of Texas society.
  - (ii) Instructional materials should provide an objective view of cultural confluence and include information needed to develop mutual understanding and respect among all elements of our population. Materials should reflect an awareness that culture and language variation does exist and can be used to promote successful learning.
  - (iii) Instructional materials should present examples of men and women participating in a variety of roles and activities and also shall present the economic, political, social, and cultural contributions of men and women, past and present.
  - (iv) Instructional materials that treat aspects of the world of work should reflect the positive contributions of all types of careers to the American economic system and way of life. People presented should reflect varieties of work and be treated without bias toward particular kinds of work.
  - (v) Instructional materials should present traditional and contemporary roles of men, women, boys, and girls.
  - (vi) Instructional materials should present balanced treatment of issues related to aging and the aged.
  - (vii) Instructional materials shall present factual information, avoid bias, and encourage discussion.

- (5) A representative of the publisher of the specific instructional material shall be given the opportunity to address the board prior to action by the board on such a resolution.
- (6) A copy of any resolution passed by the board expressing an opinion related to specific instructional material shall be provided to the board president and superintendent of each school district in Texas.

**§2.10. Oral Public Testimony in Connection with Regular Board and Committee Meetings.**

(a) General Provisions.

- (1) In accordance with Texas Education Code, §7.110, the board shall provide opportunity for oral public testimony at regular committee meetings, special meetings, and at regularly scheduled meetings of the State Board of Education.
- (2) Work session and ad hoc committee meetings are exempt from this requirement.
- (3) The presiding chair shall take appropriate action to avoid unduly repetitious testimony.
- (4) The presiding chair shall assure that members of the public with differing viewpoints have reasonable access to address the board and take steps to ensure that individuals will be given priority over registered lobbyists.
- (5) The presiding chair shall determine which speakers will be heard and the order in which they will be heard if the number exceeds that number which may reasonably be expected to testify in the allotted time for presentations. The presiding chair shall also determine whether speakers who did not register or who registered late will be heard and whether persons asking to testify as a substitute for a registered speaker may do so.
- (6) The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.
- (7) At the start of public testimony or a public hearing, the presiding chair shall announce that testimony will be heard for a maximum of two consecutive hours at which time a recess of at least 15 minutes will be observed. Testimony will continue in this manner until such time as all registered testifiers have been permitted to speak. The presiding chair shall also announce that reasonable lunch and dinner breaks will be observed.

(b) Registration Procedures.

- (1) Individuals may register between the hours of 8 a.m. (Central Time) on the Monday preceding the board meeting and 5 p.m. on the Friday preceding the board meeting on the agency website at [Operating Rules](#) or, during normal operating hours, by telephone at (512) 463-9007 or in person at the William B. Travis (WBT) State Office Building, 1701 N. Congress, room 1-109, Austin, Texas 78701.
- (2) The speaker shall provide his or her name and organizational affiliation, if any, contact telephone number, mailing address, email address, and indicate which item or topic the speaker will address and viewpoint on the topic; and the speaker will disclose if he or she is a lobbyist registered with the Texas Ethics Commission.
- (3) Those registering online will receive an email confirming the registration during the next business day.
- (4) Registrations will be listed based upon registration date and time or alternating points of view in order of registration date and time.
- (5) Late registration will be accepted until 30 minutes before the scheduled start of a meeting, however late registrants are not guaranteed an opportunity to testify due to time constraints.
- (6) Speakers will be informed if it appears that time constraints will not permit all speakers to make their presentation within the allotted time.
- (7) All speakers may provide an electronic copy of their testimony. Registered speakers who are unable to make their presentations due to time constraints are encouraged to provide an electronic copy of their testimony for distribution to board members and agency executive staff. Written testimony will not be attached to committee minutes.

(c) Oral Public Testimony to Committees.

- (1) Oral public testimony to committees is limited to the topics posted for action or discussion on committee agendas at that specific committee meeting.
- (2) In order to maximize the total number of testifiers who are able to provide oral testimony, two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair.
- (4) The presiding chair shall designate whether oral public testimony shall be taken at the beginning of the meeting or at the time the related item is taken up by the committee.
- (5) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The committee, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

(d) Oral Public Testimony to the General Meeting of the Board.

- (1) Oral public testimony at general meetings of the State Board of Education is limited to topics that are *not* posted for action or discussion at the corresponding regular committee meetings or information published in the information section of the agenda.
- (2) Thirty (30) minutes shall be allotted for oral public testimony, excluding the questions and answers, at the beginning of each board meeting, unless modified by a majority vote of the board. Two-minute time limits on individual oral testimony will be imposed unless modified by the presiding chair. Testimony invited by board members shall not be counted against the time allotted for oral public testimony. Agency staff shall inform the presiding chair and any affected registered speakers prior to the meeting if time constraints may not allow some registered speakers to testify.
- (3) The presiding chair shall take steps to ensure that individuals will be given priority over registered lobbyists. The board, without debate, may allow a person to testify for clarification and informational purposes, whether or not he/she has registered or previously testified. The person is not required to honor the request.

**§2.11. Written Testimony in Connection with Regular Board and Committee Meetings.**

- (a) Persons may file written testimony with regard to any committee or board agenda item. Any written testimony or comments shall identify the date of the meeting; the subject of the comments; the name of the author; the name of the author's organizational affiliation, if any; and indicate whether the author is a lobbyist registered with the Texas Ethics Commission.
- (b) If the written testimony is submitted at the regular board or committee meeting, an electronic copy may be provided for distribution to board members and agency executive staff. Written testimony will not be attached to the board minutes.
- (c) Persons who are unable to attend or to testify at a committee or board meeting due to time constraints may provide an electronic copy of their testimony to agency staff for distribution to board members and agency executive staff.

**§2.12. Public Hearings.**

- (a) Types of Public Hearings.
  - (1) Hearings regarding proposed board rules. The board shall conduct a public hearing on a substantive rule if a hearing is requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members. Testimony is restricted to comments regarding the proposed action. The hearing must be set to take place before any action is adopted. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules.
  - (2) Other types of hearings. The board may also hold public hearings on proposed actions, such as those relating to adoption of Texas Essential Knowledge and Skills (TEKS) and instructional materials issues. The public hearing shall be conducted before the appropriate board committee as determined by the board chair in accordance with the areas of oversight defined in board operating rules. Public

hearings regarding the instructional materials adoption process are governed by 19 TAC §66.60. Public hearings regarding revision of the TEKS are governed by the SBOE-approved TEKS Review and Revision Process.

- (b) Speakers shall preregister in accordance with the procedures set out in §2.10(b).
- (c) The presiding chair shall establish the procedures for conducting the public hearing. These procedures shall include, but are not limited to, the following:
  - (1) Providing for presentations from invited persons or an introduction from staff;
  - (2) Providing that preregistered speakers are heard in order of registration times and dates, or requiring alternating points of view in order of registration times and dates;
  - (3) Establishing time limits for speakers, generally two minutes each;
  - (4) Adjourning the hearing at the end of the allotted time period listed in the agenda item or any extension granted by a vote of the majority of the board or appropriate committee.
- (d) Persons who testify at a public hearing may bring an electronic copy of their testimony for distribution to board members and agency executive staff.
- (e) Persons who are unable to testify at a public hearing due to time constraints may provide an electronic copy of their testimony to agency staff for distribution to board members and agency executive staff.
- (f) Prior to the meeting, agency staff shall inform the presiding chair and shall attempt to inform any affected registered speakers if time constraints may not allow some registered speakers to testify.

**§2.13. Public Comments Regarding Proposed Rulemaking.**

All interested persons have a reasonable opportunity to submit data, views and arguments, prior to the board adoption of any rule. Public comments regarding proposed board rules may be submitted as provided in the notice of proposed rulemaking published in the *Texas Register*. The deadline for submitting public comments will be noted in the *Texas Register* posting for each item. A minimum of 30 days will be allotted for public comment on a rule item. The board will also take registered oral and written comments on proposed rulemaking at the appropriate committee meeting.

## CHAPTER 3. TRAVEL AND EXPENSES

*The statutory citations for this chapter are the Texas Education Code, §7.105, Texas Government Code, Chapter 660, and the General Appropriations Act.*

### **§3.1. Reimbursement of Expenses.**

- (a) Members of the State Board of Education receive no salary but are reimbursed for all expenses incurred for attending regular and special meetings of the board and of board committees.
- (b) All reimbursements for expenditures shall be in accordance with Texas Education Code, §7.105(b), Texas Government Code, Chapter 660, the General Appropriations Act, and these rules.
- (c) Only expenses of board members may be reimbursed. Expenses for spouses, family, or other persons traveling with board members are not reimbursable.
- (d) Board members must submit receipts for the following expenses:
  - (1) public transportation (excluding receipts for bus, taxi, ride share services or limousine);
  - (2) car rental;
  - (3) lodging; and
  - (4) conference registration fees (which may not include banquets, books, or materials).
- (e) Lodging receipts must show the rate for single occupancy plus tax which will be the maximum reimbursable amount per day for lodging.
- (f) Receipts are not required to claim expenses for meals; however, the General Appropriations Act provides that "none of the funds appropriated under this act for travel expenses may be expended for alcoholic beverages" and no such expenses may be claimed for reimbursement.
- (g) Other official travel expenses which board members may claim include the following when the expenses are required for the conduct of state business:
  - (1) parking fees (including personal vehicles);
  - (3) notary fees for official documents; and
  - (4) wireless connection.

- (h) Board members may not claim reimbursement for expenses such as the following:
  - (1) laundry or other personal items;
  - (2) tips or gratuities of any kind; and
  - (3) alcoholic beverages.
- (i) All claims for reimbursement will be reviewed by agency accounting personnel to ensure compliance with the requirements of the appropriations act, and any appropriate adjustments to claims shall be made by staff.
- (j) A yearly budget shall be established for travel of board members. The budgeted amount would include an allotment of travel funds for board members to attend board meetings and committee meetings, and an allotment for in-district, out-of-district, and out-of-state meetings. An additional allotment shall be budgeted for travel of the chair when representing the State Board of Education at meetings. When there is a change in office during the fiscal year, the travel budget will be reassigned to the new board member.
- (k) A board member may be reimbursed for travel expenses for attending activities other than State Board of Education meetings and committee meetings provided that the board members are in compliance with the following procedures:
  - (1) In-District and Out-of-District Travel. In-district and out-of-district travel is at each member's discretion. Prior approval is not required; however, any travel for which reimbursement is requested must be directly related to the duties and responsibilities of the State Board of Education. Any requests for reimbursement, directly or indirectly related to seeking election to office, will not be allowed.
  - (2) Out-of-State Travel. Prior approval is required by the officers of the board (chair, vice chair, and secretary).
- (l) A board member may be reimbursed for travel expenses incurred while serving on any board, council, or commission or serving in any official board position as an appointee for specific administrative functions when appointed by the State Board of Education or its chair, or subject to approval of the board or its officers of the board.
- (m) None of the funds appropriated in the General Appropriations Act shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure.

**§3.2. Travel Arrangements and Hotel Reservations for State Board of Education Meetings.**

- (a) Board members shall be responsible for making their own arrangements for travel to and from board meetings. Agency travel coordinators are available for assistance.
- (b) A State Board of Education Support staff member or his/her designee will make guaranteed hotel reservations for each board member upon request.



- (c) Any change in or cancellation of reservations shall be the responsibility of the individual board member in whose name the reservations were made. Board members who wish to change or cancel their reservations must contact the hotel directly or call the State Board of Education support office. All bills received by the agency for unused or uncanceled reservations will be forwarded for payment to the board member in whose name the reservations were made.

**§3.3. Acceptance of Gifts and/or Grants for Charter School Evaluation.**

- (a) Purpose. The State Board of Education (SBOE) may accept a gift and/or grant for the limited purpose of expenses associated with evaluating an applicant for an open-enrollment charter school.
  - (1) An entity making a gift and/or grant under this section may not:
    - (A) limit the use of the funds to any individual applicant, cycle or class of applicants;
    - (B) be a charter operator in this or any other state, a management company, service provider or vendor of any kind to charter schools in this or any other state;
    - (C) have common board members or corporate members with any entity operating a charter in Texas or applying to operate a charter in Texas;
    - (D) be an individual required to register as a lobbyist under Chapter 305, Government Code; or
    - (E) be an employee, attorney, contractor or other agent of any kind to charter schools in this or any other state.
  - (2) An entity making a gift and/or grant under this section may not do so if the source of funds used for the gift and/or grant were received from an entity that could not make a gift and/or grant under this section.
  - (3) For purposes of this section, a spouse or dependent child of an individual prohibited from making a gift and/or grant is also prohibited.
  - (4) For purposes of this section, an entity includes any legal entity such as corporations, individuals and other business associations. An individual is limited to a natural person.
  - (5) An entity making a gift and/or grant shall certify that it has complied with all requirements of this section in a format approved by the board chair.
- (b) Procedure. The SBOE may accept a gift and/or grant under this section only by an affirmative vote of the board.
  - (1) A charter may not be evaluated using funds under this section unless the commissioner has:

- (A) proposed to award a charter to that applicant pursuant to Section 12.101(b); or
  - (B) requested the participation of individual board members in the agency's preliminary evaluation of an applicant.
- (2) The commissioner shall receive, disburse, and account for funds accepted by the board.
  - (3) Funds accepted under this section may be used solely to pay reasonable travel expenses, including meals and accommodations, for SBOE members and TEA staff as necessary to evaluate applicants for open-enrollment charter schools under this section. Unless approved by the board chair and the commissioner, travel expenses are limited to those available for travel by SBOE members or state employees.
  - (4) In making decisions under this section, the board chair will consult with the board member acting as a liaison under Section 12.101(b). The board chair will also consult with the chair of the Committee on School Initiatives, unless doing so would create a quorum of a committee of the board. A decision by the board chair under this section is final.
  - (5) Board members evaluating a charter applicant under this section shall be selected by the board chair. The board chair will, to the extent possible, give preference to board members whose districts include proposed locations at which the charter would operate. Under no circumstances will a quorum of the board or a committee of the board participate in an evaluation under this section.
  - (6) The board chair may request that relevant TEA employees accompany board members in evaluating charter applicants under this section. The commissioner must approve participation of agency employees.
  - (7) Except as provided by this subsection, board members and TEA staff may not accept anything of value from an applicant and shall limit contact with the applicant and its employees and representatives to the actual investigation of the charter. The board chair may authorize acceptance of reasonable local transportation and meals from the applicant as necessary to facilitate the evaluation.
  - (8) In addition to board members and TEA staff, the board chair may authorize other professionals to participate in an evaluation under this section. Such a professional may not be an individual or entity unable to donate funds under subsection (a) and is subject to all conditions and limits imposed by this section on board members.
- (c) Evaluation. Each board member will individually report to the Committee on School Initiatives regarding his/her evaluation of a proposed charter prior to consideration of the charter by the board under §7.102(c)(9). The Committee on School Initiatives will develop a standard form for use by board members in evaluating a charter under this section.
  - (d) Reporting. Expenses reimbursed for each board member, TEA staff or other professionals shall be made publicly available and reported as appropriate on a board member's personal financial statement.

## CHAPTER 4. CONDUCT AND PUBLIC RELATIONS

*The statutory citations for this chapter are the Texas Education Code, §7.108; the Texas Government Code, §305.006, and Chapter 572, Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest; and the Texas Election Code, Chapter 251, General Provisions.*

### **§4.1. Standards of Conduct and Conflicts of Interest.**

- (a) Personal interest in board actions. Whenever a board member has a private or personal interest including financial interest in any matter to be voted upon by the board, such a member shall state at an open meeting that he or she has such an interest in the matter and shall abstain from voting and discussion concerning the matter (See Texas Government Code §572.058 for further information.).
- (b) The ethical standards that govern the conduct of State Board of Education members with respect to their duties as to the Permanent School Fund are as provided under 19 TAC Chapter 33, §33.4 *Ethical Standards for Members of the State Board of Education*.

### **§4.2. Press and Public Relations.**

- (a) Prior to each State Board of Education meeting, the agenda shall be made available by agency staff to the capitol press corps; governor's office; Legislative Budget Board; Legislative Reference Library; School Land Board; Texas Higher Education Coordinating Board; regional education service centers; and state offices of professional education organizations which have requested the agenda.
- (b) A press table shall be provided at meetings of the State Board of Education and press representatives shall be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.
- (c) The State Board of Education shall seek to maintain open relations with the press by answering reporters' questions frankly and by providing official statements through press releases and answers to follow-up inquiries.

### **§4.3. Disclosure of Campaign Contributions and Gifts.**

- (a) Any person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. Disclosure shall be made in writing to the commissioner of education and distributed to board members 14 calendar days prior to consideration by the board or any committee of a contract, grant, or charter.

- (b) A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by §572.023(b)(7), Texas Government Code. This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission. For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code §572.005 (1) - (7).
- (c) In this section:
- (1) "person, corporation, or other legal entity" includes:
    - (A) any individual who would have a "substantial interest" in the person, corporation, or other legal entity as that term is defined in Texas Government Code, §572.005 (1) - (6);
    - (B) an attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the board or to board members, or whose duties are directly related to the contract, grant, or charter; or
    - (C) an individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by (c)(1).
  - (2) "contract, grant, or charter" means any application to enter into a direct contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation applicants for charters to operate open enrollment charter schools.
  - (3) "campaign contribution" has the meaning defined in Texas Election Code, §251.001.
  - (4) "benefit" has the meaning defined in Texas Penal Code, §36.01.
  - (5) "candidate for or a member of the State Board of Education" includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.
- (d) A person, corporation, or other legal entity has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall within 21 calendar days notify the commissioner of education and the board chair upon making a contribution or expenditure covered by this section.

- (e) Failure to disclose a contribution or expenditure under this section shall be grounds for canceling or revoking the contract, grant, or charter in the discretion of the board. Only those contributions or expenditures made after the effective date of this rule are required to be disclosed.
- (f) This section does not affect the validity of contracts, grants, or charters existing on its effective date but does apply to the renewal or extension of any contract, grant, or charter.
- (g) Before distributing bids or applications for a contract with the board, staff will provide any disclosure made under subsection (a) or (b) to a board member to whom the disclosure applies. A board member shall have 10 calendar days to provide a written statement relating to the disclosure for distribution along with all disclosures.
- (h) An SBOE member shall on April 15 of each year submit a list of businesses that the SBOE member has a substantial interest in as defined in Texas Government Code §572.005 (1) - (7) and all DBAs or assumed names of any such businesses. If any change occurs in the identities of businesses that an SBOE member has a substantial interest in, the SBOE member shall submit an amendment within 30 calendar days of the date of such change. A person, corporation, or other legal entity which proposes to enter into a contract with or applies for a grant, contract, or charter that may be granted by the State Board of Education shall be provided the combined list of all board members and shall disclose any campaign contribution or benefit under subsections (a) or (b) on behalf of any business in which an SBOE member has a substantial interest.

**§4.4. Instructional Materials Submitted to the Texas Resource Review.**

- (a) An SBOE member shall not nominate instructional materials for submittal to the Texas Resource Review without a majority vote of the board endorsing said nomination.

## CHAPTER 5. RULES AND THE RULEMAKING PROCESS

*The statutory citation for this chapter is the Texas Government Code, Chapter 2001, Subchapter B; Texas Government Code, Chapter 2002, Subchapter B; Texas Education Code, §7.102(e)-(f).*

### **§5.1. State Board of Education Rules.**

- (a) An action of the board to adopt a rule under the Texas Education Code is effective only if the rule's preamble published in the *Texas Register* includes a statement of the specified statutory authority contained in the Texas Education Code to adopt the rule.
- (b) Rules submitted to the Office of the Secretary of State for publication in the *Texas Register* shall conform to requirements promulgated by the Secretary of State.

### **§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.**

- (a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as first reading and second reading, unless a departure from this rulemaking process is approved by the board.
- (b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered at least one week before the board meeting.
- (c) The board may take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.
  - (1) **First Reading and Filing Authorization.** The board may authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.
  - (2) **Second Reading and Final Adoption.** If the public comment period after filing the proposal with the Secretary of State has elapsed, the board may adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.
  - (3) **Withdrawal.** The board may authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.
  - (4) **Refiling.** The board may authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

- (d) The board may authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.
- (e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.
- (f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:
  - (1) the earlier effective date is a requirement of:
    - (A) a federal law, or
    - (B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or
  - (2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

**§5.3. Emergency Rules.**

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules may be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

**§5.4. Filing Non-Substantive Rule Corrections with the Secretary of State.**

The commissioner may approve and file with the Secretary of State non-substantive corrections to State Board of Education rules. Non-substantive rule corrections may only include typographical, grammatical, referencing, or spelling errors and technical edits to comply with *Texas Register* style and format requirements. The commissioner will provide a mark-up of any such corrections to the board.

**§5.5. Rulemaking Authority.**

Except for rules adopted under §5.4 of these rules (relating to Filing Non-Substantive Rule Corrections with the Secretary of State), or other exceptions specifically authorized by the board, all rules of the State Board of Education shall be approved by the State Board of Education.

**§5.6. Review of the State Board of Education Rules.**

In accordance with Texas Government Code, §2001.039, the State Board of Education shall review its rules every four years to assure that statutory authority for the rules continues to exist. If necessary, proposed amendments will be brought to the board following the procedure described in §5.2 of these rules.

**§5.7. Filing of Amendments.**

A member wishing to amend any Texas Essential Knowledge and Skills (TEKS) being considered by the board for second reading and final adoption shall submit the amendment in writing to the staff no later than noon on the day prior to the final vote on the adoption of the TEKS. All amendments shall be made available to the public to the extent possible. This rule may be suspended by a two-thirds vote.



## CHAPTER 6. ADVISORY GROUPS

*The statutory citations for this chapter are the Texas Education Code, §§7.102(b), 29.254, 32.034, and 61.077.*

### **§6.1. General Provisions.**

Content advisors and work group members will be selected in accordance with the TEKS Review and Revision Process.

## CHAPTER 7. NOMINATIONS FOR GUBERNATORIAL APPOINTMENTS

*The statutory citations for this chapter are the Texas Government Code, §651.009(a) and §825.003, and Texas Natural Resources Code, §32.012.*

### **§7.1. Gubernatorial Appointments.**

Pursuant to statute, the State Board of Education shall submit to the Governor lists of citizens from which appointments are to be made for the boards described in this section: Teacher Retirement System Board of Trustees and School Land Board.

### **§7.2. Timelines.**

The Chair and/or his or her designee shall work collaboratively with staff and the Governor's Appointments Office to establish appropriate timelines for the placement on the agenda to meet appointment timelines and ensure that proper criteria are applied by the State Board of Education.

### **§7.3. Nominee Selection.**

The board shall select nominees in such a manner as to facilitate adherence to diversity of appointments: "In each case in which the governing body of a state board, commission, or other state agency that has statewide jurisdiction is appointed by the governor or another appointing authority, the governor or appointing authority shall ensure that, to the extent possible, the membership of the governing body reflects the racial, ethnic, and geographic diversity of this state." (§651.009(a), Government Code)

### **§7.4. Teacher Retirement System.**

The Governor shall appoint two members of the TRS board of trustees, subject to confirmation by two-thirds of the senate, from lists of nominees submitted by the State Board of Education. These persons must be persons who have demonstrated financial expertise, have worked in private business or industry, and have broad investment experience preferably in investment of pension funds (Government Code §825.003). The board selection process shall be as follows:

- (a) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (b) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (c) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

### **§7.5. School Land Board.**

The Governor shall appoint two members of the School Land Board, subject to confirmation by the senate, from lists of candidates submitted by the State Board of Education. One of the

members appointed by the governor must be a resident of a county with a population of less than 200,000.

- (a) The School Land Board duties as described in the Texas Natural Resources Code (§§32.061, 51.011, 51.413) are to:
  - (1) manage and control any land, mineral or royalty interest, real estate investment, or other interest, including revenue received from those sources, that is set apart to the permanent school fund together with the mineral estate in riverbeds, channels, and the tidelands, including islands;
  - (2) acquire, sell, lease, trade, improve, maintain, protect, or otherwise manage, control, or use land, mineral and royalty interests, real estate investments, or other interests, including revenue received from those sources, that are set apart to the permanent school fund in any manner, at such prices, and under such terms and conditions as the board finds to be in the best interest of the fund;
  - (3) consult with the president, chairman, or other head of the department, board, or agency, as applicable, or with the representative of the head, on each matter before the board that affects land owned or held in trust for the use and benefit of a department, board, or agency of the state; and,
  - (4) make determinations as to the release of any funds to the available school fund or to the State Board of Education for investment in the permanent school fund.
- (b) Each member shall be entitled to nominate one person who meets the criteria described in this section.
- (c) The Committee on School Finance/Permanent School Fund shall adopt an evaluation process using the criteria described in this rule, subject to approval of the board, and engage an impartial third party to evaluate candidates submitted by members.
- (d) The Committee shall recommend to the full board a slate of candidates for adoption. The list of nominees is subject to amendment by the board, but the final list must comply with statutory requirements.

**§7.6. Rules and Procedures.**

The board may adopt additional rules and procedures related to these selection processes.

## 2021-2025 Rule Review Plan for State Board of Education Rules

### STATE BOARD OF EDUCATION: INFORMATION

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

**BACKGROUND INFORMATION AND JUSTIFICATION:** Senate Bill 178, 76th Texas Legislature, 1999, amended the TGC by adding §2001.039, which requires the review of existing state agency rules. The rule review requirement in TGC, §2001.039, is designed to ensure that the reason for adopting or readopting the rule continues to exist.

The 2021-2025 SBOE rule review plan reflected in Attachment I repeats the cycle of review that was conducted during the 2017-2021 SBOE rule review period with the addition of new rules that took effect subsequent to the adoption of that plan and the removal of rules that were repealed. The 2021-2025 plan, approved by the SBOE in June 2021, is the seventh rule review cycle of SBOE rules. In accordance with Texas Education Code, §28.002(m), and as was the case with previous rule review plans, the Texas Essential Knowledge and Skills (TEKS) are exempt from the rule review requirement and are not included in the 2021-2025 rule review plan. Although the TEKS will not be reviewed as part of the rule review process, the SBOE conducts a review of the curriculum content on a schedule determined by the SBOE.

The 2021-2025 rule review plan for SBOE rules will appear on an ongoing basis in the information pages of the SBOE agenda. Any necessary modifications to the plan will also appear in the information pages of the SBOE agenda. The rule review plan will also be posted on the agency's website and updated if necessary.

*Rule Review Procedures.* Secretary of State rules specify the following two-step review process to implement the rule review requirement in TGC, §2001.039:

1. a Notice of Proposed Review (Intention to review) that announces a public comment period for comments on whether the reason for adopting or readopting the rules continues to exist (see example in Attachment II); and
2. a Notice of Adopted Review (Readoption) that summarizes the public comments received, if any, in response to the notice of proposed review and provides a response to each comment (see examples in Attachment II).

The rule review process for SBOE rules is illustrated in this item using three examples that present the following points: (1) if no amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and no further action will be necessary; and (2) if amendments are recommended to rules under review, the item presenting the adoption of the review will complete the rule review process and the amendments will be presented as a separate item under the standard rulemaking process.

**Example 1. Rule Review with No Changes**

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule and specifies that no changes are being recommended.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE	Action item that presents a summary of comments received, if any, from Notice of Proposed Review. The SBOE authorizes filing the Notice of Adopted Review, noting that no changes are being proposed to the rule as a result of the review.
	Texas Register	After the SBOE meeting, staff files Notice of Adopted Review that states the rule will continue to exist without changes (see Attachment II).
END OF REVIEW PROCESS (no item at June SBOE Meeting)		

**Example 2. Rule Review with Changes**

January SBOE Meeting	SBOE Committee (discussion)	Discussion item that briefly describes the rule, outlines issues to be considered, and specifies anticipated changes to the rule.
	Texas Register	After the SBOE meeting, staff files Notice of Proposed Review (see Attachment II).
April SBOE Meeting	SBOE Committee and Full SBOE (first reading)	Separate action items are included in the agenda: one that presents comments received, if any, from Notice of Proposed Review and one that provides the SBOE the opportunity to propose amendments. The SBOE authorizes filing the Notice of Adopted Review and approves the proposed amendments for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed amendments and the Notice of Adopted Review that states the rule will continue to exist and changes are being proposed (see Attachment II).
END OF REVIEW PROCESS		
June SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed amendments for second reading and final adoption. Item includes a summary of comments, if any, on proposed amendments.
	Texas Register	After the SBOE meeting, staff files adopted amendments.
END OF AMENDMENT PROCESS		

**Example 3. Repeal of Rule under Review**

January SBOE Meeting	SBOE Committee (first reading)	Action item that presents the proposed repeal of rule. SBOE approves proposed repeal for first reading and filing authorization.
	Texas Register	After the SBOE meeting, staff files proposed repeal. No Notice of Proposed Review required for repeals.
April SBOE Meeting	SBOE Committee and Full SBOE (second reading)	Action item that presents the proposed repeal of rule for second reading and final adoption.
	Texas Register	After the SBOE meeting, staff files adopted repeal.
END OF REPEAL PROCESS		

**Staff Members Responsible:**

Cristina De La Fuente-Valadez, Director, Rulemaking  
Lynette Smith, Program Specialist, Rulemaking

**Attachment I:**

2021-2025 Rule Review Plan for State Board of Education Rules

**Attachment II:**

Sample Notices of Proposed Review and Adopted Review

**ATTACHMENT I**

**2021-2025 Rule Review Plan for State Board of Education Rules**  
(Approved June 25, 2021)

*Texas Government Code, §2001.039, requires a four-year rule review cycle for all state agency rules, including State Board of Education (SBOE) rules. The rule review is designed to ensure that the reason for adopting or readopting the rule continues to exist. It only includes rules currently in effect at the time the plan is adopted.*

*Texas Education Code, §28.002(m), exempts the Texas Essential Knowledge and Skills (TEKS) from the rule review requirement; accordingly, this rule review plan does not include the rule chapters for the TEKS. Although the rules will not be reviewed as part of the rule review process, the SBOE conducts a review of the TEKS on a schedule determined by the SBOE.*

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

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

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



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

## SAMPLES

### Attachment II

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

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

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

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

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

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

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

No changes are necessary as a result of the review.

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

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

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

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

## **Annual Report of the Division of Financial Compliance**

**February 2, 2024**

### **STATE BOARD OF EDUCATION: INFORMATION**

**SUMMARY:** This item provides the board with an annual review of the work accomplished by the division responsible for state financial reviews. The report describes the division's organization and legal responsibilities, deviations from the 2022-2023 audit plan, and the status of reports on the division's reviews.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Title 19 Texas Administrative Code §109.21 requires the commissioner of education to report to the State Board of Education at least annually on the progress of each fiscal year's audit plan. The 2022-2023 audit plan was submitted to the Committee on School Finance/Permanent School Fund for review and comment in June 2022.

**PUBLIC AND STUDENT BENEFIT:** Communicates the results of the Financial Compliance Division's efforts to ensure public funds are being spent efficiently.

**Staff Member Responsible:**

David Marx, Director of Financial Compliance

**Attachment:**

Annual Report of the Division of Financial Compliance

February 2, 2024

The Honorable Members of the State Board of Education  
1701 North Congress Avenue  
Austin, TX 78701-1494

Dear State Board of Education Members:

Under 19 Texas Administrative Code (TAC) §109.21, the commissioner of education is required to report to the State Board of Education at least annually on the progress of each fiscal year's audit plan. In accordance with that section, the following is a description of the status of audit reports and related activities for the agency's 2023 fiscal year, which ended on August 31, 2023.

### **Organization and Personnel**

The Financial Compliance Division continues to oversee student attendance reviews, annual financial and compliance report (AFR) reviews, special allotment reviews, SHARS (School Health and Related Services) reviews, all aspects of the State Compensatory Education (SCE) program, and financial accountability ratings. In addition, the division continued to update financial management reviews to support struggling charters and districts who have been issued the same audit findings for a number of years and/or who have failed FIRST indicators for multiple years, and/or have other identified financial concerns.

In fiscal 2023, the division continued to advise and partner with districts and charters to ensure that accurate financial and student records were maintained and that they remained in compliance with laws and regulations. Other tasks of the division included reviewing the proper coding of financial data and student data, district depository contracts, work papers of certified public accountants (CPA) who audit school district and charter schools, superintendent severance payments, and financial exigency. The team processed district's fiscal year changes updated the *Student Attendance Accounting Handbook* and completed a rewrite of the *Financial Accountability System Resource Guide* (FASRG) as well.

The division worked through the residual impacts of the pandemic for fiscal year 2023. During the 87<sup>th</sup> legislative session, HB 1525, the legislature created a requirement for the Financial Compliance Division to monitor the tax rates of school districts and to verify if any of the school districts are using the maintenance and operations tax levy to pay for the interest and sinking debt requirements.

### **Annual Audit Plan and Division Activities**

The Financial Compliance Division adhered to the annual audit plan that was provided to the Committee on School Finance/Permanent School Fund in June 2022, with a few exceptions due

to limited resources. The division had turnover in personnel in key positions that were replaced with new staff. The division continued to prioritize reviewing and investigating student attendance compliance, reviewing AFRs, issuing financial accountability ratings, providing training, updating guidance documents, and answering customer questions daily.

The following table summarizes the review activities of the division for the 2023 fiscal year by type. Additional details and a list of other work performed by the division are provided in the attachment.

<b>Activity</b>	<b>Status</b>
<b>Student Attendance</b>	
--Reviews	129 <i>Completed</i> 12 <i>in progress</i>
--Correspondence Investigations	10 <i>Completed</i> 0 <i>in progress</i>
--Charter School Closeout Reviews	5 <i>Completed</i> 0 <i>in progress</i>
<b>SHARS (School Health and Related Services)</b>	
--Audits/Reviews	37 <i>Completed</i> 12 <i>in progress</i>
--Compliant Investigations	0 <i>Completed</i> 0 <i>in progress</i>
Annual Financial and Compliance Report Reviews	754 <i>Completed</i>
CPA Work Paper Reviews	0 <i>Completed</i> 0 <i>in progress</i>
Superintendent Severance Payments	34 <i>Completed</i> 7 <i>in progress</i>
TEA Mailbox Questions/Research/Answer	1100+ <i>Completed</i>
Fiscal Management Reviews	30 <i>Completed</i> 5 <i>in progress</i>
School First Ratings Issued	1,199 <i>Completed</i>
1525 Tax Rate Compliance Reviews	25 <i>Reviewed</i> 13 <i>in progress</i>
State Allotment Monitoring Program Compliance	467 <i>Completed</i>

The division completed reviews of student attendance data, including both desk and compliance reviews. These reviews resulted in the recovery of \$1,008,049 of taxpayer funds because of the

reported errors. In addition, ten student attendance investigations were also completed, resulting in the recovery of \$121,446 in funds.

The Texas Education Code (TEC), §44.008(e), requires division staff members to review every public school AFR that has been audited by certified independent auditors. In the reviews, the division uses financial statement data to verify year-end financial data submitted through the Texas Student Data System Public Education Information Management System (TSDS PEIMS). Division staff members identify problems such as inaccurate PEIMS data, noncompliance with laws or rules, insolvency, and potential default on bonded indebtedness. They then communicate with local education agencies regarding required corrective action. In addition, the division reviews electronically submitted AFR information to verify that no sensitive or confidential information was included. During the 2023 fiscal year, the division reviewed and issued letters or reports on 754 AFRs and completed the remaining reviews from the prior year.

The division's responsibility for SHARS includes on-site reviews, desk reviews, complaints investigations, trainings, and coordination with the Texas Health and Human Services Commission (HHSC). The division completed 37 SHARS audit/reviews and 12 were in progress at the end of the fiscal year.

The division successfully notified 467 LEAs that did not spend the statutorily minimum amount on the special allotments, which includes the State Compensatory Education Program, Gifted and Talented Program, Special Education Program, Bilingual Education Program, Career and Technology Program, Early Education Program, Dyslexia Program, and College, Career, and Military Readiness Program. Additionally, a requirement from HB 3 was incorporated into the data feed that required districts and charters to disclose certain information related to state comp ed and bilingual in their AFR that were subject to audit procedures performed by the school's external auditor.

The division's audit plan for fiscal management reviews focus on one of the division's key purpose of compliance and supporting schools to correct the struggles in financial operations to ensure resources can be focused on students. By the end of fiscal year 2023, the division completed 30 fiscal management reviews.

The division completed desk reviews of superintendent severance payment disclosures submitted by school districts and charter schools. These reviews resulted in zero reductions in Foundation School Program (FSP) funding because the severance payments followed the statutorily required amounts.

The division did not perform work paper reviews on any CPA firms. However, division staff members checked Texas State Board of Public Accountancy records to determine if each CPA performing audits of school districts and charter schools held a valid license and if the CPA's firm had an unexpired firm license and reviewed the membership list of the AICPA Governmental Audit Quality Center to determine if they are in compliance with the statutes.

TEC, §45.0021 requires TEA to review the tax rates for all school districts to determine if they are levying a maintenance and operations tax in order to create a surplus to pay interest and

sinking obligations. The division completed 25 preliminary reviews and continued to work with 13 of the districts.

TEC, §45.208, which relates to school district depository contracts information was repealed, therefore the division no longer reviews school district depository contract files but reviews charter depository renewals and addresses inquiries regarding district depository contracts.

The division continues to make updates to FASRG to reflect the changes mandated by the Legislature and GASB and FASB accounting changes. The update also includes changes to fund codes that were created to account for the ESSER funding that went to help LEAs during the pandemic.

The division staff continued to assist newly approved charter schools by reviewing the operations of the charter school in the areas of student attendance, business office operations, and highlighting key areas in the SAAH, FASRG, and going through the FIRST indicators in detail.

Division staff members held and participated in several workshops that provided guidance to school district and charter school personnel. Topics covered included supplemental allotment programs, changes to financial reporting standards, changes to student attendance accounting, SHARS compliance, State Comp ED requirements, and new laws on the horizon. Division staff also supported two workgroups that were created by the legislature to make recommendations for the 88<sup>th</sup> legislative session. Additionally, division staff reviewed proposed legislation during the 88<sup>th</sup> legislative session and four special sessions and met with legislative offices when additional details were needed.

Division staff members also spent hundreds of hours providing information on statutory and regulatory requirements to charter school officials, district officials, and other individuals by phone and correspondence. Staff members researched and responded to over 1,000 requests for information received through the division's mailboxes (financial accountability, school audits, state compensatory education, student attendance accounting, and state allotments).

Additionally, the division updated the Financial Integrity Rating System of Texas (FIRST).

### **Status of Division Reviews and Related Activities**

The attached document presents the status of division activities conducted during the 2023 fiscal year. As of August 31, 2023, the adjustments resulting from attendance reviews and correspondence investigations, reviews of charter closeouts, and superintendent buyout reviews resulted in \$1,131,919 owed to the state.

Respectfully submitted,

David Marx  
Director, Financial Compliance Division

Attachment



# ATTACHMENT

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CR22-009	057-809	Nova Academy	9/2/22	\$0
2	CR22-026	113-903	Lovelady ISD	9/2/22	\$0
3	CR22-038	102-903	Waskom ISD	9/16/22	\$0
4	F22-007	101-917	Pasadena ISD	9/16/22	\$0
5	CR22-006	101-878	Houston Classical Charter School	9/16/22	\$0
6	CR22-008	015-841	The Gathering Place	9/16/22	\$0
7	CR22-024	108-802	Horizon Montessori Public Schools	9/16/22	\$0
8	CR22-004	049-905	Callisburg ISD	9/16/22	\$0
9	F22-002	101-912	Houston ISD	9/16/22	\$0
10	CR22-020	174-911	Douglass ISD	9/16/22	\$0
11	CR22-019	053-001	Crockett County CCSD	9/16/22	\$0
12	CR22-017	140-904	Littlefield ISD	9/16/22	\$0
13	CR22-031	160-904	Rochelle ISD	9/16/22	\$0
14	F22-010	057-903	Carrollton-Farmers Branch ISD	10/7/22	\$0
15	CR22-040	193-902	Leakey ISD	10/7/22	\$0
16	F22-006	101-919	Spring ISD	10/7/22	\$0
17	CR22-047	065-901	Clarendon ISD	10/7/22	\$0
18	F22-003	015-905	Edgewood ISD	10/14/22	\$0
19	CR22-046	185-903	Friona ISD	10/14/22	\$0
20	F22-001	101-903	Alief ISD	10/14/22	\$0
21	CR22-013	025-904	Blanket ISD	10/14/22	\$0
22	CR22-007	015-840	San Antonio Preparatory Schools	10/14/22	\$0
23	F22-008	043-905	Frisco ISD	10/14/22	\$0
24	CR22-005	116-902	Celeste ISD	10/14/22	\$0
25	CR22-049	113-902	Grapeland ISD	10/14/22	\$0
26	CR22-003	072-904	Bluff Dale ISD	10/14/22	\$0
27	CR22-045	138-902	Knox City-O'Brien CISD	10/14/22	\$0
28	CR22-002	193-801	Big Springs Charter School	10/14/22	\$0
29	F22-009	071-905	Ysleta ISD	10/14/22	\$0
30	CR22-012	152-906	Lubbock-Cooper ISD	10/14/22	\$0
31	CR22-021	067-903	Eastland ISD	10/14/22	\$0
32	CR22-030	119-903	Perrin-Whitt CISD	10/14/22	\$0
33	CR22-027	127-905	Lueders-Avoca ISD	10/14/22	\$0
34	DA21-054	101-911	Goose Creek CISD	10/14/22	(\$3,432)
35	CR22-034	049-909	Sivells Bend ISD	10/14/22	\$0
36	CR22-041	184-901	Poolville ISD	10/21/22	\$0
37	CR22-037	107-907	Trinidad ISD	10/21/22	\$0
38	CR22-018	220-815	Chapel Hill Academy	10/28/22	\$0
39	CR22-029	070-910	Palmer ISD	10/28/22	\$0
40	CR22-032	177-901	Roscoe Collegiate ISD	11/18/22	\$0
41	CR22-014	110-902	Levelland ISD	11/18/22	\$0
42	CR22-022	234-903	Edgewood ISD	11/18/22	\$0
43	CR22-023	127-903	Hamlin Collegiate ISD	11/18/22	\$0
44	DA22-071	098-903	Pringle-Morse CISD	11/18/22	\$0

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
45	DA22-070	091-907	Tioga ISD	11/18/22	\$0
46	CR22-048	149-901	George West ISD	11/18/22	\$0
47	CR22-001	183-901	Beckville ISD	11/18/22	\$0
48	CR22-036	101-859	STEP Charter School	11/18/22	\$0
49	CR22-039	226-905	Water Valley ISD	11/18/22	\$0
50	CR22-015	186-902	Fort Stockton ISD	11/18/22	\$0
51	DA22-063	070-905	Ferris ISD	12/9/22	\$0
52	DA22-073	227-826	Montessori For All	12/9/22	\$0
53	DA22-060	187-901	Big Sandy ISD	12/9/22	\$0
54	DA22-050	041-902	Robert Lee ISD	12/9/22	\$0
55	CR22-011	067-907	Ranger ISD	12/30/22	\$0
56	DA21-028	243-905	Wichita Falls ISD	12/30/22	(\$126,261)
57	CR22-033	245-904	San Perlita ISD	1/6/23	\$0
58	DA22-072	108-809	Excellence in Leadership Academy	1/6/23	\$0
59	CR22-044	091-910	Whitewright ISD	2/10/23	\$0
60	CR22-035	218-901	Sonora ISD	2/10/23	\$0
61	CR22-025	245-901	Lasara ISD	2/10/23	\$0
62	DA22-049	001-907	Palestine ISD	2/10/23	(\$1,697)
63	DA22-058	227-804	NYOS Charter School	2/10/23	(\$2,236)
64	DA22-055	057-848	International Leadership of Texas	2/10/23	(\$283)
65	DA22-062	129-905	Mabank ISD	2/10/23	(\$5,123)
66	DA22-035	031-903	Harlingen CISD	2/10/23	(\$601)
67	DA22-066	074-903	Bonham ISD	2/10/23	(\$167)
68	DA22-047	181-907	Vidor ISD	2/10/23	(\$10,876)
69	DA22-069	061-802	North Texas Collegiate Academy	2/10/23	\$0
70	CR22-010	072-801	Premier High Schools	2/10/23	\$0
71	DA22-076	020-908	Pearland ISD	2/10/23	(\$1,739)
72	DA22-041	174-904	Nacogdoches ISD	2/17/23	(\$2,774)
73	DA22-044	236-902	Huntsville ISD	2/17/23	(\$2,914)
74	DA22-048	057-813	Trinity Basin Preparatory	2/17/23	(\$7,666)
75	DA22-039	020-901	Alvin ISD	3/10/23	(\$16,057)
76	DA22-051	116-908	Quinlan ISD	3/10/23	(\$172)
77	DA22-067	243-902	Electra ISD	3/10/23	(\$4,696)
78	CR22-028	201-908	Overton ISD	3/10/23	\$0
79	DA22-030	021-902	Bryan ISD	3/10/23	(\$343)
80	DA22-005	101-902	Aldine ISD	3/10/23	(\$9,158)
81	DA22-061	123-907	Port Arthur ISD	3/17/23	(\$16,200)
82	DA22-065	163-901	Devine ISD	3/17/23	(\$3,607)
83	DA22-038	246-913	Leander ISD	3/17/23	(\$4,930)
84	DA22-001	057-905	Dallas ISD	3/31/23	(\$40,736)
85	DA22-068	034-901	Atlanta ISD	4/7/23	\$0
86	DA22-045	066-902	San Diego ISD	4/7/23	(\$8,905)
87	DA22-031	057-803	Uplift Education	4/7/23	(\$12,484)
88	DA22-042	043-914	Wylie ISD	4/7/23	(\$1,249)

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
89	DA22-032	108-908	Mission CISD	4/7/23	(\$1,631)
90	DA22-004	071-902	El Paso ISD	4/21/23	(\$49,463)
91	DA22-075	250-903	Mineola ISD	4/21/23	\$0
92	DA22-074	236-901	New Waverly ISD	4/21/23	\$0
93	DA22-013	057-804	Texans Can Academies	4/21/23	(\$30,312)
94	DA22-046	145-901	Buffalo ISD	4/21/23	\$0
95	DA22-008	071-909	Socorro ISD	4/21/23	(\$5,318)
96	DA22-064	243-901	Burkburnett ISD	4/21/23	(\$13,268)
97	DA22-040	152-803	Triumph Public High Schools-Lubbock	4/21/23	(\$4,551)
98	DA22-016	031-901	Brownsville ISD	5/12/23	(\$23,599)
99	DA22-026	061-902	Lewisville ISD	5/12/23	(\$1,755)
100	DA22-053	126-904	Grandview ISD	5/12/23	(\$13,530)
101	DA22-010	240-903	United ISD	5/12/23	(\$214)
102	DA22-003	015-915	Northside ISD	5/19/23	(\$185,020)
103	DA22-056	057-913	Lancaster ISD	5/19/23	(\$2,428)
104	DA22-021	152-901	Lubbock ISD	5/19/23	(\$1,812)
105	DA22-029	170-902	Conroe ISD	5/19/23	(\$4,775)
106	DA22-036	226-903	San Angelo ISD	6/2/23	(\$3,612)
107	DA22-014	015-907	San Antonio ISD	6/2/23	(\$12,375)
108	DA22-034	220-902	Birdville ISD	6/16/23	(\$31,220)
109	DA22-024	043-910	Plano ISD	6/16/23	(\$9,465)
110	DA22-011	068-901	Ector County ISD	6/16/23	\$5,775
111	DA22-037	235-902	Victoria ISD	7/21/23	(\$6,370)
112	DA22-059	014-908	Salado ISD	7/21/23	\$0
113	DA22-012	227-901	Austin ISD	7/21/23	(\$30,953)
114	DA22-002	220-905	Fort Worth ISD	7/21/23	(\$15,221)
115	DA22-019	015-910	North East ISD	7/21/23	(\$11,481)
116	CA23-001	101-903	Alief ISD	7/21/23	\$0
117	DA22-025	057-912	Irving ISD	7/21/23	(\$7,254)
118	CA23-002	021-902	Bryan ISD	7/21/23	\$0
119	CA23-003	116-903	Commerce ISD	7/21/23	\$0
120	CA23-004	084-901	Dickinson ISD	8/11/23	\$0
121	CA23-008	101-910	Galena Park ISD	8/11/23	\$0
122	DA23-073	050-902	Gatesville ISD	8/11/23	\$0
123	CA23-013	220-908	Mansfield ISD	8/11/23	\$0
124	DA22-028	188-901	Amarillo ISD	8/11/23	(\$16,009)
125	DA22-022	220-907	Keller ISD	8/11/23	(\$232,013)
126	DA22-017	108-912	La Joya ISD	8/11/23	(\$15,869)
127	CA23-018	246-909	Round Rock ISD	8/11/23	\$0
128	CA23-009	003-902	Hudson ISD	8/25/23	\$0
129	CA23-006	066-903	Freer ISD	8/25/23	\$0
<b>Total</b>		<b>129</b>	<b>Student Attendance Reviews Completed</b>		<b>\$ (1,008,049)</b>

<b>Item No.</b>	<b>Review No.</b>	<b>County District Number</b>	<b>District Name</b>
1	DA22-006	246-909	Round Rock ISD
2	DA22-007	227-825	Austin Achieve Public Schools
3	DA22-009	057-914	Mesquite ISD
4	DA22-015	014-801	Richard Milburn Alternative High School (Killeen)
5	DA22-018	057-909	Garland ISD
6	DA22-020	108-904	Edinburg CISD
7	DA22-027	057-916	Richardson ISD
8	DA22-043	149-902	Three Rivers ISD
9	DA22-054	015-822	Jubilee Academies
10	DA22-057	021-803	Brazos School for Inquiry & Creativity
11	DA23-067	190-903	Rains ISD
12	DA23-075	125-903	Orange Grove ISD
<hr/>			
<b>Total</b>		<b>12</b>	<b>Student Attendance Reviews -- In Progress</b>

Item No.	Review No.	County District Number	District Name	Final Mailed	Final Adjustment
1	CC21-017	101-870	Beta Academy	9/2/2022	\$ (2,775)
2	CC22-002	020-907	Columbia-Brazoria ISD	9/16/2022	\$ -
3	CC21-015	240-901	Laredo ISD	10/7/2022	\$ (34,728)
4	CC21-011	108-902	Donna ISD	10/22/2022	\$ -
5	CC22-001	125-901	Alice ISD	12/30/2022	\$ (43)
6	CC21-009	178-909	Robstown ISD	2/10/2023	\$ (58,643)
7	CC23-001	089-901	Gonzales ISD	2/10/2023	\$ -
8	CC21-016	156-902	Stanton ISD	5/12/2023	\$ (14,556)
9	CC23-003	092-903	Longview ISD	6/9/2023	\$ -
10	CC23-002	108-807	IDEA Public Schools	8/11/2023	\$ (10,701)
<b>Total</b>		<b>10</b>	<b>Student Attendance Complaint Investigations Completed</b>		<b>\$ (121,446)</b>

<b>Item No.</b>	<b>Review No.</b>	<b>County District Number</b>	<b>District Name</b>	<b>Final Mailed</b>	<b>Final Adjustment</b>
1	CO23-001	068-803	UTPB STEM Academy	3/10/23	(\$2,424)
2	CO23-002	170-801	Texas Serenity Academy	7/21/23	\$0
3	CO23-004	161-801	Waco Charter School	7/21/23	\$0
4	CO23-005	220-819	High Point Academy	7/21/23	\$0
5	CO23-003	057-805	Lumin Education	7/21/23	\$0
<b>Total</b>		<b>5</b>	<b>Student Attendance Charter School Close Outs Completed</b>		<b>\$ (2,424)</b>

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	064-903	Carrizo Springs Cons ISD
2	124-901	Jim Hogg ISD
3	128-901	Karnes ISD
4	031-914	Santa Rosa ISD
5	091-907	Tioga ISD
6	125-902	Ben Bolt-Palito Blanco ISD
7	015-809	Bexar County Academy
8	048-903	Paint Rock ISD
9	043-910	Plano ISD
10	071-902	El Paso ISD
11	235-901	Bloomington ISD
12	109-914	Penelope ISD
13	031-905	La Feria ISD
14	057-906	DeSoto ISD
15	117-904	Plemons-Stinnet-Phillips CISD
16	015-835	Great Hearts Texas
17	055-901	Culberson County-Allamoore ISD
18	244-903	Vernon ISD
19	250-903	Mineola ISD
20	057-810	Academy of Dallas
21	056-901	Dalhart ISD
22	071-906	Anthony ISD
23	101-924	Sheldon ISD
24	108-916	Valley View ISD
25	170-903	Montgomery ISD
26	031-911	Rio Hondo ISD
27	066-902	San Diego ISD
28	108-903	Edcouch-Elsa ISD
29	245-902	Lyford CISD
30	041-902	Robert Lee ISD
<b>Total</b>	<b>30</b>	<b>Fiscal Management Reviews Completed</b>



<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	062-903	Yoakum ISD
2	031-912	San Benito CISD
3	217-901	Aspermont ISD
4	015-917	Southside ISD
5	142-901	Cotulla ISD
<b>Total</b>	<b>5</b>	<b>Fiscal Management Reviews--In Progress</b>

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>	<b>Review Date</b>	<b>Statutory Adjustment</b>
1	214-901	Rio Grande City CISD	1/23/2023	\$0.00
2	117-907	Spring Creek ISD	1/23/2023	\$0.00
3	120-902	Ganado ISD	1/23/2023	\$0.00
4	158-901	Bay City ISD	1/23/2023	\$0.00
5	240-904	Webb Consolidated ISD	2/14/2023	\$0.00
6	094-904	Marion ISD	2/14/2023	\$0.00
7	243-905	Wichita Falls ISD	2/14/2023	\$0.00
8	026-902	Somerville ISD	2/14/2023	\$0.00
<b>Total</b>				
<b>8</b>	<b>Superintendent's Severance Reviews Completed</b>			<b>\$ -</b>

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	089-901	Gonzales ISD
2	220-905	Fort Worth ISD
3	126-905	Joshua ISD
4	247-904	Poth ISD
5	040-902	Whiteface Consolidated ISD
6	232-903	Uvalde Consolidated ISD
7	015-916	Judson ISD
8	108-909	Pharr-San Juan-Alamo ISD
9	108-903	Edcouch-Elsa ISD
10	015-909	Somerset ISD
11	024-901	Brooks County ISD
12	163-903	Natalia ISD
13	039-902	Henrietta ISD
14	110-901	Anton ISD
15	240-904	Webb Consolidated ISD
16	130-901	Boerne ISD
17	220-901	Arlington ISD
18	227-827	The Excel Center for Adults
19	101-912	Houston ISD
20	120-902	Ganado ISD
21	205-903	Ingleside ISD
22	036-901	Anahuac ISD
23	208-903	Ira ISD
<b>Total</b>	<b>23</b>	<b>Superintendent's Severance Reviews -- In Progress</b>

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>	<b>Review Date</b>
1	84910	Clear Creek ISD	9/8/2022
2	119902	Jacksboro ISD	9/8/2022
3	101914	Katy ISD	9/12/2022
4	84802	Odyssey Academy	9/12/2022
5	199902	Royse City ISD	9/12/2022
6	19907	Texarkana ISD	9/12/2022
7	212910	Winona ISD	9/12/2022
8	49901	Gainesville ISD	9/26/2022
9	43910	Plano ISD	9/27/2022
10	43901	Allen ISD	10/3/2022
11	71907	Canutillo ISD	10/3/2022
12	11902	Elgin ISD	10/3/2022
13	86901	Fredericksburg ISD	10/3/2022
14	137901	Kingsville ISD	10/3/2022
15	15908	South San Antonio ISD	10/3/2022
16	201910	Tatum ISD	10/3/2022
17	143901	Hallettsville ISD	10/5/2022
18	31901	Brownsville ISD	10/7/2022
19	15904	Harlandale ISD	10/7/2022
20	105906	Hays CISD	10/7/2022
21	61914	Little Elm ISD	10/7/2022
22	170906	Magnolia ISD	10/7/2022
23	46901	New Braunfels ISD	10/7/2022
24	101907	Cypress-Fairbanks ISD	10/10/2022
25	101912	Houston ISD	10/10/2022
26	170903	Montgomery ISD	10/10/2022
27	15910	Northeast ISD	10/10/2022
28	170902	Conroe ISD	10/17/2022
29	57905	Dallas ISD	10/18/2022
30	140904	Littlefield ISD	10/18/2022
31	101920	Spring Branch ISD	10/19/2022
32	108910	Progreso ISD	12/21/2022
33	101903	Alief ISD	5/25/2023
34	14906	Killeen ISD	5/30/2023
35	101917	Pasadena ISD	6/26/2023
36	240903	United ISD	7/26/2023
37	121904	Jasper ISD	8/29/2023
<b>Total</b>	<b>37</b>	<b>SHARS Audit Reviews (onsite/desk) -COMPLETED</b>	

<b>Item No.</b>	<b>County District Number</b>	<b>District Name</b>
1	221901	Abilene ISD
2	188901	Amarillo ISD
3	20902	Angleton ISD
4	220915	Azle ISD
5	11901	Bastop ISD
6	14903	Belton ISD
7	220902	Birdville ISD
8	130901	Boerne ISD
9	57904	Cedar Hill ISD
10	92902	Kilgore ISD
11	19908	Liberty-Eylau ISD
12	100904	Silsbee ISD
<b>Total</b>	<b>12</b>	<b>SHARS Audit Reviews (onsite/desk) -In Progress</b>

<b>County District</b>		
<b>Item No.</b>	<b>Number</b>	<b>District Name</b>
1	215-901	Breckenridge Independent School District
2	119-901	Bryson Independent School District
3	174-901	Chireno Independent School District
4	229-901	Colmesneil Independent School District
5	070-901	Avalon Independent School District
6	234-902	Canton Independent School District
7	072-902	Dublin Independent School District
8	241-902	East Bernard Independent School District
9	241-903	El Campo Independent School District
10	071-903	Fabens Independent School District
11	049-901	Gainesville Independent School District
12	120-902	Ganado Independent School District
13	174-903	Garrison Independent School District
14	033-901	Groom Independent School District
15	059-901	Hereford Independent School District
16	034-903	Hughes Springs Independent School District
17	205-903	Ingleside Independent School District
18	201-907	Mount Enterprise Independent School District
19	009-901	Muleshoe Independent School District
20	043-911	Princeton Independent School District
21	116-908	Quinlan Independent School District
22	019-909	Simms Independent School District
23	001-909	Slocum Independent School District
24	229-905	Spurger Independent School District
25	019-907	Texarkana Independent School District
<b>Total</b>	<b>25</b>	<b>HB1525 Tax Rate Compliance - Preliminary Review</b>

<b>County District</b>		
<b>Item No.</b>	<b>Number</b>	<b>District Name</b>
1	215-901	Breckenridge Independent School District
2	119-901	Bryson Independent School District
3	174-901	Chireno Independent School District
4	229-901	Colmesneil Independent School District
5	241-903	El Campo Independent School District
6	049-901	Gainesville Independent School District
7	174-903	Garrison Independent School District
8	034-903	Hughes Springs Independent School District
9	201-907	Mount Enterprise Independent School District
10	009-901	Muleshoe Independent School District
11	019-909	Simms Independent School District
12	001-909	Slocum Independent School District
13	229-905	Spurger Independent School District
<b>Total</b>	<b>13</b>	<b>HB1525 Tax Rate Compliance - In Progress</b>

Item No.	Activities	Counts
1	New Charter School First Year Visits	4
2	Responses to TEA's Q&A Mailboxes (School audits, financial accountability, and Attendance)	1100+
3	CPA Workpaper Reviews	0
4	Review of Annual Financial and Compliance Reports	754
5	School First Ratings for FYE 2022	1199
6	Presentations and Trainings throughout Texas covering FASRG, SAAH, SHARS, Comp Ed etc.	70+
7	Financial Exigency Reviewed	1
8	Fiscal Year Changes	11
9	New Charters Schools Applications Reviewed	8
10	State Allotment Monitoring Program Compliance	467
11	Depository Contracts and/or Extensions Reviews	184



**STATUTORY AUTHORITY REFERENCE SECTION:**

TEXAS CONSTITUTION ARTICLE VII

TEXAS EDUCATION CODE (TEC)

TEXAS GOVERNMENT CODE (TGC)

TEXAS OCCUPATIONS CODE (TOC)

NATURAL RESOURCES CODE (NRC)

THE TEXAS CONSTITUTION  
ARTICLE 7. EDUCATION  
SECTION 5

**Sec. 5. PERMANENT SCHOOL FUND AND AVAILABLE SCHOOL FUND: COMPOSITION, MANAGEMENT, USE, AND DISTRIBUTION.**

- (a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:
- (1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:
- (A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or
- (B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and
- (2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.
- (b) The expenses of managing permanent school fund land and investments shall be paid by appropriation from the permanent school fund.
- (c) The available school fund shall be applied annually to the support of the public free schools. Except as provided by this section, the legislature may not enact a law appropriating any part of the permanent school fund or available school fund to any other purpose. The permanent school fund and the available school fund may not be appropriated to or used for the support of any sectarian school. The available school fund shall be distributed to the several counties according to their scholastic population and applied in the manner provided by law.

- (d) The legislature by law may provide for using the permanent school fund to guarantee bonds issued by school districts or by the state for the purpose of making loans to or purchasing the bonds of school districts for the purpose of acquisition, construction, or improvement of instructional facilities including all furnishings thereto. If any payment is required to be made by the permanent school fund as a result of its guarantee of bonds issued by the state, an amount equal to this payment shall be immediately paid by the state from the treasury to the permanent school fund. An amount owed by the state to the permanent school fund under this section shall be a general obligation of the state until paid. The amount of bonds authorized hereunder shall not exceed \$750 million or a higher amount authorized by a two-thirds record vote of both houses of the legislature. If the proceeds of bonds issued by the state are used to provide a loan to a school district and the district becomes delinquent on the loan payments, the amount of the delinquent payments shall be offset against state aid to which the district is otherwise entitled.
- (e) The legislature may appropriate part of the available school fund for administration of a bond guarantee program established under this section.
- (f) Notwithstanding any other provision of this constitution, in managing the assets of the permanent school fund, the State Board of Education may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Article XVI, Section [70](#), of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- (g) Notwithstanding any other provision of this constitution or of a statute, the State Board of Education, the General Land Office, or another entity that has responsibility for the management of revenues derived from permanent school fund land or other properties may, in its sole discretion and in addition to other distributions authorized under this constitution or a statute, distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$600 million by each entity each year.

(Amended Aug. 11, 1891, and Nov. 3, 1964; Subsec. (a) amended and (b) and (c) added Nov. 8, 1983; Subsec. (d) added Nov. 8, 1988; Subsec. (b) amended Nov. 7, 1989; Subsec. (a) amended, a new (b) added, a portion of (a) redesignated as (c), former (b) and (c) amended, former (b)-(d) redesignated as (d)-(f), and (g) and (h) added Sept. 13, 2003; former Subsec. (g) and Subsec. (h) expired Dec. 1, 2006; Subsec. (a) amended and current Subsec. (g) added Nov. 8, 2011; Subsec. (g) amended Nov. 5, 2019.)

TEXAS EDUCATION CODE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER D. STATE BOARD OF EDUCATION

**TEC, §7.102. STATE BOARD OF EDUCATION POWERS AND DUTIES.**

- (a) The board may perform only those duties relating to school districts or regional education service centers assigned to the board by the constitution of this state or by this subchapter or another provision of this code.
- (b) The board has the powers and duties provided by Subsection (c), which shall be carried out with the advice and assistance of the commissioner.
  - (c)(1) The board shall develop and update a long-range plan for public education.
  - (2) The board may enter into contracts relating to or accept grants for the improvement of educational programs specifically authorized by statute.
  - (3) The board may accept a gift, donation, or other contribution on behalf of the public school system or agency and, unless otherwise specified by the donor, may use the contribution in the manner the board determines.
  - (4) The board shall establish curriculum and graduation requirements.
  - (5) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.
  - (6) The board may create special-purpose school districts under Chapter [11](#).
  - (7) The board shall provide for a training course for school district trustees under Section [11.159](#).
  - (8) The board shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter as required by Subchapter [B](#), Chapter [12](#), and may place on probation or revoke a home-rule school district charter as provided by that subchapter.
  - (9) Repealed by Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.
  - (10) The board shall adopt rules establishing criteria for certifying hearing examiners as provided by Section [21.252](#).
  - (11) The board shall adopt rules to carry out the curriculum required or authorized under Section [28.002](#).
  - (12) The board shall establish guidelines for credit by examination under Section [28.023](#).
  - (13) The board shall adopt transcript forms and standards for differentiating high school programs for purposes of reporting academic achievement under Section [28.025](#).
  - (14) The board shall adopt guidelines for determining financial need for purposes of the Texas Advanced Placement Incentive Program under Subchapter [C](#), Chapter [28](#), and may approve payments as provided by that subchapter.
  - (15) The board shall adopt criteria for identifying gifted and talented students and shall develop and update a state plan for the education of gifted and talented students as required under Subchapter [D](#), Chapter [29](#).
  - (16) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 73, Sec. 2.06(a)(1), eff. September 1, 2013.
  - (17) The board shall adopt rules relating to community education development projects as required under Section [29.257](#).
  - (18) The board may approve the plan to be developed and implemented by the commissioner for the coordination of services to children with disabilities as required under Section [30.001](#).
  - (19) The board shall establish a date by which each school district and state institution shall provide to the commissioner the necessary information to determine the district's share of the cost of the education of a student enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as required under Section [30.003](#) and may adopt other rules concerning funding of the education of students enrolled in the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf as authorized under Section [30.003](#).
  - (20) The board shall adopt rules prescribing the form and content of information school districts are required to provide concerning programs offered by state institutions as required under Section [30.004](#).
  - (21) The board shall adopt rules concerning admission of students to the Texas School for the Deaf as required under Section [30.057](#).
  - (22) The board shall carry out powers and duties related to regional day school programs for the deaf as provided under Subchapter [D](#), Chapter [30](#).

- (23) The board shall adopt and purchase or license instructional materials as provided by Chapter [31](#) and adopt rules required by that chapter.
  - (24) The board shall develop and update a long-range plan concerning technology in the public school system as required under Section [32.001](#) and shall adopt rules and policies concerning technology in public schools as provided by Chapter [32](#).
  - (25) The board shall conduct feasibility studies related to the telecommunications capabilities of school districts and regional education service centers as provided by Section [32.033](#).
  - (26) The board shall appoint a board of directors of the center for educational technology under Section [32.034](#).
  - (27) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.
  - (28) The board shall approve a program for testing students for dyslexia and related disorders as provided by Section [38.003](#). The program may not include a distinction between standard protocol dyslexia instruction, as defined by the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as updated in 2021 and adopted by the State Board of Education, and its subsequent amendments, and other types of direct dyslexia instruction, including specially designed instruction.
  - (29) The board shall perform duties in connection with the public school accountability system as prescribed by Chapters [39](#) and [39A](#).
  - (30) The board shall perform duties in connection with the Foundation School Program as prescribed by Chapter [48](#).
  - (31) The board may invest the permanent school fund within the limits of the authority granted by Section [5](#), Article VII, Texas Constitution, and Chapter 43.
  - (32) The board shall adopt rules concerning school district budgets and audits of school district fiscal accounts as required under Subchapter [A](#), Chapter [44](#).
  - (33) The board shall adopt an annual report on the status of the guaranteed bond program and may adopt rules as necessary for the administration of the program as provided under Subchapter [C](#), Chapter [45](#).
  - (34) The board shall prescribe uniform bid blanks for school districts to use in selecting a depository bank as required under Section [45.206](#).
- (d) The board may adopt rules relating to school districts or regional education service centers only as required to carry out the specific duties assigned to the board by the constitution or under Subsection (c).
  - (e) An action of the board to adopt a rule under this section is effective only if the board includes in the rule's preamble a statement of the specific authority under Subsection (c) to adopt the rule.
  - (f) Except as otherwise provided by this subsection, a rule adopted by the board under this section does not take effect until the beginning of the school year that begins at least 90 days after the date on which the rule was adopted. The rule takes effect earlier if the rule's preamble specifies an earlier effective date and the reason for that earlier date and:
    - (1) the earlier effective date is a requirement of:
      - (A) a federal law; or
      - (B) a state law that specifically refers to this section and expressly requires the adoption of an earlier effective date; or
    - (2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 6.01, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 268, Sec. 2, eff. May 26, 1997; Acts 1999, 76th Leg., ch. 1482, Sec. 1, eff. June 19, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 4.001(b), eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 4, eff. July 19, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 73 (S.B. [307](#)), Sec. 2.06(a)(1), eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.003(4), eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 439 (S.B. [1376](#)), Sec. 4.01(a)(1), eff. June 4, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 3.003, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(1), eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 2, eff. June 10, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE B. STATE AND REGIONAL ORGANIZATION AND GOVERNANCE  
CHAPTER 7. STATE ORGANIZATION  
SUBCHAPTER D. STATE BOARD OF EDUCATION

**TEC, §7.109. DESIGNATION AS STATE BOARD FOR CAREER AND TECHNOLOGY EDUCATION.**

- (a) The board is also the State Board for Career and Technology Education.
- (b) The commissioner is the executive officer through whom the State Board for Career and Technology Education shall carry out its policies and enforce its rules.
- (c) The State Board for Career and Technology Education may contract with the Texas Higher Education Coordinating Board or any other state agency to assume the leadership role and administrative responsibility of the State Board for Career and Technology Education for state level administration of technical-vocational education programs in public community colleges, public technical institutes, and other eligible public postsecondary institutions in this state.
- (d) The State Board for Career and Technology Education may allocate funds appropriated to the board by the legislature or federal funds received by the board under the Carl D. Perkins Vocational Education Act (20 U.S.C. Section 2301 et seq.) or other federal law to an institution or program approved by the State Board of Education, the Texas Higher Education Coordinating Board, or another state agency specified by law.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER D. POWERS AND DUTIES OF BOARD OF TRUSTEES OF  
INDEPENDENT SCHOOL DISTRICT

**TEC, §11.159. MEMBER TRAINING AND ORIENTATION.**

- (a) The State Board of Education shall provide a training course for independent school district trustees to be offered by the regional education service centers. Registration for a course must be open to any interested person, including current and prospective board members, and the state board may prescribe a registration fee designed to offset the costs of providing that course.
- (b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (b-1) The State Board of Education shall require a trustee to complete training on school safety. The state board, in coordination with the Texas School Safety Center, shall develop the curriculum and materials for the training.
- (c) The State Board of Education shall require a trustee to complete every two years at least:
  - (1) three hours of training on evaluating student academic performance; and
  - (2) one hour of training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.
- (c-1) The training required by Subsection (c)(1) must be research-based and designed to support the oversight role of the board of trustees under Section [11.1515](#).
- (c-2) A candidate for trustee may complete the training required by Subsection (c) up to one year before the candidate is elected. A new trustee shall complete the training within 120 days after the date of the trustee's election or appointment. A returning trustee shall complete the training by the second anniversary of the completion of the trustee's previous training.
- (d) A trustee or candidate for trustee may complete training required under Subsection (c) at a regional education service center or through another authorized provider. A provider must certify the completion of the training by a trustee or candidate.



(e) For purposes of this section, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1244 (H.B. [2563](#)), Sec. 5, eff. September 1, 2007.

Acts 2017, 85th Leg., R.S., Ch. 925 (S.B. [1566](#)), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 313 (H.B. [690](#)), Sec. 1, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 11. SCHOOL DISTRICTS  
SUBCHAPTER H. SPECIAL-PURPOSE SCHOOL DISTRICTS

**TEC, §11.352. GOVERNANCE OF SPECIAL-PURPOSE DISTRICT.**

- (a) The State Board of Education shall appoint for each district established under Section [11.351](#) a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is not required to be a resident of the district.
- (b) For each military reservation school district, the State Board of Education may appoint a board of three or five trustees. Enlisted military personnel and military officers may be appointed to the school board. A majority of the trustees appointed for the district must be civilians and all may be civilians. The trustees shall be selected from a list of persons who are qualified to serve as members of a school district board of trustees under Section [11.061](#) and who live on or are employed on the military reservation. A person who retires from active duty or civilian service while serving a term as a member of the board of trustees may continue to serve for the remainder of that person's term. The list shall be furnished to the board by the commanding officer of the military reservation. The trustees appointed serve terms of two years.
- (c) The State Board of Education shall adopt rules for the governance of a special-purpose district. In the absence of a rule adopted under this subsection, the laws applicable to independent school districts apply to a special-purpose district.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 982, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 676 (S.B. [144](#)), Sec. 1, eff. June 17, 2005.

Acts 2023, 88th Leg., R.S., Ch. 759 (H.B. [4210](#)), Sec. 1, eff. September 1, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 12. CHARTERS  
SUBCHAPTER B. HOME-RULE SCHOOL DISTRICT CHARTER

**TEC, §12.028. PROCEDURE FOR PLACEMENT ON PROBATION OR REVOCATION.**

- (a) The State Board of Education by rule shall adopt a procedure to be used for placing on probation or revoking a home-rule school district charter.
- (b) The procedure adopted under Subsection (a) must provide an opportunity for a hearing to the district and to parents of district students. A hearing under this subsection must be held in the district.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE C. LOCAL ORGANIZATION AND GOVERNANCE  
CHAPTER 12. CHARTERS  
SUBCHAPTER D. OPEN-ENROLLMENT CHARTER SCHOOL

**TEC, §12.101. AUTHORIZATION.**

- (a) In accordance with this subchapter, the commissioner may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:
- (1) an institution of higher education as defined under Section [61.003](#);
  - (2) a private or independent institution of higher education as defined under Section [61.003](#);
  - (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
  - (4) a governmental entity.
- (b) After thoroughly investigating and evaluating an applicant, the commissioner, in coordination with a member of the State Board of Education designated for the purpose by the chair of the board, may grant a charter for an open-enrollment charter school only to an applicant that meets any financial, governing, educational, and operational standards adopted by the commissioner under this subchapter, that the commissioner determines is capable of carrying out the responsibilities provided by the charter and likely to operate a school of high quality, and that:
- (1) has not within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned; or
  - (2) is not, under rules adopted by the commissioner, considered to be a corporate affiliate of or substantially related to an entity that has within the preceding 10 years had a charter under this chapter or a similar charter issued under the laws of another state surrendered under a settlement agreement, revoked, denied renewal, or returned.
- (b-0) The commissioner shall notify the State Board of Education of each charter the commissioner proposes to grant under this subchapter. Unless, before the 90th day after the date on which the board receives the notice from the commissioner, a majority of the members of the board present and voting vote against the grant of that charter, the commissioner's proposal to grant the charter takes effect. The board may not deliberate or vote on any grant of a charter that is not proposed by the commissioner.
- (b-1) In granting charters for open-enrollment charter schools, the commissioner may not grant a total of more than:
- (1) 215 charters through the fiscal year ending August 31, 2014;
  - (2) 225 charters beginning September 1, 2014;
  - (3) 240 charters beginning September 1, 2015;
  - (4) 255 charters beginning September 1, 2016;

- (5) 270 charters beginning September 1, 2017; and
- (6) 285 charters beginning September 1, 2018.
- (b-2) Beginning September 1, 2019, the total number of charters for open-enrollment charter schools that may be granted is 305 charters.
- (b-3) The commissioner may not grant more than one charter for an open-enrollment charter school to any charter holder. The commissioner may consolidate charters for an open-enrollment charter school held by multiple charter holders into a single charter held by a single charter holder with the written consent to the terms of consolidation by or at the request of each charter holder affected by the consolidation.
- (b-4) Notwithstanding Section [12.114](#), approval of the commissioner under that section is not required for establishment of a new open-enrollment charter school campus if the requirements of this subsection are satisfied. A charter holder having an accreditation status of accredited and at least 50 percent of its student population in grades assessed under Subchapter [B](#), Chapter [39](#), or at least 50 percent of the students in the grades assessed having been enrolled in the school for at least three school years may establish one or more new campuses under an existing charter held by the charter holder if:
  - (1) the charter holder is currently evaluated under the standard accountability procedures for evaluation under Chapter [39](#) and received a district rating in the highest or second highest performance rating category under Subchapter [C](#), Chapter [39](#), for three of the last five years with at least 75 percent of the campuses rated under the charter also receiving a rating in the highest or second highest performance rating category and with no campus with a rating in the lowest performance rating category in the most recent ratings;
  - (2) the charter holder provides written notice to the commissioner of the establishment of any campus under this subsection in the time, manner, and form provided by rule of the commissioner; and
  - (3) not later than the 60th day after the date the charter holder provides written notice under Subdivision (2), the commissioner does not provide written notice to the charter holder that the commissioner has determined that the charter holder does not satisfy the requirements of this section.
- (b-5) The initial term of a charter granted under this section is five years.
- (b-6) The commissioner shall adopt rules to modify criteria for granting a charter for an open-enrollment charter school under this section to the extent necessary to address changes in performance rating categories or in the financial accountability system under Chapter [39](#).
- (b-7) A charter granted under this section for a dropout recovery school is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by this section. For purposes of this subsection, an open-enrollment charter school is considered to be a dropout recovery school if the school meets the criteria for designation as a dropout recovery school under Section [12.1141\(c\)](#).
- (b-8) In adopting any financial standards under this subchapter that an applicant for a charter for an open-enrollment charter school must meet, the commissioner shall not:
  - (1) exclude any loan or line of credit in determining an applicant's available funding; or
  - (2) exclude an applicant from the grant of a charter solely because the applicant fails to demonstrate having a certain amount of current assets in cash.

- (b-10) The commissioner by rule shall allow a charter holder to provide written notice of the establishment of a new open-enrollment charter school campus under Subsection (b-4)(2) up to 36 months before the date on which the campus is anticipated to open. Notice provided to the commissioner under this section does not obligate the charter holder to open a new campus.
- (c) If the facility to be used for an open-enrollment charter school is a school district facility, the school must be operated in the facility in accordance with the terms established by the board of trustees or other governing body of the district in an agreement governing the relationship between the school and the district.
- (d) An educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 1504, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 193, Sec. 1, eff. June 2, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1140 (S.B. [2](#)), Sec. 9, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1046 (H.B. [1842](#)), Sec. 3(a), eff. June 19, 2015.

Acts 2019, 86th Leg., R.S., Ch. 597 (S.B. [668](#)), Sec. 2.01, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 706 (H.B. [2102](#)), Sec. 1, eff. September 1, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE D. EDUCATORS AND SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS  
CHAPTER 21. EDUCATORS  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §21.003. CERTIFICATION REQUIRED.**

- (a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.
- (b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.
- (c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section 7.056. A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

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**TEC, §21.0031. FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID.**

- (a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:
  - (1) does not hold a valid certificate or permit issued by the State Board for Educator Certification;
  - (2) fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Subchapter B; or
  - (3) fails to comply with any requirement under Subchapter C, Chapter [22](#), if the failure results in suspension or revocation of the employee's certificate under Section [22.0831](#)(f)(2).
- (b) If a school district has knowledge that an employee's contract is void under Subsection (a):
  - (1) the district may, except as provided by Subsection (b-1):
    - (A) terminate the employee;
    - (B) suspend the employee with or without pay; or
    - (C) retain the employee for the remainder of the school year on an at-will employment basis in a position other than a position required to be held by an employee under a contract under Section [21.002](#) at the employee's existing rate of pay or at a reduced rate; and
  - (2) the employee is not entitled to the minimum salary prescribed by Section [21.402](#).
- (b-1) A school district may not terminate or suspend under Subsection (b) an employee whose contract is void under Subsection (a)(1) or (2) because the employee failed to renew or extend the employee's certificate or permit if the employee:
  - (1) requests an extension from the State Board for Educator Certification to renew, extend, or otherwise validate the employee's certificate or permit; and
  - (2) not later than the 10th day after the date the contract is void, takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by the State Board for Educator Certification.
- (c) A school district's decision under Subsection (b) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the decision.
- (d) This section does not affect the rights and remedies of a party in an at-will employment relationship.
- (e) This section does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.
- (f) For purposes of this section, a certificate or permit is not considered to have expired if:
  - (1) the employee has completed the requirements for renewal of the certificate or permit;
  - (2) the employee submitted the request for renewal prior to the expiration date; and
  - (3) the date the certificate or permit would have expired is before the date the State Board for Educator Certification takes action to approve the renewal of the certificate or permit.



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**TEC, §21.031. PURPOSE.**

- (a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
  
- (b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

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**TEC, §21.035. 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; and
  - (3) competence in the use of evidence-based inclusive instructional practices, including:
    - (A) general and special education collaborative and co-teaching models and approaches;
    - (B) multitiered systems of support, including response to intervention strategies, classroom and school level data-based collaborative structures, and evidence-based strategies for intervention and progress monitoring systems in academic areas;
    - (C) classroom management techniques using evidence-based behavioral intervention strategies and supports; and
    - (D) appropriate adaptation strategies, including accommodations, modifications, and instruction in the use of assistive technology for instruction.
- (b) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the

person receive, as part of the training required to obtain that certificate, instruction in detection and education of students with dyslexia.

- (c) The instruction under Subsection (b) must:
  - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
    - (A) employed by institutions of higher education; and
    - (B) approved by the board; and
  - (2) include information on:
    - (A) characteristics of dyslexia;
    - (B) identification of dyslexia; and
    - (C) effective, multisensory strategies for teaching students with dyslexia.
- (c-1) The minimum academic qualifications for a certificate specified under Subsection (a) must require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. The instruction required must:
  - (1) be provided through:
    - (A) a program selected from the list of recommended best practice-based programs and research-based practices established under Section [38.351](#); or
    - (B) a course offered by any accredited public or private postsecondary educational institution as part of a degree program; and
  - (2) include effective strategies, including de-escalation techniques and positive behavioral interventions and supports, for teaching and intervening with students with mental health conditions or who engage in substance abuse.
- (c-2) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in digital learning, virtual learning, and virtual instruction, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:
  - (1) be aligned with the International Society for Technology in Education's standards for teachers;
  - (2) provide effective, evidence-based strategies to determine a person's degree of digital literacy;
  - (3) cover best practices in:
    - (A) assessing students receiving virtual instruction, based on academic progress; and
    - (B) developing a virtual learning curriculum; and
  - (4) include resources to address any deficiencies identified by the digital literacy evaluation.
- (d) In proposing rules under this section, the board shall specify that to obtain a certificate to teach an "applied STEM course," as that term is defined by Section [28.027](#), at a secondary school, a person must:
  - (1) pass the certification test administered by the recognized national or international business and industry group that created the curriculum the applied STEM course is based on; and
  - (2) have at a minimum:
    - (A) an associate degree from an accredited institution of higher education; and

- (B) three years of work experience in an occupation for which the applied STEM course is intended to prepare the student.
- (e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
  - (1) an associate degree or more advanced degree from an accredited institution of higher education;
  - (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
  - (3) at least two years of wage earning experience utilizing the licensure requirement.
- (f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).
- (f-1) Board rules addressing ongoing educator preparation program support for a candidate seeking certification in a certification class other than classroom teacher may not require that an educator preparation program conduct one or more formal observations of the candidate on the candidate's site in a face-to-face setting. The rules must permit each required formal observation to occur on the candidate's site or through use of electronic transmission or other video-based or technology-based method.
- (g) Each educator preparation program must provide information regarding:
  - (1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students, including students with disabilities, in this state;
  - (2) the effect of supply and demand forces on the educator workforce in this state;
  - (3) the performance over time of the educator preparation program;
  - (4) the importance of building strong classroom management skills;
  - (5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H; and
  - (6) appropriate relationships, boundaries, and communications between educators and students.

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**TEC, §21.052. CERTIFICATION OF EDUCATORS FROM OUTSIDE THE STATE.**

- (a) The board may issue a certificate to an educator who applies for a certificate and:
  - (1) holds:
    - (A) a degree issued by an institution accredited by a regional accrediting agency or group that is recognized by a nationally recognized accreditation board; or
    - (B) a degree issued by an institution located in a foreign country, if the degree is equivalent to a degree described by Paragraph (A);
  - (2) holds an appropriate certificate or other credential issued by another state or country; and
  - (3) performs satisfactorily on:
    - (A) the examination prescribed under Section [21.048](#); or
    - (B) if the educator holds a certificate or other credential issued by another state or country, an examination similar to and at least as rigorous as that described by Paragraph (A) administered to the educator under the authority of that state.
- (a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.
- (b) For purposes of Subsection (a)(2), a person is considered to hold a certificate or other credential if the credential is not valid solely because it has expired.
- (b-1) The board shall propose rules in accordance with Chapter [55](#), Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military spouse, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card.
- (c) The board may issue a temporary certificate under this section to an educator who holds a degree required by Subsection (a)(1) and a certificate or other credential required by Subsection (a)(2) but who has not satisfied the requirements prescribed by Subsection (a)(3). Subject to Subsections (d) and (d-1), the board may specify the term of a temporary certificate issued under this subsection.
- (d) A temporary certificate issued under Subsection (c) to an educator employed by a school district that has constructed or expanded at least one instructional facility as a result of increased student enrollment due to actions taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687) may not expire before the first anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.



- (d-1) A temporary certificate issued under Subsection (c) to an educator who is the spouse of a person who is serving on active duty as a member of the armed forces of the United States may not expire before the third anniversary of the date on which the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform satisfactorily to receive a standard certificate.
- (e) An educator who has submitted all documents required by the board for certification and who receives a temporary certificate as provided by Subsection (c) must perform satisfactorily on the examination prescribed under Section [21.048](#) not later than the first anniversary of the date the board completes the review of the educator's credentials and informs the educator of the examination or examinations under Section [21.048](#) on which the educator must perform successfully to receive a standard certificate.
- (f) The board shall post on the board's Internet website the procedures for obtaining a certificate under Subsection (a) and the notice required under Section [55.010](#), Occupations Code.
- (g) Repealed by Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 12(2), eff. June 12, 2017.
- (h) This subsection applies only to an applicant who holds a certificate or other credential issued by another state in mathematics, science, special education, or bilingual education, or another subject area that the commissioner determines has a shortage of teachers. In any state fiscal year, the board shall accept or reject, not later than the 14th day after the date the board receives the completed application, at least 90 percent of the applications the board receives for a certificate under this subsection, and shall accept or reject all completed applications the board receives under this subsection not later than the 30th day after the date the board receives the completed application. An applicant under this subsection must submit:
  - (1) a letter of good standing from the state in which the teacher is certified on a form determined by the board;
  - (2) information necessary to complete a national criminal history record information review; and
  - (3) an application fee as required by the board.
    - (i) In this section:
      - (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
      - (2) "Armed forces of the United States" means the army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
      - (3) "Military service member" means a person who is on active duty.
      - (4) "Military spouse" means a person who is married to a military service member.
      - (5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

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**TEC, §21.054. CONTINUING EDUCATION.**

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements, including opportunities for educators to receive micro-credentials in fields of study related to the educator's certification class as provided by Subsection (i).
- (a-1) Continuing education requirements for educators must include training regarding educating students with disabilities.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.
- (d) Subject to Subsection (d-2), continuing education requirements for a classroom teacher may not require that more than 25 percent of the training required every five years include instruction regarding:
  - (1) collecting and analyzing information that will improve effectiveness in the classroom;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) digital learning, digital teaching, and integrating technology into classroom instruction;
  - (4) educating diverse student populations, including:
    - (A) students who are educationally disadvantaged; and
    - (B) students at risk of dropping out of school; and
  - (5) understanding appropriate relationships, boundaries, and communications between educators and students.
- (d-1) The instruction required under Subsection (d) may include two or more listed topics together.
- (d-2) Training in a topic of instruction described by Subsection (d) attended by a classroom teacher in excess of an amount of hours equal to 25 percent of the training required of the teacher every five years shall be counted toward the teacher's overall training requirements.
- (e) Continuing education requirements for a principal must provide that not more than 25 percent of the training required every five years include instruction regarding:
  - (1) effective and efficient management, including:
    - (A) collecting and analyzing information;
    - (B) making decisions and managing time; and
    - (C) supervising student discipline and managing behavior;
  - (2) recognizing early warning indicators that a student may be at risk of dropping out of school;
  - (3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;
  - (4) effective implementation of a comprehensive school counseling program under Section [33.005](#);
  - (5) mental health programs addressing a mental health condition;

- (6) educating diverse student populations, including:
  - (A) students who are educationally disadvantaged;
  - (B) emergent bilingual students; and
  - (C) students at risk of dropping out of school; and
- (7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section [21.12](#), Penal Code, or for which reporting is required under Section [21.006](#) of this code.
- (f) Continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction regarding:
  - (1) assisting students in developing high school graduation plans;
  - (2) implementing dropout prevention strategies;
  - (3) informing students concerning:
    - (A) college admissions, including college financial aid resources and application procedures; and
    - (B) career opportunities;
  - (4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and
  - (5) effective implementation of a comprehensive school counseling program under Section [33.005](#).
- (g) The board shall adopt rules that allow an educator to fulfill continuing education requirements by participating in an evidence-based mental health first aid training program or an evidence-based grief-informed and trauma-informed care program. The rules adopted under this subsection must allow an educator to complete a program described by this subsection and receive credit toward continuing education requirements for twice the number of hours of instruction provided under that program, not to exceed 16 hours. The program must be offered through a classroom instruction format that requires in-person attendance.
- (h) Continuing education requirements for a superintendent must include at least 2-1/2 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. For purposes of this subsection, "other maltreatment" has the meaning assigned by Section [42.002](#), Human Resources Code.
- (i) The board shall propose rules establishing a program to issue micro-credentials in fields of study related to an educator's certification class. The agency shall approve continuing education providers to offer micro-credential courses. A micro-credential received by an educator shall be recorded on the agency's Educator Certification Online System (ECOS) and included as part of the educator's public certification records.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 675 (S.B. [143](#)), Sec. 2, eff. June 17, 2005.

Acts 2009, 81st Leg., R.S., Ch. 596 (H.B. [200](#)), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 67(a), eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 635 (S.B. [866](#)), Sec. 2, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 638 (H.B. [642](#)), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1306 (H.B. [3793](#)), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. 21.001(9), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 178 (S.B. [7](#)), Sec. 9, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 522 (S.B. [179](#)), Sec. 8, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 757 (S.B. [1839](#)), Sec. 8, eff. June 12, 2017.

Acts 2019, 86th Leg., R.S., Ch. 214 (H.B. [403](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.04, eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 4, eff. June 6, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1123 (H.B. [2424](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 3, eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(1), eff. June 18, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 24(2), eff. June 18, 2021.

Acts 2023, 88th Leg., R.S., Ch. 518 (H.B. [2929](#)), Sec. 1, eff. June 10, 2023.

Acts 2023, 88th Leg., R.S., Ch. 518 (H.B. [2929](#)), Sec. 2, eff. June 10, 2023.

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SUBCHAPTER F. HEARING BEFORE HEARING EXAMINERS

**TEC, §21.252. CERTIFICATION OF HEARING EXAMINERS.**

- (a) The State Board of Education, in consultation with the State Office of Administrative Hearings, by rule shall establish criteria for the certification of hearing examiners eligible to conduct hearings under this subchapter. A hearing examiner certified under this subchapter must be licensed to practice law in this state.
  
- (b) The commissioner shall certify hearing examiners according to the criteria established under Subsection (a). A person certified as a hearing examiner or the law firm with which the person is associated may not serve as an agent or representative of:
  - (1) a school district;
  - (2) a teacher in any dispute with a school district; or
  - (3) an organization of school employees, school administrators, or school boards.
  
- (c) The commissioner shall set hourly rates of compensation for a hearing examiner and shall set maximum amount of compensation a hearing examiner may receive for a hearing.

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**TEC, §21.0444. TEMPORARY CERTIFICATION FOR CERTAIN MILITARY SERVICE MEMBERS AND FIRST RESPONDERS.**

- (a) In this section, "first responder" means a person elected, employed, or appointed as:
  - (1) a peace officer as defined by Article [2.12](#), Code of Criminal Procedure;
  - (2) fire protection personnel as defined by Section [419.021](#), Government Code; or
  - (3) emergency medical services personnel as defined by Section [773.003](#), Health and Safety Code.
- (b) This section applies to a person seeking certification to teach career and technology education who:
  - (1) has served in the armed forces of the United States and was honorably discharged, retired, or released from active duty; or
  - (2) has served as a first responder and, while in good standing and not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment as a first responder.
- (c) The board shall propose rules under this subchapter providing for the issuance of a temporary certificate to teach career and technology education to a person described by Subsection (b) who meets all other eligibility requirements for standard certification to teach career and technology education, except that the person may substitute for a requirement that the person hold:
  - (1) an associate degree from an accredited institution of higher education, 48 months of active duty military service or service as a first responder; or
  - (2) a bachelor's degree:
    - (A) the military service or service as a first responder described by Subdivision (1); and
    - (B) 60 semester credit hours completed at a public or private institution of higher education with a minimum grade point average of at least 2.50 on a four-point scale.
- (d) Rules proposed by the board for a temporary certificate issued under this section must provide that the certificate is:
  - (1) valid for no more than three years;
  - (2) limited to a one-time issuance; and
  - (3) not subject to renewal.
- (e) A person issued a temporary certificate under this section may be issued a standard certificate if

the person completes all eligibility requirements required for that certification.

- (f) A school district shall require a new employee who holds a temporary certificate issued under this section to obtain at least 20 hours of classroom management training, unless the new employee has documented experience as an instructor or trainer during the employee's required 48 months of active duty military service or service as a first responder.

Added by Acts 2023, 88th Leg., R.S., Ch. 806 (H.B. [621](#)), Sec. 1, eff. September 1, 2023.

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**TEC, §21.458. MENTORS.**

- (a) Except as provided by Subsection (a-2), each school district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:
- (1) to the extent practicable, teach in the same school;
  - (2) to the extent practicable, teach the same subject or grade level, as applicable; and
  - (3) meet the qualifications prescribed by commissioner rules adopted under Subsection (b).
- (a-1) To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years.
- (a-2) A school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under Section [21.0444](#) for at least two school years.
- (b) The commissioner shall adopt rules necessary to administer this section, including rules concerning the duties and qualifications of a teacher who serves as a mentor and the number of classroom teachers that may be assigned to a mentor. The rules concerning qualifications must require that to serve as a mentor a teacher must:
- (1) complete a research-based mentor and induction training program approved by the commissioner;
  - (2) complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the training program described by Subdivision (1);
  - (3) have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and



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- (4) demonstrate interpersonal skills, instructional effectiveness, and leadership skills.
- (b-1) A school district must provide training as described by Subsection (b)(2) to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow a training program approved by the commissioner under Subsection (b)(1) to qualify for the training required by this section. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. The district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices.
- (c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(10), eff. September 1, 2019.
- (d) In adopting rules under this section, the commissioner shall rely on research-based mentoring programs that, through external evaluation, have demonstrated success.
- (e) Each year the commissioner shall report to the legislature regarding the effectiveness of school district mentoring programs.
- (f) A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester. Except as provided by Subsection (f-1), the mentoring sessions must address the following topics:
  - (1) orientation to the context, policies, and practices of the school district;
  - (2) data-driven instructional practices;
  - (3) specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;

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- (4) professional development; and
  - (5) professional expectations.
- (f-1) Subject to approval by the agency, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.
- (g) A school district must:
- (1) designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and
  - (2) schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 4.07, eff. May 31, 2006.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 796 (S.B. [1290](#)), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1282 (H.B. [2012](#)), Sec. 8, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.009, eff. June 12, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 4.001(a)(10), eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. [1267](#)), Sec. 9, eff. June 18, 2021.

Acts 2023, 88th Leg., R.S., Ch. 806 (H.B. [621](#)), Sec. 2, eff. September 1, 2023.

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**TEC, §21.0525. CERTIFICATION OF CERTAIN MILITARY INSTRUCTORS; TEMPORARY TEACHING CERTIFICATE.**

- (a) The board shall propose rules providing for a person who holds a bachelor's degree and has at least two semesters' experience as a full-time instructor for the Community College of the Air Force to:
  - (1) be issued a temporary teaching certificate on the person's enrollment in an educator preparation program; and
  - (2) receive credit for the person's education, training, and clinical or professional experience as an instructor for the Community College of the Air Force toward the requirements for completion of an educator preparation program, including requirements regarding coursework, field-based experience, or clinical experience.
- (b) A temporary teaching certificate issued under this section is valid for a term of one year from the date of issuance.

Added by Acts 2023, 88th Leg., R.S., Ch. 1073 (S.B. [544](#)), Sec. 1, eff. September 1, 2023.

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**TEC, §21.0541. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO  
USE OF AUTOMATED EXTERNAL DEFIBRILLATOR.**

The board shall adopt rules allowing an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator that meets any guidelines for automated external defibrillator training approved by the board.

Added by Acts 2015, 84th Leg., R.S., Ch. 1143 (S.B. [382](#)), Sec. 1, eff. June 19, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 545 (S.B. [199](#)), Sec. 3, eff. September 1, 2021.

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**TEC, §21.0543. CONTINUING EDUCATION CREDIT FOR INSTRUCTION RELATED TO DIGITAL TECHNOLOGY.**

The board shall propose rules allowing an educator to receive credit toward the educator's continuing education requirements for completion of education courses that:

- (1) use technology to increase the educator's digital literacy; and
- (2) assist the educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

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CHAPTER 22. SCHOOL DISTRICT EMPLOYEES AND VOLUNTEERS  
SUBCHAPTER C. CRIMINAL HISTORY RECORDS

**TEC, §22.0831. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF CERTIFIED EDUCATORS .**

- (a) In this section, "board" means the State Board for Educator Certification.
- (b) This section applies to a person who is an applicant for or holder of a certificate under Subchapter B, Chapter [21](#), and who is employed by or is an applicant for employment by a school district, open-enrollment charter school, or shared services arrangement.
- (c) The board shall review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.
- (d) The board shall place an educator's certificate on inactive status for failure to comply with a deadline for submitting information required under this section.
- (e) The board may allow a person who is applying for a certificate under Subchapter B, Chapter [21](#), and who currently resides in another state to submit the person's fingerprints and other required information in a manner that does not impose an undue hardship on the person.
- (f) The board may propose rules to implement this section, including rules establishing:
  - (1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and
  - (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
- (g) Expired.

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SUBTITLE E. STUDENTS AND PARENTS  
CHAPTER 26. PARENTAL RIGHTS AND RESPONSIBILITIES

**TEC, §26.006. ACCESS TO TEACHING MATERIALS.**

- (a) A parent is entitled to:
- (1) review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child, including while the child is participating in virtual or remote learning;
  - (2) review each test administered to the parent's child after the test is administered; and
  - (3) observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.
- (b) A school district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials parent portal established under Section [31.154](#). In providing access to instructional materials to a student's parent under this section, the district shall:
- (1) allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends; and
  - (2) include, for the entire period specified in Subdivision (1), access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for:
    - (A) tests or exams that have not yet been administered to the student; and
    - (B) the student's graded assignments.
- (b-1) The district may specify reasonable hours for in-person review.
- (c) A student's parent is entitled to request that the school district or open-enrollment charter school the student attends allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, the district or school shall honor the request. A student who takes home instructional materials must return the instructional materials

to school at the beginning of the next school day if requested to do so by the student's teacher. A school district or open-enrollment charter school must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. In this subsection, "instructional material" has the meaning assigned by Section [31.002](#).

- (d) The requirement under Subsection (c) to provide to a student instructional materials in a printed format does not require a school district or open-enrollment charter school to purchase printed copies of instructional materials that the district or school otherwise would not purchase. A district or school may comply with Subsection (c) by providing the student a printout of the relevant electronic instructional materials.
- (e) Each school district and open-enrollment charter school that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Section [31.002](#) to students shall provide login credentials to the system or portal to each student's parent.
- (f) A school district may not deny a parent access to an instructional materials parent portal hosted under Section [31.154](#).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 805, Sec. 1, eff. June 14, 2001.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 12, eff. July 19, 2011.

Acts 2019, 86th Leg., R.S., Ch. 1031 (H.B. [391](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 558 (S.B. [348](#)), Sec. 1, eff. June 14, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 2, eff. December 2, 2021.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 5, eff. June 13, 2023.



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CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

**TEC, §28.002. REQUIRED CURRICULUM.**

- (a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:
  - (1) a foundation curriculum that includes:
    - (A) English language arts;
    - (B) mathematics;
    - (C) science; and
    - (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
  - (2) an enrichment curriculum that includes:
    - (A) to the extent possible, languages other than English;
    - (B) health, with emphasis on:
      - (i) physical health, including the importance of proper nutrition and exercise;
      - (ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
      - (iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
    - (C) physical education;
    - (D) fine arts;
    - (E) career and technology education;
    - (F) technology applications;
    - (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
    - (H) personal financial literacy.
- (b) The State Board of Education by rule shall designate subjects constituting a well-balanced curriculum to be offered by a school district that does not offer kindergarten through grade 12.
- (b-1) In this section, "common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative.
- (b-2) The State Board of Education may not adopt common core state standards to comply with a duty imposed under this chapter.
- (b-3) A school district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels under Subsection (c).
- (b-4) Notwithstanding any other provision of this code, a school district or open-enrollment charter school may not be required to offer any aspect of a common core state standards curriculum.
- (c) The State Board of Education, with the direct participation of educators, parents, business and industry representatives, and employers shall by rule identify the essential knowledge and skills of each subject of

the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials under Chapter [31](#) and addressed on the assessment instruments required under Subchapter [B](#), Chapter [39](#). As a condition of accreditation, the board shall require each district to provide instruction in the essential knowledge and skills at appropriate grade levels and to make available to each high school student in the district an Algebra II course.

- (c-1) The State Board of Education shall adopt rules requiring students enrolled in grade levels six, seven, and eight to complete at least one fine arts course during those grade levels as part of a district's fine arts curriculum.
- (c-2) Each time the Texas Higher Education Coordinating Board revises the Internet database of the coordinating board's official statewide inventory of workforce education courses, the State Board of Education shall by rule revise the essential knowledge and skills of any corresponding career and technology education curriculum as provided by Subsection (c).
- (c-3) In adopting the essential knowledge and skills for the technology applications curriculum for kindergarten through grade eight, the State Board of Education shall adopt essential knowledge and skills that include coding, computer programming, computational thinking, and cybersecurity. The State Board of Education shall review and revise, as needed, the essential knowledge and skills of the technology applications curriculum every five years to ensure the curriculum:
  - (1) is relevant to student education; and
  - (2) aligns with current or emerging professions.
- (c-4) In adopting essential knowledge and skills for English language arts under Subsection (a)(1)(A), the State Board of Education shall specify a list of required vocabulary and at least one literary work to be taught in each grade level. The vocabulary specified by the board must support the essential knowledge and skills adopted for other courses offered under the foundation curriculum under Subsection (a)(1).
- (c-5) The State Board of Education shall initiate the process of specifying an initial list of vocabulary and literary works as required by Subsection (c-4) not later than February 1, 2024. The State Board of Education shall request from the agency recommendations regarding the list, and that request for recommendations may be considered an initiation of the process. This subsection expires September 1, 2025.
- (d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:
  - (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
  - (2) is consistent with national physical education standards for:
    - (A) the information that students should learn about physical activity; and
    - (B) the physical activities that students should be able to perform;
  - (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
  - (4) offers students an opportunity to choose among many types of physical activity in which to participate;

- (5) offers students both cooperative and competitive games;
  - (6) meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section [29.003\(b\)](#) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;
  - (7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;
  - (8) teaches self-management and movement skills;
  - (9) teaches cooperation, fair play, and responsible participation in physical activity;
  - (10) promotes student participation in physical activity outside of school; and
  - (11) allows physical education classes to be an enjoyable experience for students.
- (e) American Sign Language is a language for purposes of Subsection (a)(2)(A). A public school may offer an elective course in the language.
- (f) A school district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:
- (1) be flexible in approving a course for credit for high school graduation under this subsection; and
  - (2) approve courses in cybersecurity for credit for high school graduation under this subsection.
- (g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:
- (1) includes teacher input;
  - (2) provides district employees with the opportunity to express opinions regarding the initiative; and
  - (3) includes a meeting of the board of trustees of the district at which:
    - (A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and
    - (B) members of the public and district employees are given the opportunity to comment regarding the initiative.
- (g-1) A district may also offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board of trustees for credit without obtaining State Board of Education approval if:
- (1) the district develops a program under which the district partners with a public or private institution of higher education and local business, labor, and community leaders to develop and provide the courses; and
  - (2) the course or other activity allows students to enter:
    - (A) a career or technology training program in the district's region of the state;

- (B) an institution of higher education without remediation;
  - (C) an apprenticeship training program; or
  - (D) an internship required as part of accreditation toward an industry-recognized credential or certificate for course credit.
- (g-2) Each school district shall annually report to the agency the names of the courses, programs, institutions of higher education, and internships in which the district's students have enrolled under Subsection (g-1) and the names of the courses and institutions of higher education in which the district's students have enrolled under Subsection (g-3). The agency shall make available information provided under this subsection to other districts.
- (g-3) A district may also offer a course in cybersecurity that is approved by the board of trustees for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course.
- (h) The State Board of Education and each school district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.
- (h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:
- (1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;
  - (2) the history, qualities, traditions, and features of civic engagement in the United States;
  - (3) the structure, function, and processes of government institutions at the federal, state, and local levels; and
  - (4) the founding documents of the United States, including:
    - (A) the entirety of the Declaration of Independence;
    - (B) the entirety of the United States Constitution;
    - (C) the Federalist Papers, including the entirety of Essays 10 and 51;
    - (D) excerpts from Alexis de Tocqueville's *Democracy in America*;
    - (E) the transcript of the first Lincoln-Douglas debate;
    - (F) the writings of the founding fathers of the United States;
    - (G) the entirety of Frederick Douglass's speeches "The Meaning of July Fourth for the Negro" and "What the Black Man Wants"; and
    - (H) the entirety of Martin Luther King Jr.'s speech "I Have a Dream."
- (h-2) In adopting the essential knowledge and skills for the social studies curriculum for each grade level from kindergarten through grade 12, the State Board of Education shall adopt essential knowledge and skills that develop each student's civic knowledge, including:

- (1) an understanding of:
    - (A) the fundamental moral, political, entrepreneurial, and intellectual foundations of the American experiment in self-government;
    - (B) the history, qualities, traditions, and features of civic engagement in the United States;
    - (C) the structure, function, and processes of government institutions at the federal, state, and local levels; and
    - (D) the founding documents of the United States;
  - (2) the ability to:
    - (A) analyze and determine the reliability of information sources;
    - (B) formulate and articulate reasoned positions;
    - (C) understand the manner in which local, state, and federal government works and operates through the use of simulations and models of governmental and democratic processes;
    - (D) actively listen and engage in civil discourse, including discourse with those with different viewpoints; and
    - (E) participate as a citizen in a constitutional democracy by voting; and
  - (3) an appreciation of:
    - (A) the importance and responsibility of participating in civic life;
    - (B) a commitment to the United States and its form of government; and
    - (C) a commitment to free speech and civil discourse.
- (h-3) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. 3), Sec. 6, eff. December 2, 2021.
- (h-4) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-5) Repealed by Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.
- (h-6) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.
- (h-7) The agency shall ensure that each school district or open-enrollment charter school teaches civics education as part of the district's social studies curriculum in a manner consistent with the essential knowledge and skills adopted under Subsection (h-2).
- (h-8) Nothing in Subsection (h-2) or (h-7) may be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under this subchapter.
- (i) The State Board of Education shall adopt rules for the implementation of this subchapter. Except as provided by Subsection (j), the board may not adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject.
- (j) The State Board of Education by rule may require laboratory instruction in secondary science courses and may require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.
- (k) The State Board of Education, in consultation with the Department of State Health Services and the Texas Diabetes Council, shall develop a diabetes education program that a school district may use in the health curriculum under Subsection (a)(2)(B).

- (l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:
- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
  - (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.
- (l-1) In adopting rules relating to an activity described by Subsection (l)(2), the commissioner may permit an exemption for a student who participates in a school-related activity or an activity sponsored by a private league or club only if the student provides proof of participation in the activity.
- (l-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).
- (l-3) (1) This subsection may be cited as "Lauren's Law."
- (2) The State Board of Education, the Department of State Health Services, or a school district may not adopt any rule, policy, or program under Subsections (a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:
- (A) children in the classroom of the child of the parent or grandparent on the occasion of the child's birthday; or
  - (B) children at a school-designated function.
- (m) Section [2001.039](#), Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).
- (n) The State Board of Education may by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technology education curriculum under Subsection (a)(2)(E).
- (o) In approving career and technology courses, the State Board of Education must determine that at least 50 percent of the approved courses are cost-effective for a school district to implement.

- (p) The State Board of Education, in conjunction with the office of the attorney general, shall develop a parenting and paternity awareness program that a school district shall use in the district's high school health curriculum. A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level. The program must:
- (1) address parenting skills and responsibilities, including child support and other legal rights and responsibilities that come with parenthood;
  - (2) address relationship skills, including money management, communication skills, and marriage preparation; and
  - (3) in district middle, junior high, or high schools that do not have a family violence prevention program, address skills relating to the prevention of family violence.
- (p-2) A school district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed under Subsection (p). The programs and curriculum materials may provide instruction in:
- (1) child development;
  - (2) parenting skills, including child abuse and neglect prevention; and
  - (3) assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
- (p-3) The agency shall evaluate programs and curriculum materials developed under Subsection (p-2) and distribute to other school districts information regarding those programs and materials.
- (p-4) A student under 14 years of age may not participate in a program developed under Subsection (p) without the permission of the student's parent or person standing in parental relation to the student.
- (q) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(1), eff. September 1, 2014.
- (r) In adopting the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the State Board of Education shall adopt essential knowledge and skills that address the science, risk factors, causes, dangers, consequences, signs, symptoms, and treatment of substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol such as by binge drinking or other excessive drinking resulting in alcohol poisoning, inhaling solvents, and other forms of substance abuse. The agency shall compile a list of evidence-based substance abuse awareness programs from which a school district shall choose a program to use in the district's middle school, junior high school, and high school health curriculum. In this subsection, "evidence-based substance abuse awareness program" means a program, practice, or strategy that has been proven to effectively prevent substance abuse among students, as determined by evaluations that are evidence-based.
- (s) In this subsection, "bullying" has the meaning assigned by Section [37.0832](#) and "harassment" has the meaning assigned by Section [37.001](#). In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.
- (t) The State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, shall develop an advanced language course that a school district may use in the curriculum under Subsection (a)(2)(A) to provide students with instruction in industry-related terminology that prepares students to communicate in a language other than English in a specific professional, business, or industry environment.

- (w) Repealed by Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.
- (z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:
  - (1) "Cyberbullying" has the meaning assigned by Section [37.0832](#).
  - (2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1997, 75th Leg., ch. 1285, Sec. 4.02, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 907, Sec. 1, eff. June 14, 2001; Acts 2001, 77th Leg., ch. 925, Sec. 3, eff. June 14, 2001; Acts 2003, 78th Leg., ch. 61, Sec. 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1264, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1275, Sec. 2(14), eff. Sept. 1, 2003.

Amended by:

- Acts 2005, 79th Leg., Ch. 784 (S.B. [42](#)), Sec. 1, eff. June 17, 2005.
- Acts 2007, 80th Leg., R.S., Ch. 254 (H.B. [2176](#)), Sec. 1, eff. September 1, 2007.
- Acts 2007, 80th Leg., R.S., Ch. 856 (H.B. [1287](#)), Sec. 3, eff. June 15, 2007.
- Acts 2007, 80th Leg., R.S., Ch. 1377 (S.B. [530](#)), Sec. 1, eff. June 15, 2007.
- Acts 2009, 81st Leg., R.S., Ch. 529 (S.B. [1344](#)), Sec. 2, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 773 (S.B. [891](#)), Sec. 1, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. [3](#)), Sec. 25, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 1419 (H.B. [3076](#)), Sec. 1, eff. June 19, 2009.
- Acts 2009, 81st Leg., R.S., Ch. 1421 (S.B. [1219](#)), Sec. 1, eff. June 19, 2009.
- Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(5), eff. September 1, 2011.
- Acts 2011, 82nd Leg., R.S., Ch. 776 (H.B. [1942](#)), Sec. 4, eff. June 17, 2011.
- Acts 2011, 82nd Leg., 1st C.S., Ch. 6 (S.B. [6](#)), Sec. 13, eff. July 19, 2011.
- Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 8(a), eff. June 10, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 211 (H.B. [5](#)), Sec. 78(b)(1), eff. September 1, 2014.
- Acts 2013, 83rd Leg., R.S., Ch. 796 (S.B. [1474](#)), Sec. 1, eff. June 14, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 861 (H.B. [462](#)), Sec. 1, eff. June 14, 2013.
- Acts 2013, 83rd Leg., R.S., Ch. 1026 (H.B. [2662](#)), Sec. 1, eff. June 14, 2013.
- Acts 2015, 84th Leg., R.S., Ch. 89 (H.B. [440](#)), Sec. 1, eff. May 23, 2015.
- Acts 2015, 84th Leg., R.S., Ch. 729 (H.B. [1431](#)), Sec. 1, eff. June 17, 2015.
- Acts 2015, 84th Leg., R.S., Ch. 1175 (S.B. [968](#)), Sec. 1, eff. June 19, 2015.



Acts 2017, 85th Leg., R.S., Ch. 1088 (H.B. [3593](#)), Sec. 1, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 1.07, eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 352 (H.B. [18](#)), Sec. 4.01(2), eff. December 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. [11](#)), Sec. 7, eff. June 6, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1149 (H.B. [2984](#)), Sec. 1, eff. June 14, 2019.

Acts 2021, 87th Leg., R.S., Ch. 772 (H.B. [3979](#)), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1005 (H.B. [4509](#)), Sec. 3, eff. June 18, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 3, eff. December 2, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 4, eff. December 2, 2021.

Acts 2021, 87th Leg., 2nd C.S., Ch. 9 (S.B. [3](#)), Sec. 6, eff. December 2, 2021.

Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 7, eff. June 13, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER A. ESSENTIAL KNOWLEDGE AND SKILLS; CURRICULUM

**TEC, §28.0023. CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR INSTRUCTION.**

- (a) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1269, Sec. 3, eff. June 14, 2013.
- (b) The State Board of Education by rule shall require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator, for students in grades 7 through 12.
- (c) A school district or open-enrollment charter school shall provide instruction to students in grades 7 through 12 in cardiopulmonary resuscitation and the use of an automated external defibrillator in a manner consistent with the requirements of this section and State Board of Education rules adopted under this section. The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.
- (d) A school administrator may waive the curriculum requirement under this section for an eligible student who has a disability.
- (e) Cardiopulmonary resuscitation instruction must include training in cardiopulmonary resuscitation techniques and the use of an automated external defibrillator that has been developed:
  - (1) by the American Heart Association or the American Red Cross; or
  - (2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.
- (f) For purposes of Subsection (e), "psychomotor skills" means hands-on practice to support cognitive learning. The term does not include cognitive-only instruction and training.
- (g) A school district or open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training under this section. Instruction provided under this section is not required to result in certification in cardiopulmonary resuscitation or the use of an automated external defibrillator. If instruction is intended to result in certification in cardiopulmonary resuscitation or the use of an automated external defibrillator, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Acts 2023, 88th Leg., R.S., Ch. 625 (H.B. [4375](#)), Sec. 3, eff. June 11, 2023.

TEXAS EDUCATION CODE  
CHAPTER 28. COURSES OF STUDY; ADVANCEMENT  
SUBCHAPTER B. ADVANCEMENT, PLACEMENT, CREDIT, AND  
ACADEMIC ACHIEVEMENT RECORD

**TEC, §28.025. HIGH SCHOOL DIPLOMA AND CERTIFICATE; ACADEMIC ACHIEVEMENT RECORD.**

- (a) The State Board of Education by rule shall determine curriculum requirements for the foundation high school program that are consistent with the required curriculum under Section [28.002](#). The State Board of Education shall designate the specific courses in the foundation curriculum under Section [28.002\(a\)\(1\)](#) required under the foundation high school program. Except as provided by this section, the State Board of Education may not designate a specific course or a specific number of credits in the enrichment curriculum as requirements for the program.
- (b) A school district shall ensure that each student, on entering ninth grade, indicates in writing an endorsement under Subsection (c-1) that the student intends to earn. A district shall permit a student to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
  - (1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
  - (2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by the agency, allowing the student to graduate under the foundation high school program without earning an endorsement.
- (b-1) The State Board of Education by rule shall require that the curriculum requirements for the foundation high school program under Subsection (a) include a requirement that students successfully complete:
  - (1) four credits in English language arts under Section [28.002\(a\)\(1\)\(A\)](#), including one credit in English I, one credit in English II, one credit in English III, and one credit in an advanced English course authorized under Subsection (b-2);
  - (2) three credits in mathematics under Section [28.002\(a\)\(1\)\(B\)](#), including one credit in Algebra I, one credit in geometry, and one credit in any advanced mathematics course authorized under Subsection (b-2);
  - (3) three credits in science under Section [28.002\(a\)\(1\)\(C\)](#), including one credit in biology, one credit in any advanced science course authorized under Subsection (b-2), and one credit in integrated physics and chemistry or in an additional advanced science course authorized under Subsection (b-2);
  - (4) three credits in social studies under Section [28.002\(a\)\(1\)\(D\)](#), including one credit in United States history, at least one-half credit in government and at least one-half credit in economics or personal financial literacy & economics, and one credit in world geography or world history;
  - (5) except as provided under Subsections (b-12), (b-13), and (b-14), two credits in the same language in a language other than English under Section [28.002\(a\)\(2\)\(A\)](#);
  - (6) five elective credits;
  - (7) one credit in fine arts under Section [28.002\(a\)\(2\)\(D\)](#); and

- (8) except as provided by Subsection (b-11), one credit in physical education under Section [28.002\(a\)\(2\)\(C\)](#).
- (b-2) In adopting rules under Subsection (b-1), the State Board of Education shall:
- (1) provide for a student to comply with the curriculum requirements for an advanced English course under Subsection (b-1)(1), for an advanced mathematics course under Subsection (b-1)(2), and for any advanced science course under Subsection (b-1)(3) by successfully completing a course in the appropriate content area that has been approved as an advanced course by board rule or that is offered as an advanced course for credit without board approval as provided by Section [28.002\(g-1\)](#); and
  - (2) allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under Subsection (b-1)(2) or the third and fourth science credits under Subsection (b-1)(3) by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content.
- (b-3) In adopting rules for purposes of Subsection (b-2), the State Board of Education must approve a variety of advanced English, mathematics, and science courses that may be taken to comply with the foundation high school program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.
- (b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections [39.023\(c\)](#) and [39.025](#).
- (b-5) A school district may offer a mathematics or science course to be taken by a student after completion of Algebra II and physics. A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit.
- (b-6) A school district may allow a student to enroll concurrently in Algebra I and geometry.
- (b-7) The State Board of Education, in coordination with the Texas Higher Education Coordinating Board, shall adopt rules to ensure that a student may comply with the curriculum requirements under the foundation high school program or for an endorsement under Subsection (c-1) by successfully completing appropriate courses in the core curriculum of an institution of higher education under Section [61.822](#). Notwithstanding Subsection (b-15) or (c) of this section, Section [39.025](#), or any other provision of this code and notwithstanding any school district policy, a student who has completed the core curriculum of an institution of higher education under Section [61.822](#), as certified by the institution in accordance with commissioner rule, is considered to have earned a distinguished level of achievement under the foundation high school program and is entitled to receive a high school diploma from the appropriate high school as that high school is determined in accordance with commissioner rule. A student who is considered to have earned a distinguished level of achievement under the foundation high school program under this subsection may apply for admission to an institution of higher education for the first semester or other academic term after the semester or other academic term in which the student completes the core curriculum.
- (b-8) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (b-9) A school district, with the approval of the commissioner, may allow a student to satisfy the fine arts credit required under Subsection (b-1)(7) by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the

essential knowledge and skills identified for fine arts by the State Board of Education under Section [28.002](#)(c). The fine arts program may be provided on or off a school campus and outside the regular school day.

- (b-10) A school district, with the approval of the commissioner, may allow a student to comply with the curriculum requirements for the physical education credit required under Subsection (b-1)(8) by participating in a private or commercially sponsored physical activity program provided on or off a school campus and outside the regular school day.
- (b-11) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies, one credit in a course that is offered for credit as provided by Section [28.002](#)(g-1), or one academic elective credit for the physical education credit required under Subsection (b-1)(8). A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The rules must provide that the determination regarding a student's ability to participate in physical activity will be made by:
  - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee;
  - (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
  - (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.
- (b-12) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirements for the two credits in a language other than English required under Subsection (b-1)(5) by substituting two credits in computer programming languages, including computer coding.
- (b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:
  - (1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and
  - (2) appropriate substitute courses for purposes of this subsection.
- (b-14) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student who, due to disability, is unable to complete two courses in the same language in a language other than English, as provided under Subsection (b-1)(5), to substitute for those credits two credits in English language arts, mathematics, science, or social studies or two credits in career and technology education, technology applications, or other academic electives. A credit allowed to be substituted under this subsection may not also be used by the student to satisfy a graduation credit requirement other than credit for completion of a language other than English. The rules must provide that the determination regarding a student's ability to participate in language-other-than-English courses will be made by:
  - (1) if the student receives special education services under Subchapter [A](#), Chapter [29](#), the student's admission, review, and dismissal committee; or

- (2) if the student does not receive special education services under Subchapter [A](#), Chapter [29](#), but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act.
- (b-15) A student may earn a distinguished level of achievement under the foundation high school program by successfully completing:
  - (1) four credits in mathematics, which must include Algebra II and the courses described by Subsection (b-1)(2);
  - (2) four credits in science, which must include the courses described by Subsection (b-1)(3);
  - (3) the remaining curriculum requirements under Subsection (b-1); and
  - (4) the curriculum requirements for at least one endorsement under Subsection (c-1).
- (b-16) A student may satisfy an elective credit required under Subsection (b-1)(6) with a credit earned to satisfy the additional curriculum requirements for the distinguished level of achievement under the foundation high school program or an endorsement under Subsection (c-1). This subsection may apply to more than one elective credit.
- (b-17) The State Board of Education shall adopt rules to ensure that a student may comply with the curriculum requirements under Subsection (b-1)(6) by successfully completing an advanced career and technical course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.
- (b-18) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements under Subsection (b-1) by successfully completing a dual credit course.
- (b-19) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with curriculum requirements for the world geography or world history credit under Subsection (b-1)(4) by successfully completing a combined world history and world geography course developed by the State Board of Education.
- (b-20) The State Board of Education shall adopt rules to include the instruction developed under Section [28.012](#) in one or more courses in the required curriculum for students in grade levels 9 through 12.
- (b-21) In adopting rules under Subsection (b-1), the State Board of Education shall adopt criteria to allow a student to comply with the curriculum requirement for one credit under Subsection (b-1)(5) by successfully completing at an elementary school either a dual language immersion program under Section [28.0051](#) or a course in American Sign Language.
- (b-22) In adopting rules under Subsection (b-1), the State Board of Education shall ensure that a personal financial literacy & economics course taken to comply with the curriculum requirement under Subsection (b-1)(4) allocates:
  - (1) two-thirds of instruction time to instruction in personal financial literacy; and
  - (2) one-third of instruction time to instruction in economics.
- (b-23) The agency shall:
  - (1) develop a list of free, open-source, and publicly available curricula that may be used by a school district to provide a personal financial literacy & economics course that satisfies the curriculum requirement under Subsection (b-1)(4); and

- (2) seek, accept, and spend any federal or private grant funds and gifts that are available for the purpose of providing a personal financial literacy & economics course as part of the foundation high school program.
- (c) A person may receive a diploma if the person is eligible for a diploma under Section [28.0251](#). In other cases, a student may graduate and receive a diploma only if:
- (1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and complies with Sections [28.0256](#) and [39.025](#); or
  - (2) the student successfully completes an individualized education program developed under Section [29.005](#).
- (c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. The State Board of Education by rule shall provide students with multiple options for earning each endorsement, including, to the greatest extent possible, coherent sequences of courses. The State Board of Education by rule must permit a student to enroll in courses under more than one endorsement curriculum before the student's junior year. An endorsement under this subsection may be earned in any of the following categories:
- (1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, cybersecurity, and computer coding, engineering, and advanced mathematics;
  - (2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air conditioning;
  - (3) public services, which includes courses directly related to health sciences and occupations, mental health, education and training, law enforcement, and culinary arts and hospitality;
  - (4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts; and
  - (5) multidisciplinary studies, which allows a student to:
    - (A) select courses from the curriculum of each endorsement area described by Subdivisions (1) through (4); and
    - (B) earn credits in a variety of advanced courses from multiple content areas sufficient to complete the distinguished level of achievement under the foundation high school program.
- (c-2) In adopting rules under Subsection (c-1), the State Board of Education shall:
- (1) require a student in order to earn any endorsement to successfully complete:
    - (A) four credits in mathematics, which must include:
      - (i) the courses described by Subsection (b-1)(2); and
      - (ii) an additional advanced mathematics course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education;
    - (B) four credits in science, which must include:

- (i) the courses described by Subsection (b-1)(3); and
  - (ii) an additional advanced science course authorized under Subsection (b-2) or an advanced career and technology course designated by the State Board of Education; and
- (C) two elective credits in addition to the elective credits required under Subsection (b-1)(6); and
- (2) develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.
- (c-3) In adopting rules under Subsection (c-1), the State Board of Education shall adopt criteria to allow a student participating in the arts and humanities endorsement under Subsection (c-1)(4), with the written permission of the student's parent or a person standing in parental relation to the student, to comply with the curriculum requirements for science required under Subsection (c-2)(1)(B)(ii) by substituting for an advanced course requirement a course related to that endorsement.
- (c-4) Each school district must make available to high school students courses that allow a student to complete the curriculum requirements for at least one endorsement under Subsection (c-1). A school district that offers only one endorsement curriculum must offer the multidisciplinary studies endorsement curriculum.
- (c-5) A student may earn a performance acknowledgment on the student's transcript by satisfying the requirements for that acknowledgment adopted by the State Board of Education by rule. An acknowledgment under this subsection may be earned:
  - (1) for outstanding performance:
    - (A) in a dual credit course;
    - (B) in bilingualism and biliteracy;
    - (C) on a college advanced placement test or international baccalaureate examination;
    - (D) on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
    - (E) on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
  - (2) for earning a state recognized or nationally or internationally recognized business or industry certification or license.
- (c-6) Notwithstanding Subsection (c), a person may receive a diploma if the person is eligible for a diploma under Section [28.0258](#).
- (c-7) Subject to Subsection (c-8), a student who is enrolled in a special education program under Subchapter [A](#), Chapter [29](#), may earn an endorsement on the student's transcript by:
  - (1) successfully completing, with or without modification of the curriculum:
    - (A) the curriculum requirements identified by the State Board of Education under Subsection (a); and



- (B) the additional endorsement curriculum requirements prescribed by the State Board of Education under Subsection (c-2); and
- (2) successfully completing all curriculum requirements for that endorsement adopted by the State Board of Education:
  - (A) without modification of the curriculum; or
  - (B) with modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's admission, review, and dismissal committee.
- (c-8) For purposes of Subsection (c-7), the admission, review, and dismissal committee of a student in a special education program under Subchapter [A](#), Chapter [29](#), shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.
- (c-10) In adopting rules under Subsection (c-1), the State Board of Education shall adopt or select five technology applications courses on cybersecurity to be included in a cybersecurity pathway for the science, technology, engineering, and mathematics endorsement.
- (d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section [39.025](#). A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.
- (e) Each school district shall report the academic achievement record of students who have completed the foundation high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly identify whether a student received a diploma or a certificate of coursework completion.
- (e-1) A school district shall clearly indicate a distinguished level of achievement under the foundation high school program as described by Subsection (b-15), an endorsement described by Subsection (c-1), and a performance acknowledgment described by Subsection (c-5) on the transcript of a student who satisfies the applicable requirements. The State Board of Education shall adopt rules as necessary to administer this subsection.
- (e-2) At the end of each school year, each school district shall report through the Public Education Information Management System (PEIMS) the number of district students who, during that school year, were:
  - (1) enrolled in the foundation high school program;
  - (2) pursuing the distinguished level of achievement under the foundation high school program as provided by Subsection (b-15); and
  - (3) enrolled in a program to earn an endorsement described by Subsection (c-1).
- (e-3) Information reported under Subsection (e-2) must be disaggregated by all student groups served by the district, including categories of race, ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter [A](#), Chapter [29](#).
- (f) A school district shall issue a certificate of attendance to a student who receives special education services under Subchapter [A](#), Chapter [29](#), and who has completed four years of high school but has not completed the student's individualized education program. A school district shall allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas. A student

may participate in only one graduation ceremony under this subsection. This subsection does not preclude a student from receiving a diploma under Subsection (c)(2).

- (g) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 211, Sec. 78(b)(3), eff. September 1, 2014.
- (h) Expired.
- (i) If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER A. SPECIAL EDUCATION PROGRAM

**TEC, §29.0031. DYSLEXIA AND RELATED DISORDERS.**

- (a) Dyslexia is an example of and meets the definition of a specific learning disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(30)). If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Section [28.006](#) or [38.003](#), and that the student may be a child with a disability under the Individuals with Disabilities Education Act (20 U.S.C. Section 1401(3)), the district must:
- (1) provide to the student's parent or a person standing in parental relation to the student a form developed by the agency explaining the rights available under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) that may be additional to the rights available under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);
  - (2) comply with all federal and state requirements, including the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, as adopted by the State Board of Education, and its subsequent amendments, regarding any evaluation of the student; and
  - (3) if the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.
- (b) The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:
- (1) hold a licensed dyslexia therapist license under Chapter [403](#), Occupations Code;
  - (2) hold the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education, and identified in, or substantially similar to an association identified in, the program and rules adopted under Sections [7.102](#) and [38.003](#); or
  - (3) if a person qualified under Subdivision (1) or (2) is not available, meet the applicable training requirements adopted by the State Board of Education pursuant to Sections [7.102](#) and [38.003](#).
- (c) A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services as described by Subsection (b) must sign a document describing the member's participation in the evaluation of a student described by that subsection and any resulting individualized education program developed for the student.
- (d) At least once each grading period, and more often if provided for in a student's individualized education program, a school district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction.

Added by Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 3, eff. June 10, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER A. SPECIAL EDUCATION PROGRAM

**TEC, §29.0032. PROVIDERS OF DYSLEXIA INSTRUCTION.**

- (a) A provider of dyslexia instruction to students with dyslexia and related disorders:
  - (1) must be fully trained in the district's adopted instructional materials for students with dyslexia; and
  - (2) is not required to hold a certificate or permit in special education issued under Subchapter [B](#), Chapter [21](#), unless the provider is employed in a special education position that requires the certification.
- (b) The completion of a literacy achievement academy under Section [21.4552](#) by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of Subsection (a)(1).

Added by Acts 2023, 88th Leg., R.S., Ch. 542 (H.B. [3928](#)), Sec. 3, eff. June 10, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 29. EDUCATIONAL PROGRAMS  
SUBCHAPTER B. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS

**TEC, §29.051. STATE POLICY.**

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. [2066](#)), Sec. 5, eff. September 1, 2021.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 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 F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 31. INSTRUCTIONAL MATERIALS  
SUBCHAPTER D. ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

**TEC, §31.151. DUTIES OF PUBLISHERS AND MANUFACTURERS**

- (a) A publisher or manufacturer of instructional materials:
- (1) shall furnish any instructional material the publisher or manufacturer offers in this state at a price that does not exceed the lowest price at which the publisher offers that instructional material for adoption or sale to any state, public school, or school district in the United States;
  - (2) shall automatically reduce the price of instructional material sold for use in a school district or open-enrollment charter school to the extent that the price is reduced elsewhere in the United States;
  - (3) shall provide any instructional material or ancillary item free of charge in this state to the same extent that the publisher or manufacturer provides the instructional material or ancillary item free of charge to any state, public school, or school district in the United States;
  - (4) shall guarantee that each copy of instructional material sold in this state is at least equal in quality to copies of that instructional material sold elsewhere in the United States and is free from factual error;
  - (5) may not become associated or connected with, directly or indirectly, any combination in restraint of trade in instructional materials or enter into any understanding or combination to control prices or restrict competition in the sale of instructional materials for use in this state;
  - (6) shall deliver instructional materials to a school district or open-enrollment charter school;
  - (7) shall, at the time an order for instructional materials is acknowledged, provide to school districts or open-enrollment charter schools an accurate shipping date for instructional materials that are back-ordered;
  - (8) shall guarantee delivery of instructional materials at least 10 business days before the opening day of school of the year for which the instructional materials are ordered if the instructional materials are ordered by a date specified in the sales contract;
  - (9) shall submit to the State Board of Education an affidavit certifying any instructional material the publisher or manufacturer offers in this state to be free of factual errors at the time the publisher executes the contract required by Section [31.026](#); and

- (10) shall comply with all other standard terms and conditions adopted by the State Board of Education for use in contracts for the procurement of instructional materials under Subsection (a-1).
- (a-1) The State Board of Education shall adopt standard terms and conditions for use in contracts for the procurement of instructional materials from publishers and manufacturers under this section.
- (b) The State Board of Education may impose a reasonable administrative penalty against a publisher or manufacturer who knowingly violates Subsection (a). The board shall provide for a hearing to be held to determine whether a penalty is to be imposed and, if so, the amount of the penalty. The board shall base the amount of the penalty on:
- (1) the seriousness of the violation;
  - (2) any history of a previous violation;
  - (3) the amount necessary to deter a future violation;
  - (4) any effort to correct the violation; and
  - (5) any other matter justice requires.
- (c) A hearing under Subsection (b) shall be held according to rules adopted by the State Board of Education.
- (d) A penalty collected under this section shall be deposited to the credit of the state instructional materials and technology fund.
- (e) Repealed by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 51(15), eff. June 13, 2023.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE F. CURRICULUM, PROGRAMS, AND SERVICES  
CHAPTER 31. INSTRUCTIONAL MATERIALS  
SUBCHAPTER D. ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

**TEC, §31.154. INSTRUCTIONAL MATERIALS PARENT PORTAL.**

- (a) The State Board of Education shall adopt standards for entities that supply instructional materials reviewed by the agency under Section [31.023](#) to make instructional materials supplied by the entity available on a parent portal hosted by the entity.
- (b) An instructional materials parent portal must:
  - (1) provide to each parent of a student enrolled in a school district or open-enrollment charter school access to instructional materials, other than tests or exams, that are included in the portal and used by the district or school;
  - (2) organize instructional material by unit and in the order in which the material is designed to be used;
  - (3) be capable of being searched by key word; and
  - (4) for instructional material not available in a digital format, contain sufficient information to allow a parent to locate a physical copy of the material.
- (c) Standards adopted under Subsection (a) may not require:
  - (1) a classroom teacher to submit instructional materials developed by the teacher for inclusion in an instructional materials parent portal; or
  - (2) an entity hosting an instructional materials parent portal to include tests or exams in the portal.
- (d) To comply with an intellectual property license or other restrictions placed on an instructional material and to maintain security of the information contained in an instructional materials parent portal under this section, a parent may be required, before accessing the portal, to:
  - (1) enter a password;
  - (2) comply with other user access verification procedures; and
  - (3) accept user terms and conditions, which may not limit or exclude access to instructional material based on the uses of the material that would otherwise be permitted under fair use provisions of copyright law.
- (e) An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a school district in compliance with this section or Section [26.006](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 818 (H.B. [1605](#)), Sec. 46, eff. June 13, 2023.



TEXAS EDUCATION CODE  
CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES  
SUBCHAPTER B. LIBRARIES

**TEC, §33.021 LIBRARY STANDARDS.**

- (a) In this section, "sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Section 28.002(a), that describes, depicts, or portrays sexual conduct, as defined by Section 43.25, Penal Code, in a way that is patently offensive, as defined by Section 43.21, Penal Code.
- (b) The Texas State Library and Archives Commission, in consultation with the State Board of Education, shall adopt voluntary standards for school library services, other than collection development, that a school district shall consider in developing, implementing, or expanding library services.
- (c) The Texas State Library and Archives Commission, with approval by majority vote of the State Board of Education, shall adopt standards for school library collection development that a school district shall adhere to in developing or implementing the district's library collection development policies.
- (d) The standards adopted under Subsection (c) must:
  - (1) be reviewed and updated at least once every five years; and
  - (2) include a collection development policy that:
    - (A) prohibits the possession, acquisition, and purchase of:
      - (i) harmful material, as defined by Section 43.24, Penal Code;
      - (ii) library material rated sexually explicit material by the selling library material vendor; or
      - (iii) library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);
    - (B) recognizes that obscene content is not protected by the First Amendment to the United States Constitution;

- (C) is required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;
- (D) recognizes that parents are the primary decision makers regarding a student's access to library material;
- (E) encourages schools to provide library catalog transparency;
- (F) recommends schools communicate effectively with parents regarding collection development; and
- (G) prohibits the removal of material based solely on the:
  - (i) ideas contained in the material; or
  - (ii) personal background of:
    - (a) the author of the material; or
    - (b) characters in the material.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 808 (H.B. 900), Sec. 2, eff. September 1, 2023.



TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE G. SAFE SCHOOLS  
CHAPTER 38. HEALTH AND SAFETY  
SUBCHAPTER A. GENERAL PROVISIONS

**TEC, §38.003. SCREENING AND TREATMENT FOR DYSLEXIA AND RELATED DISORDERS.**

- (a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.
- (c) Subject to Subsection (c-1), the State Board of Education shall adopt any rules and standards necessary to administer this section.
- (c-1) The agency by rule shall develop procedures designed to allow the agency to:
  - (1) effectively audit and monitor and periodically conduct site visits of all school districts to ensure that districts are complying with this section, including the program approved by the State Board of Education under this section;
  - (2) identify any problems school districts experience in complying with this section, including the program approved by the State Board of Education under this section; and
  - (3) develop reasonable and appropriate remedial strategies to address school district noncompliance and ensure the purposes of this section are accomplished.
- (d) In this section:
  - (1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
  - (2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.007. ACCOUNTING SYSTEM; REPORT.**

- (a) A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform with generally accepted accounting principles.
- (b) The accounting system must meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor.
- (c) A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with the agency on or before the date set by the State Board of Education.
- (d) The State Board of Education shall require each district, as part of the report required by this section, to include management, cost accounting, and financial information in a format prescribed by the board and in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program.
- (e) Expired.
- (f) Expired.

TEXAS EDUCATION CODE  
TITLE 2. PUBLIC EDUCATION  
SUBTITLE I. SCHOOL FINANCE AND FISCAL MANAGEMENT  
CHAPTER 44. FISCAL MANAGEMENT  
SUBCHAPTER A. SCHOOL DISTRICT FISCAL MANAGEMENT

**TEC, §44.008. ANNUAL AUDIT; REPORT.**

- (a) The board of school trustees of each school district shall have its school district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the Texas State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.
- (b) The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).
- (c) Each treasurer receiving or having control of any school fund of any school district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer 's hands. The treasurer 's records of the district 's itemized accounts and records shall be made available to audit.
- (d) A copy of the annual audit report, approved by the board of trustees, shall be filed by the district with the agency not 11 later than the 150th day after the end of the fiscal year for which the audit was made. If the board of trustees declines or refuses to approve its auditor 's report, it shall nevertheless file with the agency a copy of the audit report with its statement detailing reasons for failure to approve the report.
- (e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports.

TEXAS GOVERNMENT CODE  
TITLE 10. GENERAL GOVERNMENT  
SUBTITLE A. ADMINISTRATIVE PROCEDURE AND PRACTICE  
CHAPTER 2001. ADMINISTRATIVE PROCEDURE  
SUBCHAPTER B. RULEMAKING

**TGC, §2001.039. AGENCY REVIEW OF EXISTING RULES.**

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

TEXAS OCCUPATIONS CODE  
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING  
CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND  
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**TOC, §55.001. DEFINITIONS.**

In this chapter:

- (1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section [437.001](#), Government Code, or similar military service of another state.
- (2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (3) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.
- (4) "Military service member" means a person who is on active duty.
- (5) "Military spouse" means a person who is married to a military service member.
- (6) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.
- (7) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

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**TOC, §55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE.**

A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

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**TOC, §55.003. EXTENSION OF LICENSE RENEWAL DEADLINES FOR MILITARY SERVICE MEMBERS.**

A military service member who holds a license is entitled to two years of additional time to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the military service member's license.

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**TOC, §55.004. ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS,  
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse and:
  - (1) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or
  - (2) within the five years preceding the application date held the license in this state.
- (b) The executive director of a state agency may waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.
- (c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.
- (d) A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for an applicant who is a military service member or military spouse to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the applicant or the applicant's spouse.

Added by Acts 2011, 82nd Leg., R.S., Ch. 930 (S.B. [1733](#)), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 586 (H.B. [3742](#)), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1193 (S.B. [1307](#)), Sec. 5, eff. September 1, 2015.

Reenacted by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 14.001, eff. September 1, 2017.



Amended by:

Acts 2021, 87th Leg., R.S., Ch. 46 (H.B. [139](#)), Sec. 3, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 1061 (S.B. [422](#)), Sec. 1, eff. September 1, 2023.

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**TOC, §55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS,  
MILITARY VETERANS, AND MILITARY SPOUSES.**

- (a) A state agency that issues a license shall, not later than the 30th day after the date a military service member, military veteran, or military spouse files an application for a license:
  - (1) process the application; and
  - (2) issue the license to an applicant who qualifies for the license under Section [55.004](#).
- (b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 66 (S.B. [162](#)), Sec. 3, eff. May 18, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1193 (S.B. [1307](#)), Sec. 6, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1193 (S.B. [1307](#)), Sec. 7, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 1061 (S.B. [422](#)), Sec. 3, eff. September 1, 2023.

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**TOC, §55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.**

- (a) As soon as practicable after a state agency issues a license under Section [55.005](#), the state agency shall determine the requirements for the license holder to renew the license.
- (b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.
- (c) A license issued under Section [55.005](#) has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

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**TOC, §55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH  
MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.
- (b) The state agency shall adopt rules necessary to implement this section.
- (c) Rules adopted under this section may not apply to an applicant who:
  - (1) holds a restricted license issued by another jurisdiction; or
  - (2) has an unacceptable criminal history according to the law applicable to the state agency.

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**TOC, §55.008. APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE.**

- (a) Notwithstanding any other law, if an apprenticeship is required for a license issued by a state agency, the state agency shall credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.
- (b) The state agency shall adopt rules necessary to implement this section.

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**TOC, §55.009. LICENSE APPLICATION AND EXAMINATION FEES.**

Notwithstanding any other law, a state agency that issues a license shall waive the license application and examination fees paid to the state for an applicant who is:

- (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or
- (2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

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**TOC, §55.010. NOTICE OF CHAPTER PROVISIONS.**

A state agency that issues a license shall prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

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**TOC, §55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SERVICE MEMBERS AND MILITARY SPOUSES.**

- (a) Notwithstanding any other law, a military service member or military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the member or spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.
- (b) Before engaging in the practice of the business or occupation, the military service member or military spouse must:
  - (1) notify the applicable state agency of the member's or spouse's intent to practice in this state;
  - (2) submit to the agency proof of the member's or spouse's residency in this state in accordance with rules adopted under Section [55.004\(d\)](#) and a copy of the member's or spouse's military identification card; and
  - (3) receive from the agency confirmation that:
    - (A) the agency has verified the member's or spouse's license in the other jurisdiction; and
    - (B) the member or spouse is authorized to engage in the business or occupation in accordance with this section.
- (c) The military service member or military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.
- (d) A military service member or military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state but not to exceed three years from the date the member or spouse receives the confirmation described by Subsection (b)(3).
- (d-1) Notwithstanding Subsection (d), in the event of a divorce or similar event that affects a person's status as a military spouse, the spouse may continue to engage in the business or occupation



under the authority of this section until the third anniversary of the date the spouse received the confirmation described by Subsection (b)(3).

- (e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:
  - (1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and
  - (2) not later than the 30th day after the date a military service member or military spouse submits the information described by Subsections (b)(1) and (2), verify that the member or spouse is licensed in good standing in a jurisdiction described by Subdivision (1).
- (f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military service member or military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

Added by Acts 2019, 86th Leg., R.S., Ch. 622 (S.B. [1200](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 46 (H.B. [139](#)), Sec. 4, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 1061 (S.B. [422](#)), Sec. 2, eff. September 1, 2023.

MINUTES

STATE BOARD OF EDUCATION

NOVEMBER 17, 2023 & DECEMBER 13, 2023

Minutes

State Board of Education

November 17, 2023

**STATE BOARD OF EDUCATION**

(updated February 2023)

*(State Board for Career and Technology Education)*

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

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

**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**

**TOM MAYNARD, Florence**  
**District 10**

**STACI CHILDS, Houston**  
**District 4**

**AICHA DAVIS, Dallas**  
**District 13**

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

**EVELYN BROOKS, Frisco**  
**District 14**

**WILL HICKMAN, Houston**  
**District 6**

**AARON KINSEY, Midland**  
**District 15**

**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, November 17, 2023

The State Board of Education met at 9:10 a.m. on Friday, November 17, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

**Present:** Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks (virtual); Staci Childs; Aicha Davis; LJ Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega (virtual); Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

**Student Performance**

A student performance was provided by the Leon Heights Honor Choir of Lion Heights Elementary School in the Belton Independent School District.

**Invocation**

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes**

State Board of Education, September 1, 2023

**MOTION AND VOTE:** *The State Board of Education unanimously approved the minutes of the September 1, 2023, meeting of the State Board of Education, as printed.*

**1. Resolutions**

**Resolution Honoring the 2023 Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) State Finalists**

*The State Board of Education, by unanimous consent, adopted a resolution honoring Sarah DiMaria, Cedars International Next Generation High School, Cedars International Academy, Austin, Texas; Michelle Duphorne, Grand Prairie Collegiate Institute, Grand Prairie Independent School District, Grand Prairie, Texas; Tim McMahon, Kaufman High School, Kaufman Independent School District, Kaufman, Texas; and Sara Steig, North Ridge Middle School, Birdville Independent School District, North Richland Hills, Texas for being named state finalists in the secondary mathematics category and Jamie Flint, Spring Woods High School, Spring Branch Independent School District, Houston, Texas; Krystle Moos, Midway High School, Midway Independent School District, Waco, Texas; and Voke Ogueh, Hastings High School, Alief Independent School District, Houston, Texas as state finalists in the secondary science category for the 2023 Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) program.*

(ATTACHMENT 1, page #11)

**Resolution Honoring the winners of the 2023 National History Day contest National History Day**

*The State Board of Education, by unanimous consent, adopted a resolution honoring the 2023 National History Day first place winner, Henry Jones of Lively Middle School in Austin, Texas; second place winners, Grant Gillum of Dripping Springs High School in Dripping Springs, Texas and Carter Ho of New Caney High School in New Caney, Texas; and third place winners, Emma Clark-Martinez, Finley Ritter, and Katrina Telep of ATLAS Academy in Waco, Texas, and Felicity Fok and Zeviel Pineda of Veterans Memorial Early College High School in Brownsville, Texas.*

(ATTACHMENT 2, page #13)

**Public Testimony**

Public Testimony was provided by the following individuals:

NAME: Haseeb Abdullah  
AFFILIATION: Self

NAME: Mustafaa Carroll  
AFFILIATION: The Dallas/Fort Worth Chapter of the Council on American Islamic Relations

NAME: Fayyaz Shah  
AFFILIATION: Self

NAME: Laila Dabbakeh  
AFFILIATION: Self

NAME: Cindy Connolly  
AFFILIATION: Self

NAME: Durreshahwar Khan  
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 Updates and Substitutions to Adopted Instructional Materials

(Board agenda page II-10)

The State Board of Education approve the 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*, as recommended by the Committee on Instruction.

### (2) Approval of Costs to Administer the 2023–2024 State-Developed Assessments to Private School Students

(Board agenda page III-1)

The State Board of Education approved the recommended per-student costs for administering the state assessments to private school students in the 2023–2024 school year as listed in ATTACHMENT 3, page #15, as recommended by the Committee on School Finance/Permanent School Fund.

### (3) Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide

(First Reading and Filing Authorization)

(Board agenda page III-5)

The State Board of Education approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide, as recommended by the Committee on School Finance/Permanent School Fund.

### (4) Adoption of Rule Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules

(Board agenda page III-11)

The State Board of Education adopted the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules, as recommended by the Committee on School Finance/Permanent School Fund.



- (5) **Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund (First Reading and Filing Authorization)**  
(Board agenda page III-41)

The State Board of Education suspended the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and approved for first reading and filing authorization the proposed amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund, as recommended by the Committee on School Finance/Permanent School Fund.

### **COMMITTEE OF THE FULL BOARD**

3. **Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under Proclamation 2024**  
(Board agenda page I-1)

**MOTION:** *It was moved by Mrs. Little that the State Board of Education:*

*Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;*

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

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

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

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption, as amended and recommended by the Committee of Full Board.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Perez-Diaz, and carried without objection that the State Board of Education add Accelerate Learning Inc., STEMscopes Science TX, grades 6–8 and Biology, to the List of Instructional Materials Eligible for Adoption.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Perez-Diaz, and carried that the State Board of Education add Argument-Driven Inquiry, LLC, Texas ADI Learning Hub for Science, grades 3–5, to the List of Instructional Materials Eligible for Adoption.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION:** *It was moved by Ms. Hardy and seconded by Ms. Perez-Diaz that the State Board of Education add Discovery Education Inc., Science Techbook for Texas by Discovery Education, K–grade 8 and Biology, to the List of Instructional Materials Eligible for Adoption*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Perez-Diaz, and carried without objection that the State Board of Education add “rectifying the factual error related to the number of barrels of oil in the United States” to the Report of Required Corrections.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Kinsey, and carried without objection that the State Board of Education add “rectifying a factual error related to when the United States became energy independent” to the Report of Required Corrections.*

**VOTE:** *A vote was taken on the motion that the State Board of Education add Discovery Education Inc., Science Techbook for Texas by Discovery Education, K–grade 8 and Biology, to the List of Instructional Materials Eligible for Adoption, as amended. The motion failed with 6 members voting Aye and 8 members voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau</i>	<i>Ms. Hardy</i>
	<i>Ms. Childs</i>	<i>Dr. Ortega</i>
	<i>Ms. Davis</i>	<i>Ms. Perez-Diaz</i>

<u>No:</u>	<i>Mrs. Brooks</i>	<i>Mrs. Little</i>
	<i>Mr. Francis</i>	<i>Mr. Maynard</i>
	<i>Mr. Hickman</i>	<i>Ms. Pickren</i>
	<i>Mr. Kinsey</i>	<i>Dr. Young</i>

**MOTION:** *It was moved by Mr. Francis and seconded by Ms. Hardy that the State Board of Education add Summit K12 Holdings, Inc., Dynamic Science, K–grade 8, Dynamic Science Spanish, K– grade 6, Dynamic Biology, Dynamic Chemistry, Dynamic Integrated Physics and Chemistry, Dynamic Physics to the List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman and seconded by Mrs. Little that the State Board of Education divide the question to add only the secondary materials to the List of Instructional Materials Eligible for Adoption. The motion failed.*

**VOTE:** *A vote was taken on the motion that the State Board of Education add Summit K12 Holdings, Inc., Dynamic Science, K–grade 8, Dynamic Science Spanish, K– grade 6, Dynamic Biology, Dynamic Chemistry, Dynamic Integrated Physics and Chemistry, Dynamic Physics to the List of Instructional Materials Eligible for Adoption. The motion carried.*

**MOTION:** *It was moved by Ms. Perez-Diaz and seconded by Dr. Bell-Metereau that the State Board of Education add McGraw-Hill School Division, McGraw Hill Texas Biology to the List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mrs. Little, and carried unanimously that the State Board of Education add “removal of Figures 22 and 25 in Chapter 19, Lesson 3” to the List of Editorial Changes.*

**VOTE:** *A vote was taken on the motion that the State Board of Education add McGraw-Hill School Division, McGraw Hill Texas Biology to the List of Instructional Materials Eligible for Adoption, as amended. The motion carried unanimously.*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz and seconded by Ms. Davis that the State Board of Education add Edusmart, Edusmart Science, K– grade 8, EduSmart Science Spanish, K– grade 5, and Biology to the List of Instructional Materials Eligible for Adoption. The motion failed with 5 members voting Aye and 8 members voting No as follows:*

<u>Aye:</u>	<i>Dr. Bell-Metereau</i>	<i>Dr. Ortega</i>
	<i>Ms. Childs</i>	<i>Ms. Perez-Diaz</i>
	<i>Ms. Davis</i>	

<u>No:</u>	<i>Mr. Francis</i>	<i>Mrs. Little</i>
	<i>Ms. Hardy</i>	<i>Mr. Maynard</i>
	<i>Mr. Hickman</i>	<i>Ms. Pickren</i>
	<i>Mr. Kinsey</i>	<i>Dr. Young</i>

*(Mrs. Brooks was absent for the vote.)*

**MOTION:** *It was moved by Ms. Perez-Diaz and seconded by Ms. Davis that the State Board of Education add CEV Multimedia Ltd., iCEV Computer Science I (Individual Course), iCEV Child Development (Individual Course), and iCEV Child Development Associate Foundations (Individual Course) to the List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mr. Hickman, and carried without objection that the State Board of Education divide the question to consider iCEV Computer Science I (Individual Course) separately from iCEV Child Development (Individual Course) and iCEV Child Development Associate Foundations (Individual Course).*

*(Mrs. Brooks was absent for the vote.)*

**VOTE:** *A vote was taken on the motion that the State Board of Education add iCEV Computer Science I (Individual Course) to the List of Instructional Materials Eligible for Adoption. The motion carried unanimously.*

*(Mrs. Brooks was absent for the vote.)*

**VOTE:** *A vote was taken on the motion that the State Board of Education add iCEV Child Development (Individual Course) and iCEV Child Development Associate Foundations (Individual Course) to the List of Instructional Materials Eligible for Adoption. The motion carried unanimously.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Davis, and carried that the State Board of Education add CEV Multimedia Ltd., iCEV Instructional Practices (Individual Course) to the List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Childs and seconded by Dr. Bell-Metereau that the State Board of Education add Green Ninja, Green Ninja Middle School Science – Texas, grades 6–8 to the List of Instructional Materials Eligible for Adoption. The motion failed.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau, seconded by Ms. Pickren, and carried without objection that the State Board of Education add Typing.com, Typing.com, technology applications, K–grade 6 to the List of Instructional Materials Eligible for Adoption.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau and seconded by Ms. Perez-Diaz that the State Board of Education add Goodheart-Willcox Company, Child Development Child Development: Early Stages Through Adolescence and Human Growth and Development: Lifespan Development to the List of Instructional Materials Eligible for Adoption. The motion failed.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Pickren, and carried unanimously that the State Board of Education add Savvas Learning Company LLC formerly Pearson K12 Learning, Personal Financial Literacy to the List of Instructional Materials Eligible for Adoption.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Ms. Davis and seconded by Ms. Perez-Diaz that the State Board of Education add Kiddom, OpenSciEd Science powered by Kiddom, grades 6–8, and OpenStax powered by Kiddom, Biology, Chemistry, and Physics to the List of Instructional Materials Eligible for Adoption. The motion failed.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried without objection that the State Board of Education add a contingency to the List of Editorial Changes that iCEV correct material on psycho-analytical theory.*

*(Mrs. Brooks was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded and carried that the State Board of Education remove Goodheart-Willcox Company, Foundations of Financial Literacy, Personal Financial Literacy and Economics from the List of Instructional Materials Eligible for Adoption.*

*(Mrs. Brooks was absent for the vote.)*

**VOTE:** *A vote was taken on the motion that the State Board of Education:*

*Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;*

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

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

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

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption, as recommended by the Committee of Full Board, as amended. The motion carried unanimously.*

*(Mrs. Brooks and Ms. Davis were absent for the vote.)*

**4. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance (Second Reading and Final Adoption)**

*(Board agenda page I-12)*

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education, approve for second reading and final adoption proposed new 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023, as amended and recommended by the Committee of the Full Board; 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 B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register (ATTACHMENT 4, page #17).*

*(Mrs. Brooks and Ms. Davis were absent for the vote.)*

5. **Update on Texas Essential Knowledge and Skills (TEKS) Review**  
(Board agenda page I-263)

The State Board of Education took no action on this item.

6. **Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021 (First Reading and Filing Authorization)**  
(Board agenda page I-267)

**MOTION AND VOTE:** *It was moved by Mrs. Little and carried unanimously that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021, as recommended by the Committee of Full Board.*

*(Mrs. Brooks was absent for the vote.)*

#### **COMMITTEE ON INSTRUCTION**

7. **Proposed Amendment to 19 TAC, Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**  
**(Second Reading and Final Adoption)**  
(Board agenda page II-1)

**MOTION AND VOTE:** *It was moved by Dr. Young and carried unanimously that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, as amended and recommended by the Committee on Instruction; and*

*Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, is necessary and shall have an effective date of 20 days after filing with the Texas Register (ATTACHMENT 5, page #41).*

*(Mrs. Brooks was absent for the vote.)*

#### **COMMITTEE ON SCHOOL INITIATIVES**

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

**MOTION AND VOTE:** *It was moved by Mr. Hickman and carried unanimously that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs., as recommended by the Committee on School Initiatives.*

*(Mrs. Brooks was absent for the vote.)*

**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.

Dr. Young reported that the committee discussed potential updates to the Gifted/Talented State Plan that the committee will consider at a future meeting.

Mr. Maynard expressed excitement about what the new CEO will bring to the Permanent School Fund. He referenced the action the SBOE took to approve pricing for the STAAR test that is taken by private school students and stated that over 5,000 private school students take STAAR each year which means their schools are presumably teaching the SBOE-adopted TEKS. Mr. Maynard also thanked members of the PSF board for all their work on the executive search and selection of the new CEO.

Mr. Hickman reported that 19 charter applications have been submitted for Generation 29. The State Board for Educator Certification (SBEC) will meet on December 7 and 8 during which EdTPA and the Texas-specific exam will be considered at first reading. The committee discussed implementation of House Bill 4210 related to the military reservation school board appointments. The committee also discussed requirements for registered providers for school board training and the committee is working to fix a gap by adding requirements for providers similar to SBEC requirements that are applied to all teachers.

The meeting adjourned at 1:32 p.m.

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Pat Hardy, Secretary

## ***R E S O L U T I O N***

**WHEREAS** the *Presidential Awards for Excellence in Mathematics and Science Teaching* program identifies outstanding mathematics and science teachers in each state and the four U.S. jurisdictions; and

**WHEREAS** through state selection committees, four mathematics finalists and three science finalists were selected as Texas finalists; and

**WHEREAS** these teachers have become candidates for the *Presidential Awards for Excellence in Mathematics and Science Teaching*; now, therefore, be it

**RESOLVED**, That the State Board of Education does hereby extend its congratulations to Sarah DiMaria, Cedars International Next Generation High School, Cedars International Academy, Austin, Texas; Michelle Duphorne, Grand Prairie Collegiate Institute, Grand Prairie Independent School District, Grand Prairie, Texas; Tim McMahon, Kaufman High School, Kaufman Independent School District, Kaufman, Texas; Sara Steig, North Ridge Middle School, Birdville Independent School District, North Richland Hills, Texas; for being named State Finalists in the secondary mathematics category for the 2023 Presidential Award; and be it further

**RESOLVED**, That the State Board of Education does hereby extend its congratulations to Jamie Flint, Spring Woods High School, Spring Branch Independent School District, Houston, Texas; Krystle Moos, Midway High School, Midway Independent School District, Waco, Texas; Voke Ogueh, Hastings High School, Alief Independent School District, Houston, Texas; for being named State Finalists in the secondary science category for the 2023 Presidential Award; and be it further

**RESOLVED**, That this resolution be presented to the aforementioned teachers for being identified as state finalists for the 2023 *Presidential Awards for Excellence in Mathematics and Science Teaching* program, and that a copy be included in the permanent records of the State Board of Education.

**WITNESS** our signatures this seventeenth day of November, two thousand and twenty-three, in Austin, Texas.

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Dr. Keven Ellis, Chair

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Pat Hardy, Secretary



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## **R E S O L U T I O N**

**WHEREAS** the State Board of Education considers high academic standards as the foundation of public education in Texas; and

**WHEREAS** the National History Day program fosters academic achievement and intellectual growth, requires student participants to conduct extensive primary and secondary source research on a topic of historical significance, and promotes pride in each student participant's heritage and in our nation's history and place in the world; and

**WHEREAS** the annual National History Day contest with the theme of *Frontiers in History: People, Ideas, and Events* was held in College Park, Maryland, on June 10-15, 2023; and

**WHEREAS** Henry Jones of Lively Middle School in Austin, Texas, won First Place in the Junior Division Historical Paper category with his paper titled *A "Social Frontier": Boy Scouts, Progressive Education, and the Turner Thesis* and

**WHEREAS** Grant Gillum of Dripping Springs High School in Dripping Springs, Texas, won Second Place in the Senior Division Individual Website category with his website titled *Power for the People: How LBJ Tamed the Frontiers of Texas Hill Country Electrification*; and

**WHEREAS** Carter Holton of New Caney High School in New Caney, Texas, won Second Place in the Senior Division Individual Exhibit category with his exhibit titled *Window to the Universe: How the Hubble Space Telescope Revolutionized the Study of Astronomy*; and

**WHEREAS** Emma Clark-Martinez, Finley Ritter, and Katrina Telep of ATLAS Academy in Waco, Texas, won Third Place in the Junior Division Group Performance category with their performance titled *Is There a Doctor in the House: The Tale of Dr. Sara Josephine Baker and Typhoid Mary*; and

**WHEREAS** Felicity Fok and Zeviel Pineda of Veterans Memorial Early College High School in Brownsville, Texas, won Third Place in the Senior Division Group Exhibit category with their exhibit titled *The Hidden Bombe of WWII: Outwitting the Enigma Code*; now, therefore, be it

**RESOLVED**, That the State Board of Education does hereby congratulate these *2023 National History Day* winners from the Austin Independent School District, Dripping Springs Independent School District, New Caney Independent School District, Waco Independent School District, and Brownsville Independent School District; and be it further

**RESOLVED**, That this resolution be presented to the aforementioned students for their winning projects at the *2023 National History Day* contest and that a copy be included in the permanent records of the State Board of Education.

**WITNESS** our signatures this seventeenth day of November, two thousand and twenty-three, in Austin, Texas.

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Keven Ellis, Chair

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Patricia Hardy, Secretary

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## Recommended Private School Costs for the 2023–2024 School Year

### State of Texas Assessments of Academic Readiness (STAAR®) and Texas English Language Proficiency Assessment System (TELPAS)

<b>Program</b>	<b>Test</b>	<b>Number of Tests Based on Eligible Testers</b>	<b>Total Cost</b>	<b>Cost per Student per Test</b>	<b>Recommended Cost per Private School Student per Test</b>
STAAR	Grades RLA*	3,760,188	\$34,307,944.44	\$9.12	\$9.12
	Mathematics*	2,888,413	\$14,256,511.48	\$4.94	\$4.94
	Science*	1,369,292	\$9,028,416.55	\$6.59	\$6.59
	Social Studies	858,788	\$5,889,878.61	\$6.86	\$6.86
TELPAS	Kindergarten–Grade 12	1,175,023	\$16,508,105.96	\$14.05	\$14.05

\*Includes English and Spanish versions for grades 3–5.

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ATTACHMENT  
Text of Proposed New 19 TAC

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

**Subchapter B. High School**

**§127.19. Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Students shall be awarded one credit for successful completion of this course. Students may repeat this course with different course content for up to three credits.
- (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) In Career and Technical Education Project-Based Capstone, students independently or collaboratively investigate real-world problems, issues, or interests. This course applies to a variety of career and technical education career clusters and programs of study.
  - (3) Career and Technical Education Project-Based Capstone is a course designed for students to develop and enhance essential skills while investigating real-world problems, issues, or interests. Students work independently or collaboratively with others within or across career clusters or programs of study. Students partner with mentor(s) or advisor(s) to develop a project. Students conduct research, compile findings, implement project activities appropriate to student contribution, and present their work to a relevant audience that may include industry experts. To attain academic success, students must have opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings to become productive and contributing members of society.
  - (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 investigates independently or collaboratively a problem, issue, or interest within a selected profession or across disciplines to develop an independent or a collaborative project. The student is expected to:
    - (A) research and select a problem, issue, or interest within a selected profession or across disciplines for a personal enrichment or career development project;
    - (B) develop a problem statement, thesis statement, research question, or value proposition statement;
    - (C) identify and select a design or research process such as engineering design process, design thinking model, scientific discovery, or other industry-standard methodology;
    - (D) identify and select an appropriate audience for a problem, issue, or interest;
    - (E) identify key factors such as cost, feasibility, or time constraints necessary for successful development and implementation of a solution or plan; and

- (F) identify key resources such as financial, intellectual, physical, human, and digital resources needed for development and implementation of a plan.
- (2) The student identifies and develops key partnerships related to a problem, issue, or interest under the supervision of one or more mentors or advisors. The student is expected to:
  - (A) identify key stakeholders;
  - (B) research and select appropriate mentor(s) or advisor(s); and
  - (C) recruit appropriate collaborators, partners, or contributors.
- (3) The student determines timeline goals for project completion and appropriate benchmarks to measure progress and success of a project. The student is expected to:
  - (A) identify and use effective communication strategies to use with mentor(s) or advisor(s) to provide updates and status reports;
  - (B) research and identify key performance indicators (KPI) that demonstrate successful progress of a project; and
  - (C) select appropriate method(s) to benchmark measurement of KPI such as a Gantt chart.
- (4) The student develops a project management timeline for deliverables. The student is expected to:
  - (A) define the key activities necessary for successful implementation of a project;
  - (B) identify deliverable dates for key activities to support completion of a project within an established timeline; and
  - (C) develop and execute a plan to monitor and complete key deliverables.
- (5) The student creates a risk analysis for a project. The student is expected to:
  - (A) identify potential risks such as financial, economic, regulatory, ethical, environmental, or legal risks associated with the design and implementation of the project and the end product; and
  - (B) evaluate and select methods to mitigate potential risks associated with a project.
- (6) The student identifies necessary approvals required for a project. The student is expected to:
  - (A) research and identify approval processes necessary to implement a project;
  - (B) prepare and present a proposal for project approval; and
  - (C) review feedback and revise an original proposal for a project as needed.
- (7) The student implements a project that meets standards recognized within a selected profession or across disciplines. The student is expected to:
  - (A) complete a project plan that includes problem statement, thesis statement, research question, or value proposition statement; key partners; measurables; deliverables; risk analyses; and approvals;
  - (B) implement a plan for project completion;
  - (C) monitor and evaluate the progress of a project plan to determine whether modifications or changes are necessary;
  - (D) document all phases of a project plan; and
  - (E) report periodically on the progress of a project plan.
- (8) The student demonstrates an understanding of a selected problem, issue, or interest by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:

- (A) identify an appropriate audience and coordinate the presentation of findings related to a selected problem, issue, or interest;
- (B) present findings in a professional manner such as using concise language, engaging content, relevant media, and clear speech;
- (C) evaluate feedback received from a presentation;
- (D) evaluate the project's potential impact(s) on the identified problem, issue, or interest; and
- (E) analyze and report on personal learning experiences such as essential skills gained, areas of personal growth, and challenges encountered throughout the project.

**§127.20. Career Preparation General [H] (Two Credits), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a [Level 2 or higher] career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may [For this course to satisfy a Level IV requirement as part of a student's program of study, the employment experience must] be related to or outside the student's program of study.
  - (1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.
  - (2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.
- (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) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.
  - (3) Career Preparation General [H] provides opportunities for students to participate in a work-based learning environment that incorporates continuous collaborative feedback between the employer, teacher, and student. This course combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is for students to obtain entry-level employment developing a variety of skills for obtaining and maintaining employment. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.
  - (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 employability skills to gain an entry-level position. The student is expected to:
    - (A) identify different methods to gain employment such as employer websites, job search engines, business locations, networking, and local open forums for job opportunities;



- (B) identify and demonstrate essential workplace skills such as eye contact, professional greetings, punctuality, appropriate dress, and effective communication to gain employment;
  - (C) develop a cover letter and create a resume, curriculum vitae (CV), or portfolio;
  - (D) demonstrate proper interview techniques in a variety of situations;
  - (E) create pre-employment documents, including thank you letters, and post-employment documents, including a resignation letter with customary notice provisions; [and](#)]
  - (F) complete appropriate employment documents, including application, offer letter, I-9 form, and W-4 form ; [and](#) [;]
  - (G) [describe the benefits of having a job and being self-sufficient.](#)
- (2) The student develops essential skills necessary for success in the workplace. The student is expected to:
- (A) identify and model appropriate hygiene, grooming, and attire for various workplaces;
  - (B) demonstrate professionalism by being dependable, [working hard, respecting authority, solving problems, taking initiative, communicating effectively, listening actively, and resolving conflicts;](#)
  - (C) model appropriate workplace etiquette in physical and digital environments;
  - (D) demonstrate accountability by working with other employees to support the organization, completing assigned tasks and taking responsibility for mistakes; and
  - (E) demonstrate time management, including prioritizing work to fulfill responsibilities and meeting deadlines.
- (3) The student applies academic skills to the workplace. The student is expected to:
- (A) apply appropriate industry-specific mathematical skills;
  - (B) develop and analyze a personal budget for a variety of economic situations such as part-time and full-time employment;
  - (C) interpret data from industry-specific tables, charts, and graphs to find solutions to problems;
  - (D) organize, write, and curate industry-specific documents and electronic communication using appropriate language; [and](#)]
  - (E) interpret and calculate information included in an earnings statement, including wages, [Federal Insurance Contributions Act \(FICA\)](#) deductions, taxes, and other benefits such as tips earned ; [and](#) [;]
  - (F) [explain how debt affects financial stability.](#)
- (4) The student exemplifies appropriate interpersonal skills in the workplace. The student is expected to:
- (A) explain how interpersonal skills affect human relations on the job;
  - (B) differentiate between characteristics of successful and non-successful working relationships;
  - (C) explain the importance of respecting the rights of others;
  - (D) explain how different personalities, experiences, and workstyles of employees can affect the workplace; and

- (E) demonstrate professional verbal and nonverbal communication, including proper phone usage, body language, and interactions with customers and coworkers in person and online.
- (5) The student applies ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:
- (A) research and explain workplace policies and procedures related to absence reporting, employee theft, sexual harassment, recognized holidays, workplace safety, acceptable use policy, jury duty, attendance and punctuality, drug-free workplace, and related consequences;
  - (B) demonstrate responsible behavior by following applicable workplace and school codes of conduct with integrity;
  - (C) discuss the importance of ethical behavior in the workplace such as treating others with respect, being honest, working to full potential, and developing a quality work product;
  - (D) summarize the importance of the Fair Labor Standards Act;
  - (E) describe the potential consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Rule (COPPA);
  - (F) research and explain the origins and legislative intent of the Civil Rights Act of 1964, Title VII, and the Education Amendments of 1972, Title IX, and the rights and responsibilities established by these laws; and
  - (G) research and describe laws and regulations related to a student's employment or a chosen industry or career.
- (6) The student applies concepts and skills related to safety in the workplace. The student is expected to:
- (A) identify and demonstrate safe working practices in the workplace;
  - (B) identify and illustrate solutions related to unsafe work practices;
  - (C) explain the importance of Occupational Safety and Health Administration regulations in the workplace; and
  - (D) describe physical health and mental wellness practices that influence job performance.
- (7) The student evaluates personal attitudes, work habits, and skills that support job retention and advancement. The student is expected to:
- (A) identify and develop effective leadership skills through participation in activities such as career and technical student organizations;
  - (B) identify appropriate certifications in the current employment position or desired occupational area;
  - (C) compare rewards and demands associated with various levels of employment in a variety of careers;
  - (D) investigate and compare career options by completing interest surveys, career aptitude tests, and skill inventories;
  - (E) generate short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals for personal and career growth;
  - (F) research and explain methods for developing a growth mindset;
  - (G) summarize how to appropriately self-advocate in the workplace; and

- (H) explain the impact of an employee self-evaluations, management performance evaluations, and employee feedback responses on personal job growth.
- (8) The student identifies skills and attributes necessary for professional success. The student is expected to:
  - (A) evaluate and compare career options, including salaries and benefits;
  - (B) describe how interests, abilities, personal priorities, and family responsibilities affect career choices;
  - (C) identify continuing education opportunities that enhance career advancement and promote lifelong learning;
  - (D) analyze the future employment outlook in an occupational area of interest;
  - (E) describe entrepreneurial opportunities in an occupational area of interest; and
  - (F) evaluate strategies for career retention and advancement in response to the changing global workforce.

**§127.21. Career Preparation for Programs of Study [H] (Two Credits), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grade 12. Prerequisite: at least one Level 2 or higher career and technical education course [Career Preparation I] . Students shall be awarded two credits for successful completion of this course.
  - (1) A student's employment experience connected with this course must be related to the student's program of study.
  - (2) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.
  - (3) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.
- (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) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.
  - (3) Career Preparation for Programs of Study [H] provides additional opportunities for students to develop business and industry employment experiences , which must be related to [that may be outside] the student's current program of study alongside advanced classroom instruction. The goal is to prepare students with a variety of skills to transition from job- to career-mindedness. This course provides a continuing focus on collaborative feedback between the employer, teacher, and student. Career Preparation for Programs of Study [H] expands on Career Preparation General [I] by increasing rigor, supporting student attainment of academic standards, and effectively preparing students for college and career success.
  - (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 applies and evaluates employability skills to improve the student's marketability within the workplace. The student is expected to:

- (A) differentiate between a job and a career;
- (B) refine an industry-specific professional portfolio or resume;
- (C) identify appropriate sources for writing and obtain letters of recommendation;
- (D) model proper interview skills based on a chosen career cluster; [and]
- (E) evaluate the effectiveness of various methods to gain employment ; [ ]
- (F) describe how having a job can lead to a career and self-sufficiency; and
- (G) identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions.

(2) The student demonstrates essential skills necessary for success in the workplace. The student is expected to:

- (A) maintain appropriate hygiene, grooming, and attire for the workplace;
- (B) model appropriate workplace etiquette in physical and digital environments;
- (C) justify time-management decisions to fulfill responsibilities and meet deadlines;
- (D) analyze employer expectations by reflecting on evaluations;
- (E) demonstrate effective listening skills used in the workplace through appropriate interactions with customers and coworkers; and
- (F) cultivate and improve professionalism by continuously being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, and listening actively.

(3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:

- (A) integrate mathematical concepts into business transactions such as counting inventory, calculating discounts, and conducting cash transactions;
- (B) compare earning potential for careers within a selected program of study [an occupational area of interest] with personal financial goals;
- (C) analyze and apply data from industry-specific tables, charts, or graphs to generate solutions to problems; and
- (D) analyze and synthesize information from electronic communications, including forms, reports, or summaries.

(4) The student demonstrates leadership qualities by applying work ethic, job expectations, multicultural considerations, and communication skills in the workplace. The student is expected to:

- (A) identify positive interpersonal skills, including conflict resolution, effective communication, and respect for all people, and model these skills as a mentor with peers;
- (B) apply effective verbal, nonverbal, written, or electronic communication skills to a variety of audiences;
- (C) define personal integrity and evaluate its effects on human relations in the workplace;

- (D) classify a variety of working relationships into functional and dysfunctional characteristics; and
  - (E) participate in leadership and career-development activities [related to a selected program of study](#) .
- (5) The student models ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:
- (A) evaluate provisions of the Fair Labor Standards Act;
  - (B) analyze the legal consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Act (COPPA);
  - (C) research and describe laws governing different professions within a [selected program of study](#) [[chosen career cluster](#)] ;
  - (D) analyze organizational policies and procedures and ethical standards from the student's current place of employment; and
  - (E) interpret and evaluate the rights and responsibilities of employers and employees.
- (6) The student applies concepts and skills related to safety in the workplace. The student is expected to:
- (A) research and describe different types of identity theft to identify associated risks and prevention strategies;
  - (B) identify and evaluate consequences of breach of personal and occupational safety practices in the workplace;
  - (C) model safe working practices at a training station;
  - (D) evaluate the impact of Occupational Safety and Health Administration regulations in the workplace; and
  - (E) analyze how physical health and mental wellness practices influence career longevity and satisfaction [in a career within a selected program of study](#) [[within a chosen career cluster](#)]
- (7) The student models the skills that support employment retention and advancement. The student is expected to:
- (A) create a personal growth plan that identifies relevant certifications, postsecondary opportunities, and technical skills required for various levels of employment based on a chosen career [within a selected program of study](#) and describe how to obtain them;
  - (B) develop short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals based on personal and professional growth plans;
  - (C) analyze the rewards and demands of career advancement;
  - (D) model appropriate self-advocacy in various workplace scenarios;
  - (E) compare current employee performance evaluations to previous evaluations to identify areas of growth and opportunities for continued development; and
  - (F) evaluate and compare employment advancement considerations such as salaries, benefits, and qualifications.
- (8) The student analyzes postsecondary career opportunities [within a selected program of study](#) . The student is expected to:
- (A) research and compare declining and growth industries across career clusters;

- (B) identify and analyze future job growth **within a selected program of study** based on societal needs;
- (C) analyze the skills required to be successful in emerging industries;
- (D) identify continuing education opportunities to determine education and training requirements for future careers **within a selected program of study** ;
- (E) research and evaluate entrepreneurial opportunities **related to a selected program of study [in an occupational area of interest]** ; and
- (F) evaluate how personal priorities such as interests, abilities, and family responsibilities may influence career choice.

**§127.22. Extended Career Preparation (One Credit), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Corequisite: Career Preparation **General [I]** or Career Preparation **for Programs of Study [H]** . This course must be taken concurrently with Career Preparation **General [I]** or Career Preparation **for Programs of Study [H]** 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 demonstrating proficiency in additional and more advanced knowledge and skills.]~~
  - (1) ~~A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.~~
  - (2) ~~A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.~~
- (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) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.
  - (3) Extended Career Preparation is an enhancement and extension to Career Preparation **General [I]** or Career Preparation **for Programs of Study [H]** to provide additional opportunities for students to participate in a work-based learning experience that combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is to provide students additional time for deeper exploration of skills in the workplace. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.
  - (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 employability skills as required by business and industry. The student is expected to:

- (A) identify and participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;
  - (B) complete work tasks with high standards to ensure delivery of quality products and services; and
  - (C) demonstrate and apply planning and time-management skills to work tasks.
- (2) The student demonstrates essential skills for success in the workplace. The student is expected to:
- (A) demonstrate and apply professional standards and personal qualities needed to be employable such as punctuality, initiative, patience, kindness, respect for authority, and cooperation;
  - (B) apply appropriate content knowledge, technical concepts, and vocabulary in the workplace;
  - (C) apply effective listening skills to obtain and clarify information in the workplace; and
  - (D) maintain appropriate hygiene, grooming, and attire in the workplace.
- (3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:
- (A) employ critical-thinking skills to solve problems and make decisions; and
  - (B) analyze elements of a problem to develop creative and innovative solutions.
- (4) The student exemplifies appropriate interpersonal and communication skills in the workplace. The student is expected to:
- (A) demonstrate teamwork using conflict-management skills to achieve collective goals;
  - (B) apply verbal and non-verbal communication skills consistently in a manner that is clear, concise, and effective; and
  - (C) model effective internal and external communications to support work activities.
- (5) The student models ethical codes of conduct and legal responsibilities within the workplace. The student is expected to:
- (A) demonstrate a positive work ethic by performing assigned tasks as directed;
  - (B) model ethical reasoning in workplace situations;
  - (C) comply with all applicable rules, laws, and regulations in the workplace; and
  - (D) research and explain the roles of the Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission (TWC) in the workplace.
- (6) The student applies concepts and skills related to safety in the workplace. The student is expected to:
- (A) follow workplace safety rules and regulations consistently;
  - (B) operate tools and equipment used in the workplace safely;
  - (C) report and handle accidents and safety incidents according to workplace procedures as necessary; and
  - (D) describe and perform a hazard analysis of the workplace.
- (7) The student participates in a paid or an unpaid career preparation experience. The student is expected to:
- (A) conduct, document, and evaluate learning activities in a supervised employment experience;

- (B) assess and report on advanced technical knowledge and skills related to the student's occupational objective and growth;
- (C) evaluate strengths and weaknesses in technical skill proficiency; and
- (D) document experiences related to the workplace and curate work samples.



ATTACHMENT  
Text of Proposed New 19 TAC

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

**Subchapter F. Business, Marketing, and Finance**

**§127.275. Entrepreneurship I (One Credit), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. Recommended prerequisite: Principles of Business, Marketing and Finance. 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 Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.
  - (3) In Entrepreneurship I, students will gain the knowledge and skills needed to become an entrepreneur in a free enterprise system. Students will learn the key concepts necessary to begin and operate a business. The primary focus of the course is to help students identify the types and selection criteria of business structures, understand the components of a business plan, determine feasibility of an idea using research, and develop and present a business concept. In addition, students will understand the basics of management, accounting, finance, marketing, risk, and product development.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.
  - (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 professional business communication skills such as verbal phone conversations and the construction of email in a professional manner, including subject line, salutation, email body, closing, and signature;
    - (B) model professional business norms for face-to-face and virtual interactions in alignment with business norms;
    - (C) identify how to conduct a meeting with professionals, including the importance of punctual attendance, wearing attire appropriate for the meeting, introducing all parties to one another, reviewing and using the meeting agenda as a guide for the meeting, taking notes during the meeting, and sending meeting outcomes to each participant after the conclusion of the meeting;
    - (D) communicate effectively with others using verbal and nonverbal communication, active listening, and writing skills in a business setting;

- (E) demonstrate collaboration skills, including resolving conflicts, within a team setting;
  - (F) demonstrate a productive work ethic, including working hard, respecting authority, performing assigned tasks, following schedules, and meeting deadlines;
  - (G) evaluate the ethical course of action for entrepreneurs using applicable rules, laws, and regulations;
  - (H) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;
  - (I) demonstrate coachability skills by receiving and giving constructive feedback; [and]
  - (J) demonstrate critical and analytical thinking skills when comparing business decisions ; and [;]
  - (K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.
- (2) The student demonstrates an understanding of entrepreneurship. The student is expected to:
- (A) distinguish between the terms entrepreneurship and entrepreneur;
  - (B) define small-, medium-, and large-sized businesses;
  - (C) differentiate between the various routes to entrepreneurship, including start-ups, franchising, acquisition, mergers, and non-profit ownership;
  - (D) identify and discuss the risks and benefits of an entrepreneurial way of life;
  - (E) analyze and discuss the advantages and disadvantages of entrepreneurship;
  - (F) distinguish between intrapreneurship and entrepreneurship; and
  - (G) identify the role entrepreneurship plays in innovation within a free-market economy.
- (3) The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures. The student is expected to:
- (A) evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships [each business structure] , including control, tax implications, risk, and liability;
  - (B) differentiate between management structures for different types of business;
  - (C) investigate local businesses and classify them by their business structures; and
  - (D) identify the primary importance of shareholders.
- (4) The student engages in discovery activities related to entrepreneurship. The student is expected to:
- (A) complete a career interest inventory or career aptitude test and a personality assessment to identify personality traits, strengths, and weaknesses;
  - (B) identify characteristics of successful entrepreneurs; and
  - (C) identify opportunities for personal growth through self-reflection activities.
- (5) The student identifies problems and creates solutions to address market wants and needs. The student is expected to:
- (A) identify and analyze problems in the marketplace through an ideation process and market research ; [and]
  - (B) describe possible solutions for the marketplace problems identified ; and [;]
  - (C) determine the feasibility of a solution by performing a features-benefits-value analysis.

- (6) The student understands the key components included in a business plan. The student is expected to:
- (A) define and explain basic accounting terms, including revenue; expenses; cash; accounts receivable; accounts payable; fixed assets; liquid assets; inventory; liabilities; cost of goods sold; earnings before interest, taxes, depreciation, and amortization (EBITDA); gross profit; net profit; forecasts; cash flow; return on investment; and owners' equity;
  - (B) identify possible diversified revenue streams **and explain how to generate various revenue streams** for a business;
  - (C) define and explain variable, fixed, and mixed costs;
  - (D) identify the components of key financial statements of a business plan, including balance sheet, profit and loss statement, and cash flow statement;
  - (E) calculate unit economics and a break-even point using sample data;
  - (F) define and explain different channels of distribution;
  - (G) define and explain demographics, psychographics, and geographics as related to potential customer segment;
  - (H) provide examples of market segments;
  - (I) compare various pricing strategies such as cost-plus pricing, price skimming, penetration pricing, premium pricing, and value-based pricing;
  - (J) define and explain a competitive analysis;
  - (K) analyze and explain different types of marketing and sales strategies, including digital and social media marketing;
  - (L) identify and define key performance metrics **and describe how they may vary by industry**; and
  - (M) describe the unique value proposition of a product or service that provides a competitive edge against existing competitors.
- (7) The student demonstrates an understanding of a business planning methodology. The student is expected to:
- (A) identify the components of a business planning tool, including the Business Model Canvas; and
  - (B) apply a business planning template to an existing business.
- (8) The student creates a plan for a preliminary business concept. The student is expected to:
- (A) identify a current market need or problem;
  - (B) identify a product or service to address the market need or problem;
  - (C) explain the unique value proposition of the product or service;
  - (D) explain potential impacts of the availability of the product or service on a selected target market; and
  - (E) summarize the feasibility and key elements of the business venture.
- (9) The student develops and delivers a comprehensive presentation on a preliminary business concept. The student is expected to:
- (A) identify and explain the components of a pitch;
  - (B) create a pitch for a preliminary business concept;
  - (C) align presentation strategies to the intended audience and purpose;

- (D) select and implement effective multimedia strategies for a presentation;
  - (E) provide and receive constructive feedback following a presentation; and
  - (F) demonstrate effective presentation skills.
- (10) The student knows how to access and use organizations and resources to support entrepreneurs. The student is expected to:
- (A) identify and compare the opportunities of various local, state, and national organizations and associations that provide resources to entrepreneurs, including startup grants and loans; and
  - (B) analyze the benefits of the various services provided by the Small Business Administration, Small Business Development Centers, Service Corps of Retired Executives (SCORE), chambers of commerce, institutions of higher education, and industry-related associations.

**§127.276. Entrepreneurship II (One Credit), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Entrepreneurship I. 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 Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.
  - (3) In Entrepreneurship II, students gain the knowledge and skills needed to become successful entrepreneurs within an innovative marketplace in a free enterprise system. The goal and outcome of the course are for students to have a business launched by the end of the course or have the tools necessary to launch and operate a business. In this course, students learn and initiate the process of taking a business plan from idea to implementation. Students are encouraged to work in close cooperation with local industry leaders and community members to develop ideas and objectives, complete a business planning tool, pitch for funding, and register with governmental agencies.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.
  - (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 professional business skills through written and oral communication;
    - (B) demonstrate a productive work ethic by using a personal calendar , [and] task list ,and project management tools ;

- (C) conduct meetings in face-to-face and virtual settings by creating an agenda, confirming the meeting, using an agenda as a guide for the meeting, and sending meeting follow-up correspondence;
  - (D) demonstrate collaboration skills within a diverse team setting;
  - (E) identify an ethical course of action in a business setting;
  - (F) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;
  - (G) demonstrate coachability skills by ~~working hard, respecting authority, and using~~ feedback to inform decision making;
  - (H) set short- and long-term goals;
  - (I) identify appropriate business attire in various work settings; ~~and~~
  - (J) demonstrate critical and analytical thinking skills when comparing business decisions ; ~~and~~ [ ]
  - ~~(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.~~
- (2) The student demonstrates an understanding of the entrepreneurial environment. The student is expected to:
- (A) compare the advantages and disadvantages of corporations, franchises, partnerships, limited-liability companies, and sole-proprietorships;
  - (B) evaluate the factors involved with starting, acquiring, or expanding a business;
  - (C) describe franchise opportunities and ownership requirements;
  - (D) define scaling as it applies to growing a business; ~~and~~
  - (E) self-reflect ~~on~~ and evaluate personal strengths for becoming a successful entrepreneur ; ~~and~~ [ ]
  - ~~(F) analyze opportunity costs for a given business example.~~
- (3) The student engages in the ideation process and determines the feasibility of an entrepreneurial venture. The student is expected to:
- (A) identify and analyze problems in the marketplace through an ideation process;
  - (B) analyze market research to identify possible solutions to a problem;
  - (C) identify the customer segment affected by a problem;
  - ~~(D) research, develop, and implement focus group questions for a specific customer segment;~~
  - ~~(E) ~~(D)~~ evaluate the feasibility of possible solutions to a problem, including a competitive analysis such as a strength, weakness, opportunities, and threats (SWOT) analysis; and~~
  - ~~(F) ~~(E)~~ select and present the most viable solution to a problem based on market research, feasibility, and customer segmentation.~~
- (4) The student creates a minimum viable product (MVP) for a start-up business. The student is expected to:
- (A) define minimum viable product and unique value proposition for a good or service;
  - (B) create a minimum viable product to a solution generated from an ideation process;
  - (C) identify unique value proposition(s) of a minimum viable product;
  - (D) present the minimum viable product, including the unique value proposition(s), for feedback; and

- (E) conduct market testing of the minimum viable product.
- (5) The student understands how to select a funding source for a start-up business. The student is expected to:
- (A) compare the advantages and disadvantages of potential funding sources, including crowdsourcing, private equity firms, venture capitalists, banks and other lenders, friends and relatives, grants, state and local development agencies, and angel investors;
  - (B) identify predatory lending schemes and practices; and
  - (C) evaluate risks and benefits of various funding sources from short- and long-term perspectives.
- (6) The student determines an ownership structure for a start-up business. The student is expected to:
- (A) compare ownership structures for a start-up business;
  - (B) select an ownership structure and explain why it is appropriate for a start-up business; and
  - (C) explain the process for legally registering and obtaining a tax status for a start-up business for a selected ownership structure.
- (7) The student uses a business planning tool to develop a start-up business concept. The student is expected to:
- (A) research business plan outlines, resources, and templates such as Business Model Canvas, lean business model template, or a traditional business plan template;
  - (B) select an appropriate business planning tool for a start-up business;
  - (C) complete the components of a selected business planning tool for a start-up business concept; and
  - (D) present a start-up business concept for feedback.
- (8) The student demonstrates an understanding of accounting and financial practices. The student is expected to:
- (A) explain the importance of budgeting and cash flow, including burn rate;
  - (B) identify revenues and expenses for a start-up business;
  - (C) explain the importance of **and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow;**
  - (D) create an operational budget for a start-up business;
  - (E) create a monthly projected financial statement for a three-year period for a start-up business;
  - (F) identify accounting tools and services such as accounting and bookkeeping software, payroll services, and tax services; and
  - (G) select appropriate accounting tools and services for a start-up business.
- (9) The student demonstrates an understanding of the legal and regulatory environment for a business. The student is expected to:
- (A) differentiate ways to protect intellectual property;
  - (B) distinguish between the advantages and disadvantages of a patent;
  - (C) determine the types of licenses a start-up business might be required to obtain, including a business license, employer identification number, name registry, professional license, and occupational license;

- (D) examine the role of government agencies that oversee business regulations and determine the regulatory implications for a start-up business;
  - (E) examine the role of workplace safety and health in the regulatory environment and determine its implications for a start-up business;
  - (F) analyze the purpose of legally binding contracts;
  - (G) explain the implications of tax laws on a business;
  - (H) describe the impact of labor laws when creating a start-up business;
  - (I) create a sample contract for a start-up business such as sales, employment, purchase, lease, or non-disclosure agreement; and
  - (J) examine implications of sexual harassment and workplace violence on a business.
- (10) The student demonstrates an understanding of ethical and moral obligations in entrepreneurship as they relate to shareholders, employees, customers, and the community. The student is expected to:
- (A) develop ideas to build a moral and ethical business culture;
  - (B) evaluate the impact of unethical and immoral practices on stakeholders;
  - (C) create the core values for a start-up business; and
  - (D) create purpose, vision, and mission statements for a start-up business.
- (11) The student understands the impact of leadership, human resources, and management on a start-up business. The student is expected to:
- (A) distinguish between leadership and management;
  - (B) explore and identify personal leadership style;
  - (C) develop recruitment, hiring, and retention strategies for a start-up business;
  - (D) examine and describe effective leadership and management strategies;
  - (E) create an organizational chart for a start-up business;
  - (F) create job descriptions for key roles in a start-up business; and
  - (G) explain how company culture impacts recruitment and retention.
- (12) The student determines a pricing structure for a start-up business. The student is expected to:
- (A) create and justify a pricing structure for a start-up business;
  - (B) develop and analyze pricing objectives;
  - (C) use sample data to calculate prices, markups, and discounts for a start-up business;
  - (D) calculate unit economics and a break-even point for a start-up business; and
  - (E) explain the role of supply and demand on pricing.
- (13) The student determines effective marketing and promotional strategies for a start-up business. The student is expected to:
- (A) develop promotional objectives;
  - (B) create a marketing plan for a start-up business that includes the use of internet, social media, and sales strategies;
  - (C) analyze customer buying behavior to inform promotional decision-making;
  - (D) create promotional materials using appropriate technology;
  - (E) conduct a market test to measure promotional effectiveness;

- (F) explain the role of search engine optimization as a marketing strategy;
  - (G) select an appropriate point-of-sale or e-commerce payment method; and
  - (H) compare how promotional strategies change during the product life cycle.
- (14) The student understands the role of distribution and supply chain management for a start-up business. The student is expected to:
- (A) determine distribution costs associated with transportation, storage, product handling, and inventory control;
  - (B) explain how distribution adds value to a product or service by providing place, possession, and time utility to a consumer;
  - (C) select suppliers for the production of goods and services; and
  - (D) analyze risks and challenges with supply chain management and distribution.
- (15) The student understands key metrics to measure the success of a business. The student is expected to:
- (A) explain the role and importance of key metrics as a measure of success;
  - (B) identify and define common key metrics; and
  - (C) select and justify key metrics for a start-up business.
- (16) The student presents a well-organized business plan. The student is expected to:
- (A) create and present a comprehensive business plan that includes business description, target market, key metrics, revenue streams, pricing structure, competitive advantage, unique value proposition, distribution channels, and financial forecast;
  - (B) identify the purpose of and present an elevator pitch;
  - (C) create and deliver a presentation for start-up business funding;
  - (D) select and implement effective multimedia strategies for a presentation;
  - (E) provide and receive constructive feedback following a presentation;
  - (F) demonstrate effective presentation skills; and
  - (G) create an executive summary.
- (17) The student understands the process for launching a start-up business. The student is expected to:
- (A) research and identify the process for launching a start-up business in the local area;
  - (B) evaluate insurance costs, locations, and loan terms; and
  - (C) assess equipment needs and other resources needed to launch the business.

**§127.277. Practicum in Entrepreneurship (Two Credits), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.
- (b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a career and technical education (CTE) program of study. 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) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.
  - (3) Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. 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. It is recommended that students are paired with local business owners or employers in their specific industry program of study.
  - (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.
  - (5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.
  - (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 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 entrepreneurship;
    - (B) demonstrate professional business skills through written and oral communication;
    - (C) demonstrate collaboration skills through teamwork **and constructive dialogue** ;
    - (D) demonstrate professionalism by behaving in a manner appropriate for the profession and workplace;
    - (E) demonstrate a positive, productive work ethic by performing assigned tasks as directed;
    - (F) comply with all applicable rules, laws, and regulations;
    - (G) demonstrate time-management skills by prioritizing tasks, following schedules, and accomplishing goal-relevant activities in a way that uses time wisely and optimizes efficiency and results;
    - (H) identify appropriate business attire for the selected workplace; and
    - (I) demonstrate critical and analytical thinking skills when comparing business decisions.
  - (2) The student analyzes major problem areas and potential problem areas for entrepreneurs while demonstrating an understanding of leverage points and constraints. The student is expected to:
    - (A) assess businesses that have failed, determine factors associated with business closure, and prepare and present analysis to peers;
    - (B) research and analyze risks faced by entrepreneurs;

- (C) evaluate entrepreneurial risk versus opportunity for a given [business example](#) [[scenario](#)] ;
  - (D) describe how entrepreneurship differs from working for an employer;
  - (E) analyze personal aptitude for entrepreneurship;
  - (F) describe how entrepreneurs must manage organizational finances;
  - (G) research and apply the entrepreneur's approach to risk-taking as it applies to business decision-making;
  - (H) explore and explain a company's competitive advantage in its field of interest; [[and](#)]
  - (I) analyze the risks and rewards of business ownership by interviewing an entrepreneur in a chosen field of interest ; [and](#) [:]
  - [\(J\) analyze how psychology and sociology explain factors that drive customer behavior and impact business success.](#)
- (3) The student identifies the appropriate legal structure, benefits, and drawbacks for different business types. The student is expected to:
- (A) describe the different basic types of business formation, including sole proprietorship, partnership, corporation, and limited liability company;
  - (B) compare the benefits and drawbacks for each type of business structure such as personal liability and taxes; and
  - (C) research an existing business and simulate liability issues associated with its type of business structure through role-play.
- (4) The student determines how to obtain funding and all associated costs needed to start a particular business. The student is expected to:
- (A) describe all materials, facilities, technology, inventory, and personnel that will be needed to start and sustain the business;
  - (B) devise a timeline of tasks that must be completed, including the associated costs;
  - (C) list and describe all supplies, personnel wages and salaries, inventories, insurance, utilities, repair and maintenance, and other operating costs associated with funding the business once it is operating;
  - (D) document and analyze the costs associated with operating the business, using cash flow and return on investment as a means of evaluation;
  - (E) estimate how much money will be needed on-hand to operate the business until the break-even point;
  - (F) seek the advice of mentors from industry to analyze and discuss actual business situations and funding options to assist the student with a business idea;
  - (G) create and analyze financial statements to identify ways to improve business performance in a business model of choice; and
  - (H) define cash burn in relationship to a business's viability.
- (5) The student examines the responsibilities businesses have to employees and the community. The student is expected to:
- (A) explain the benefits of a business that contributes to the economic well-being of its employees and community;
  - (B) research and describe the methods in which a business can ensure economic growth and provide jobs;

- (C) explore and analyze the health and safety responsibilities a business has to the community and its employees; and
- (D) research and identify how businesses are making investments in community infrastructure.
- (6) The student analyzes for-profit and non-profit business growth and exit strategies. The student is expected to:
  - (A) compare business growth strategies and identify and defend the most favorable for a potential business;
  - (B) describe methods that a business owner can use to obtain financial support to expand a business;
  - (C) identify and explain various methods an entrepreneur can use to determine how much a business is worth;
  - (D) analyze various paths to exit a business and the impact from startup decisions; and
  - (E) explain the factors an entrepreneur should consider when preparing to exit a business.
- (7) The student collaborates in small groups to complete a project-based research activity to develop critical thinking and creative problem solving. The student is expected to:
  - (A) analyze a real-world work site and research an existing issue or problem the business is experiencing;
  - (B) research and report how to resolve the business problem;
  - (C) develop a proposal for future business opportunities; and
  - (D) determine how to create business relationships or alliances that would be beneficial to the business.

**§127.278. Extended Practicum in Entrepreneurship (One Credit), Adopted 2023.**

- (a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 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 (CTE) courses in the Marketing Career Cluster. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a CTE program of study. Corequisite: Practicum in Entrepreneurship. This course must be taken concurrently with Practicum in Entrepreneurship 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) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.
  - (3) Extended Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for

an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. 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. It is recommended that students are paired with local business owners or employers in their specific industry program of study.

- (4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.
  - (5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.
  - (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) participate in a paid or an unpaid, laboratory- or work-based application of previously studied knowledge and skills related to entrepreneurship;
    - (B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;
    - (C) demonstrate professional standards and personal qualities needed to succeed as an entrepreneur such as **diligence, perseverance,** self-discipline, integrity, customer service, work ethic, and adaptability with increased fluency;
    - (D) demonstrate use of business information management tools with increased fluency for relevant projects;
    - (E) employ teamwork and conflict-management skills with increased fluency to achieve collective goals; and
    - (F) employ planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.
  - (2) The student applies professional communications strategies. The student is expected to:
    - (A) demonstrate proper use of written, verbal, and visual communication techniques with increased proficiency;
    - (B) apply active listening skills to obtain and clarify information;
    - (C) create and deliver formal and informal presentations effectively;
    - (D) analyze, interpret, and effectively communicate information; and
    - (E) exhibit positive customer/client communication skills to maintain effective internal and external business relationships.
  - (3) The student implements advanced problem-solving methods. The student is expected to:
    - (A) employ critical-thinking skills with increased fluency both independently and in groups to solve problems and make decisions;
    - (B) conduct technical research to gather information necessary for decision making; and
    - (C) analyze elements of a problem to develop creative and innovative solutions.

- (4) The student understands and applies proper safety and security techniques in the workplace. The student is expected to:
- (A) demonstrate understanding of and consistently follow workplace safety rules and regulations; and
  - (B) adhere to technology safety and cybersecurity policies such as acceptable use policy and webpage policies.
- (5) The student understands the ethical and legal responsibilities in entrepreneurship. The student is expected to:
- (A) apply appropriate responses to workplace situations based on personal or professional ethical responsibilities;
  - (B) demonstrate integrity by choosing the ethical course of action when making decisions; and
  - (C) comply with all applicable rules, laws, and regulations for the selected industry.
- (6) The student participates in an entrepreneurial experience. The student is expected to:
- (A) conduct, document, and evaluate learning activities in a supervised experience;
  - (B) develop advanced technical knowledge and skills related to the student's occupational objective;
  - (C) demonstrate use of information technology tools to manage and perform work responsibilities;
  - (D) create customary styles of documents such as memoranda, letters, emails, and reports, as appropriate, to an industry of choice;
  - (E) apply the elements and processes of entrepreneurship to grow a business idea and meet customer expectations;
  - (F) demonstrate growth of technical skill competencies;
  - (G) evaluate strengths and weaknesses in technical skill proficiency; and
  - (H) collect representative work samples.

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 ~~[any course]~~ that do ~~[does]~~ not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.
- ~~[(2) The commissioner of education may approve a discipline-based course in the foundation or enrichment curriculum when the applying school district or organization demonstrates that the proposed course is academically challenging and addresses documented student needs.]~~
- (2) ~~[(3)]~~ Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.
- (3) ~~[(4)]~~ To request approval from the SBOE ~~[or the commissioner]~~, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:
- (A) a description of the course and its essential knowledge and skills;
- (B) the rationale and justification for the request in terms of student need;
- (C) data that demonstrates successful piloting of the course in Texas;
- (D) a description of activities, major resources, and materials to be used;
- (E) the methods of evaluating student outcomes;
- (F) the qualifications of the teacher;
- (G) any training required in order to teach the course and any associated costs; ~~[and]~~
- (H) the amount of credit requested ~~;~~ and ~~;~~
- (I) a copy of or electronic access to any recommended instructional resources for the course.
- (4) ~~[(5)]~~ To request approval ~~[from the commissioner]~~ for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.
- (5) ~~[(6)]~~ To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.
- ~~(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) ~~[(7)]~~ With the approval of the local board of trustees, a school district may offer, without changes or deletions to content ~~[modifications]~~, 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) approved as an innovative course for at least three years;~~

(A) ~~(B)~~ [two consecutive years of] zero enrollment for the previous two years ;

(B) ~~(C)~~ average enrollment of less than 100 students statewide for the previous three years ;

(C) ~~(D)~~ student enrollment [available] at an average of fewer than 20 districts or charter schools statewide for the previous three years ;

(D) ~~(E)~~ duplicative of another innovative or TEKS-based course; or

(E) ~~(F)~~ approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE ~~[commissioner]~~ as an innovative course shall be considered by ~~[presented to]~~ the SBOE at a subsequent meeting ~~[for discussion and consideration]~~ for inclusion in the TEKS.

(1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by ~~[presented to]~~ the SBOE ~~[for consideration]~~ .

(2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE ~~[commissioner]~~ approval of the innovative course.

Minutes

State Board of Education

December 13, 2023



**STATE BOARD OF EDUCATION**

(updated February 2023)

*(State Board for Career and Technology Education)*

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

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

**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**

**TOM MAYNARD, Florence**  
**District 10**

**STACI CHILDS, Houston**  
**District 4**

**AICHA DAVIS, Dallas**  
**District 13**

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

**EVELYN BROOKS, Frisco**  
**District 14**

**WILL HICKMAN, Houston**  
**District 6**

**AARON KINSEY, Midland**  
**District 15**

**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  
Wednesday December 13, 2023**

The State Board of Education met at 9:10 a.m. on Wednesday, December 13, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, Chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; LJ Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little (virtual); Tom Maynard; Melissa Ortega (virtual); Marisa B. Perez-Diaz (virtual); Julie Pickren; Audrey Young

**Public Testimony**

The State Board of Education heard public testimony on agenda items #1 and #5. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**ACTION ITEM**

1. **Proposed New 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in 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 (First Reading and Filing Authorization)**  
(Board agenda page SBOE-1)

Colin Dempsey, director, district operations, technology & sustainability supports division, explained that this item would establish a new chapter in Texas Administrative Code and define the criteria to be used in the review and approval of instructional materials by the State Board of Education and the Texas Education Agency. This proposal would also define requirements for publisher participation in the Instructional Materials Review and Approval (IMRA) process, the rules for the annual request for instructional materials for review and future proclamations, contracts for instructional materials, and criteria for publishers required to host parent portals.

Public testimony was provided by the following individual:

NAME: Alexander Harris  
AFFILIATION: Network of Concerned Citizens

**MOTION:** *It was moved by Mr. Maynard and seconded by Mr. Hickman that 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, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in 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.*

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.21(a) to read:*

“(a) Upon the adoption of revised Texas Essential Knowledge and Skills (TEKS) or Texas Prekindergarten Guidelines (TPG), the State Board of Education (SBOE) shall ~~conduct an investigation to determine~~ if the extent of the revisions ~~and whether revisions~~ have created a need to remove instructional materials from the list approved under Texas Education Code, §31.022.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.21(b) to read:*

“(b) The SBOE shall issue a proclamation calling for instructional materials if the ~~investigation required~~ determination in subsection (a) of this section results in ~~the determination~~ a decision that a proclamation is necessary.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.21(b) to read:*

“(b) The SBOE shall issue a proclamation calling for instructional materials if the determination in subsection (a) of this section results in a decision that a proclamation is necessary.

The proclamation shall serve as notice to:

- (1) all publishers to submit instructional material for review for the subject and grade level or course(s), and
- (2) all publishers with approved instructional materials for the subject and grade level or course(s) that to remain on the list of approved materials they must submit new or revised materials or new information demonstrating alignment of current instructional materials to the revised TEKS or TPG.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried without objection that the State Board of Education amend §67.21(c) to read:*

“(c) The Texas Education Agency shall issue an annual request for instructional materials to notify all publishers and the public that submissions of instructional materials aligned to quality rubrics and the suitability rubric approved by the SBOE are being invited for review.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.23(c) to read:*

“(c) A publisher may not submit instructional materials for review that have been authored or contributed to by a current employee of Texas Education Agency. This does not apply to open education resource instructional materials as developed by the Texas Education Agency in accordance with Texas Education Code Chapter 31, Subchapter B-1.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.23(d)(1) to read:*

“(1) evidence of coverage of each student expectation, in the context of the lesson, of the Texas Essential Knowledge and Skills ~~in the context of the lesson~~ required by the proclamation or the request for instructional materials for review.”

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Dr. Young, and carried without objection that the State Board of Education add a new §67.23(e) to read:*

“(e) On or before the deadline established in the schedule of approval procedures, publishers shall certify that, after exercising reasonable efforts, the submitted material complies with suitability standards and all applicable state laws.”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Mr. Maynard, and carried without objection that the State Board of Education move the original §67.23(e) to (f).*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Brooks, and carried without objection that the State Board of Education amend §67.25 to read:*

“The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection that the State Board of Education amend §67.25 to read:*

“The State Board of Education (SBOE) shall review the results of the instructional materials reviews completed by a review panel and submitted by the commissioner of education in accordance with Texas Education Code (TEC), §31.022 and §31.023. Instructional materials may be placed on the list of approved instructional materials only if they meet the following criteria:”

**MOTION AND VOTE:** *It was moved by Dr. Ellis, seconded by Ms. Hardy, and carried without objection that the State Board of Education amend §67.25(6) to read:*

“(6) ~~materials do not contain obscene or harmful content as defined by the suitability rubric, are compatible with certification requirements under TEC, §31.1011(a)(1)(B)~~ Are materials are compliant with the suitability rubric standards adopted by the SBOE and are compliant with all applicable state laws.”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection that the State Board of Education add a new §67.25(7) to read:*

“materials provide access to a Parent Portal as required by TEC §31.154.”

**MOTION AND VOTE:** *It was moved by Mrs. Brooks and seconded by Ms. Hardy that the State Board of Education add a new §67.81(e)(4) to read:*

“evidence that the instructional materials are effective for Texas students resulting in student success of the content standards.” The motion failed.

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Hardy, and carried that the State Board of Education amend §67.83(a) to read:*

*“Standards under this section apply to any publisher that supplies instructional materials that are reviewed by ~~Texas Education Agency~~ a review panel under Texas Education Code (TEC), §31.022 and §31.023, and placed on the list of approved instructional materials by the State Board of Education (SBOE) as outlined in TEC, §31.022.”*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mr. Maynard that the State Board of Education strike “a review panel” from §67.83(a). The motion failed.*

**MOTION AND VOTE:** *It was moved by Mrs. Brooks, seconded by Ms. Childs, and carried without objection that the State Board of Education add a new §67.83(c)(7) to read:*

*“at the request of a parent the school district or open-enrollment charter school shall provide a physical copy of the material using a check-out and return system set by the district.”*

**VOTE:** *A vote was taken on the original motion that the State Board of Education approve for first reading and filing authorization proposed new 19 TAC Chapter 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 IMRA; and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education; and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts; and §67.83, Publisher Parent Portal. as amended. The motion carried.*

## **DISCUSSION ITEM**

### **2. Consideration for Approval Instructional Materials Review Quality Rubrics (Board agenda page SBOE-8)**

Nicholas Keith, executive director of high-quality instructional materials support, provided a high-level summary of the stakeholder engagement strategy and feedback received for the IMRA quality rubrics. He also shared the next steps for improving the rubrics based on stakeholder feedback.

## **ACTION ITEM**

### **3. Consideration for Approval of Instructional Materials Review Suitability Rubrics (Board agenda page SBOE-10)**

Dr. Ellis explained that this item provides an opportunity for the State Board of Education to consider for approval the suitability criteria and rubric for the IMRA process.

This rubric will define the criteria to be used in the instructional materials review and approval process to determine suitability and appropriateness of instructional materials for the subject and grade level for which the materials are designed, as required by HB 1605, 88th Texas Legislature, Regular Session, 2023.

**MOTION:** *It was moved by Mr. Maynard and seconded that the State Board of Education consider for approval the suitability criteria and rubric for the Instructional Materials Review and Approval (IMRA) process.*

**MOTION:** *It was moved by Mr. Kinsey and seconded by Mr. Francis that the State Board of Education replace “N/A” in the guidance for 6.3 with “The instructional material does not describe abortion as a pregnancy option.”*

**MOTION AND VOTE:** *It was moved by Ms. Hardy and seconded that the State Board of Education replace “describe” with “promote or encourage.”*

*The motion carried with 10 members voting Aye, 1 member voting No, and 3 members Abstaining as follows:*

Aye:

<i>Ms. Davis</i>	<i>Mrs. Little</i>
<i>Mr. Francis</i>	<i>Mr. Maynard</i>
<i>Ms. Hardy</i>	<i>Ms. Perez-Diaz</i>
<i>Mr. Hickman</i>	<i>Ms. Pickren</i>
<i>Mr. Kinsey</i>	<i>Dr. Young</i>

No: *Mrs. Brooks*

Abstain:

<i>Dr. Bell-Metereau</i>	<i>Dr. Ortega</i>
<i>Ms. Childs</i>	

**VOTE:** *A vote was taken on the original motion that the State Board of Education replace “N/A” in the guidance for 6.3 with “The instructional material does not promote or encourage abortion as a pregnancy option,” as amended. The motion carried.*

**MOTION:** *It was moved by Ms. Childs, seconded by Mrs. Brooks that the State Board of Education amend 2.1.4 to read:*

*“not encouraging or condoning participation in current activities that promote civil disorder, social strife, or disregard of the law” and to add, “This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.”*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Ms. Childs, and carried to remove “participation in.”*

**VOTE:** *A vote was taken on the original motion that the State Board of Education amend 2.1.4 to read:*

*“not encouraging or condoning current activities that promote civil disorder, social strife, or disregard of the law” and to add, “This section does not prohibit the teaching of historical examples of demonstrations such as peaceful protests or boycotting.”*  
*as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Dr. Bell-Metereau and seconded that the State Board of Education amend 2.1.4 by removing, “social strife.” The motion failed with 5 members voting Aye, 8 members voting No, as follows:*

Aye:                    *Dr. Bell-Metereau                    Dr. Ortega*  
                              *Ms. Childs                                Ms. Perez-Diaz*  
                              *Ms. Davis*

No:                      *Mrs. Brooks                              Mr. Kinsey*  
                              *Mr. Francis                              Mrs. Little*  
                              *Ms. Hardy                                Ms. Pickren*  
                              *Mr. Hickman                             Dr. Young*

**VOTE:** *A vote was taken on the original motion as amended. The motion carried.*

**4. Consideration for Approval of Instructional Materials Review and Approval Process (Board agenda page SBOE-12)**

Mr. Dempsey explained this item is to seek alignment on the layout of the IMRA process and to seek approval from the State Board of Education on the review team selection and build process.

He further explained that based on feedback from a previous meeting, the review team selection and build process is like Texas Essential Knowledge and Skills (TEKS) work groups process which was adjusted as needed for the IMRA process. The primary difference between the two is that minimum qualifications to be included in the review team were changed to include content knowledge experts not just those with an education background.

**MOTION AND VOTE:** *It was moved by Mr. Maynard , seconded, and carried unanimously that the State Board of Education approve the review team build process for the new instructional materials review and approval process.*

**5. Approval of Library Collection Development Standards in Compliance with House Bill 900 (Board agenda page SBOE-14)**

Dr. Ellis explained this item is to meet the requirement in HB 900, which required the Texas State Library and Archives Commission, in consultation with the State Board of Education, to adopt standards for school library collection development that schools districts must use in developing their local policies.

He further explained that if the State Board of Education approved the school library collection development standards, the standards would go back to the Texas State Library and Archives Commission for formal adoption.

Public testimony was provided by the following individuals:

NAME:                    Cameron Samuels  
AFFILIATION:        Students Engaged in Advancing Texas

NAME:                    De’Taeveyon Daniels  
AFFILIATION:        Students Engaged in Advancing Texas



NAME: Leila Little  
AFFILIATION: Self

NAME: Summer Crow  
AFFILIATION: Self

NAME: Mary Castle  
AFFILIATION: Texas Values

NAME: Francine Ericson  
AFFILIATION: Self

NAME: Jackie Besinger  
AFFILIATION: Self

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Hardy, and carried that the State Board of Education approve the library collection development standards in compliance with House Bill 900 as presented by the Texas State Library and Archives Commission.*

Dr. Ellis adjourned the meeting at 6:50 p.m.

# Minutes

State Board of Education Committees

November 14-16, 2023

**Report of the State Board of Education  
Committee of the Full Board  
Tuesday, November 14, 2023**

The State Board of Education Committee of the Full Board met at 9:27 a.m. on Tuesday, November 14, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Rebecca Bell-Metereau; Evelyn Brooks; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda items #1, #3 and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**ACTION ITEM**

**1. Report from the Commissioner of Education Regarding Instructional Materials Offered for Adoption under *Proclamation 2024***

(Board agenda page I-1)

[Official agenda item #3]

Public testimony was provided by the following individuals:

NAME: Alexander Harris  
AFFILIATION: Network of Concerned Citizens

NAME: Terry Kosobud  
AFFILIATION: Self

NAME: Jackie Besinger  
AFFILIATION: National Alliance for Education Freedom

NAME: Mary Castle  
AFFILIATION: Texas Values

NAME: Robert Baumgardner  
AFFILIATION: Self

NAME: Belynda Montgomery  
AFFILIATION: Self

NAME: Ethan Ganz  
AFFILIATION: Self

NAME: Meghan Fairbanks  
AFFILIATION: Self

NAME: Emerald Belmarez  
AFFILIATION: Texas Freedom Network

Amie Phillips, director, instructional materials review and approval, district operations, technology, and sustainability supports division, presented information regarding proposed editorial changes, corrections made in response to errors reported by state review panels (SRPs) and the public, comments received by the public and the publishers' responses, and new content reviewed and approved by the SRPs. Ms. Phillips also shared base pricing information shared by publishers and that the quality reports conducted through the Texas Resource Review (TRR) are available on the TRR website for science, K–grade 8, Biology, Chemistry, and Physics.

**MOTION:** *It was moved by Mr. Hickman and seconded by Mrs. Little to recommend that the State Board of Education:*

*Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;*

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

*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*

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

*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove Accelerate Learning, Inc., STEMscopes Science TX, K–grade 8, Biology, Chemistry, Integrated Physics and Chemistry, and Physics, from consideration for adoption. The motion failed with 3 members voting Aye and 10 members voting No as follows:*

Aye: Mr. Francis Ms. Pickren  
Mr. Kinsey

No: Dr. Bell-Metereau Mr. Hickman  
Mrs. Brooks Mrs. Little  
Ms. Childs Mr. Maynard  
Ms. Davis Dr. Ortega  
Ms. Hardy Dr. Young

*(Ms. Perez-Diaz was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mrs. Brooks, seconded by Dr. Young, and carried to recommend that the State Board of Education remove Accelerate Learning Inc., STEMscopes Science TX, grades 6–8 and Biology, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Dr. Young, and carried, to recommend that the State Board of Education remove Argument-Driven Inquiry, LLC, Texas ADI Learning Hub for Science, grades 3–5, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Dr. Young, and carried unanimously to recommend that the State Board of Education remove Carolina Biological Supply Company, Science Bits, grades 6–8, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Pickren, seconded by Mr. Hickman, and carried to recommend that the State Board of Education remove Discovery Education Inc., Science Techbook for Texas by Discovery Education, K–grade 8 and Biology, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove Green Ninja, Green Ninja Middle School Science – Texas, grades 6–8, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Kiddom, OpenSciEd Science powered by Kiddom, grades 6–8, and OpenStax powered by Kiddom, Biology, Chemistry, and Physics, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Ms. Hardy, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove McGraw-Hill School Division, McGraw Hill Texas Biology, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove PASCO SCIENTIFIC, Essential Chemistry and Essential Physics 3rd Edition, from consideration for adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Ms. Pickren and seconded by Mr. Kinsey to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Texas Experience Science, grade 5, from consideration for adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Mr. Kinsey to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Texas Miller & Levine Experience Biology, from consideration for adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Mr. Hickman, and carried unanimously to recommend that the State Board of Education remove School-it!, Inc., Elemental Science, grade 8, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education remove Smart Biology Inc., BIOLOGY Texas, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Mr. Hickman, and carried to recommend that the State Board of Education remove Summit K12 Holdings, Inc., Dynamic Science, K–grade 8, Dynamic Science Spanish, grades K–8, Dynamic Biology, Dynamic Chemistry, Dynamic Integrated Physics and Chemistry, Dynamic Physics, from consideration for adoption.*

*(Mr. Maynard was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove TPS Publishing, Inc., STEAM into Science K– grade 8, STEAM into Science Spanish Edition, grades K–8, STEAM into Aquatic Science - High School Edition, STEAM into Biology - High School Edition, STEAM into Chemistry - High School Edition, STEAM into Integrated Physics and Chemistry - High School Edition, and STEAM into Physics - High School Edition, from consideration for adoption.*

*(Mrs. Brooks and Mr. Maynard were absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Edusmart, Edusmart Science, K– grade 8, EduSmart Science Spanish, K– grade 5, and Biology, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Francis and seconded by Ms. Hardy to remove BIOZONE Corporation, Biology for Texas, from consideration for adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey and seconded by Dr. Young to recommend that the State Board of Education remove Goodheart-Willcox Company, Foundations of Financial Literacy, Personal Financial Literacy and Economics, from consideration for adoption. The motion failed.*

**MOTION AND VOTE:** *It was moved by Ms. Pickren, seconded by Mr. Francis, and carried to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Personal Financial Literacy, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Ms. Pickren, and carried unanimously to recommend that the State Board of Education remove Coder Kids, Inc. DBA Ellipsis Education, Texas Technology Applications, grades 6–8, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Francis, and carried unanimously to recommend that the State Board of Education remove Typing.com, Typing.com, technology applications, K–grade 6, from consideration for adoption.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Cengage Learning Inc., Medical Assisting: Administrative Clinical Competencies, Medical Assistant, from consideration for adoption.*

*(Ms. Davis was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Dr. Young, and carried to recommend that the State Board of Education remove CEV Multimedia Ltd., iCEV Computer Science I (Individual Course), from consideration for adoption.*

*(Ms. Davis was absent for the vote.)*

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Ms. Pickren, and carried to recommend that the State Board of Education remove CEV Multimedia Ltd., iCEV Child Development*

(Individual Course), iCEV Child Development Associate Foundations (Individual Course), and iCEV Instructional Practices, from consideration for adoption.

(Mr. Maynard and Ms. Davis were absent for the vote.)

**MOTION AND VOTE:** It was moved by Ms. Pickren, seconded by Mrs. Brooks, and carried unanimously to recommend that the State Board of Education remove Goodheart-Willcox Company, Child Development, from consideration for adoption.

**MOTION AND VOTE:** It was moved by Mrs. Brooks and seconded by Ms. Pickren to recommend that the State Board of Education remove Goodheart-Willcox Company, Child Development: Early Stages Through Adolescence, from consideration for adoption. The motion carried with 8 members voting Aye and 4 members voting No as follows:

<u>Aye:</u>	Mrs. Brooks	Mr. Kinsey
	Mr. Francis	Mrs. Little
	Ms. Hardy	Ms. Pickren
	Mr. Hickman	Dr. Young
<u>No:</u>	Dr. Bell-Metereau	Dr. Ortega
	Ms. Childs	Ms. Perez-Diaz

(Mr. Maynard and Ms. Davis were absent for the vote.)

**MOTION AND VOTE:** It was moved by Mr. Francis, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Kiddom, OpenStax Anatomy and Physiology powered by Kiddom, from consideration for adoption.

**MOTION AND VOTE:** It was moved by Mr. Francis, seconded by Mr. Kinsey, and carried unanimously to recommend that the State Board of Education remove Learning.com, Learning.com CTE for Texas, Fundamentals of Computer Science, from consideration for adoption.

**MOTION AND VOTE:** It was moved by Ms. Pickren and seconded by Mr. Kinsey to remove Savvas Learning Company LLC formerly Pearson K12 Learning, Anatomy, Physiology, and Disease, 2<sup>nd</sup> Edition, from consideration for adoption. The motion failed.

**MOTION AND VOTE:** It was moved by Mr. Francis, seconded by Dr. Young, and carried to recommend that the State Board of Education remove The Curriculum Center for Family and Consumer Sciences, Child Development and Principles of Education and Training, from consideration for adoption.

**MOTION AND VOTE:** It was moved by Ms. Pickren, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education remove Savvas Learning Company LLC formerly Pearson K12 Learning, Health Science Theory, from consideration for adoption.

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education:*  
*Require that all publishers make corrections listed in the Proclamation 2024 Report of Required Corrections, Report of New Content, and Report of Editorial Changes;*  
*Require that all instructional materials meet established manufacturing standards and specifications;*  
*Require that all electronic instructional materials comply with the Web Content Accessibility Guidelines, Level 2.1 AA and the technical standards required by the Federal Rehabilitation Act, Section 508;*  
*Approve changes and corrections submitted in response to written comments and public testimony;*  
*and*  
*Place instructional materials submitted for adoption on the adopted list as indicated on the Proclamation 2024 List of Instructional Materials Eligible for Adoption, as amended.*  
*The motion carried.*

**DISCUSSION ITEMS**

- 2. **Rule Review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations**  
 (Board agenda page I-3)

Colin Dempsey, director of district operations, technology and sustainability supports, explained the statutory requirement for the four-year rule review and provided a brief overview of 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions, Subchapter B, State Adoption of Instructional Materials, and Subchapter C, Local Operations. Mr. Dempsey also explained that House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, will require significant rulemaking related to instructional materials and that those rules will likely be added to a new chapter in administrative code.

**DISCUSSION ITEMS**

- 3. **Consideration of Instructional Materials Review and Approval Criteria and Instructional Materials Contract Terms and Conditions**  
 (Board agenda page I-31)

Public testimony was provided by the following individuals:

NAME: Anna Rowe  
 AFFILIATION: Self

NAME: Katelyn Damore  
 AFFILIATION: Self

NAME: Mary Lynn Pruneda  
 AFFILIATION: Texas 2036



Todd Davis, associate commissioner of instructional strategy, explained this item provides an opportunity for the committee to begin consideration of the criteria for the new Instructional Materials Review and Approval (IMRA) process and the standard terms and conditions for publishers and manufacturers of instructional materials required by HB 1605.

Nicholas Keith, executive director of high-quality instructional materials supports, presented proposed drafts of the IMRA rubrics for English language arts and reading, K–grade 3 and grades 4–8; Spanish language arts and reading, K–grade 3 and grades 4–6; and mathematics, K–grade 12. He shared the plan for stakeholder engagement, including public comment and focus groups.

Mr. Dempsey presented draft recommendations for parent portal requirements, the definition of factual errors, physical manufacturing standards, accessibility requirements, interoperability standards, and the minimum requirement for coverage of the Texas Essential Knowledge and Skills.

The committee provided feedback on the draft rubrics and recommendations to be incorporated in the rule text that will be presented for first reading and filing authorization at the December 2023 meeting.

**4. Consideration of Instructional Materials Review and Approval Process Components**  
(Board agenda page I-33)

Public testimony was provided by the following individual:

NAME: Kelsey Kling  
AFFILIATION: Texas American Federation of Teachers

Mr. Dempsey explained that this item provides an opportunity for the committee to consider the process and procedures for the new IMRA process. He discussed the draft recommendations for the IMRA review structure and process, publisher submission packet, and process for prioritization of reviews.

The committee postponed further discussion of this item to the November 15, 2023, meeting of the Committee of the Full Board.

**5. Discussion of Suitability of Instructional Materials**  
(Board agenda page I-35)

This item was postponed to the November 15, 2023, meeting of the Committee of the Full Board.

Dr. Ellis explained that developing and approving the suitability rubric is the sole responsibility of the SBOE under the authority granted by HB 1605. Dr. Ellis also explained that the suitability rubric will be considered for first reading and filing authorization at the December 2023 meeting. He presented suitability criteria identified in current statute that he outlined at the September 2023 meeting as a starting point and asked members to consider criteria that they wish to add or remove. Mr. Kinsey expressed a desire to consider the addition of criteria that is currently included in the approved SBOE Operating Rules.

Dr. Ellis adjourned the meeting at 9:26 p.m.

**Report of the State Board of Education  
Committee of the Full Board  
Wednesday November 15, 2023**

The State Board of Education Committee of the Full Board met at 9:04 a.m. on Wednesday, November 15, 2023, in the State Board of Education Room, #1-104, of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Keven Ellis, chair; Rebecca Bell-Metereau; Staci Childs; Aicha Davis; L.J. Francis; Patricia Hardy; Will Hickman; Aaron Kinsey; Pam Little; Tom Maynard; Melissa Ortega; Marisa B. Perez-Diaz; Julie Pickren; Audrey Young

Absent: Evelyn Brooks

**Public Testimony**

The Committee of the Full Board heard public testimony on agenda items #1, #3, #5. 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, 8, 2, 5, 3, 4, 6, 9, 7.

**DISCUSSION ITEM**

**1. Commissioner's Comments**  
(Board agenda page I-36)

Commissioner Mike Morath provided an overview of recent work the agency has done to support special education in Texas. He shared two new resources that are now available as part of the agency's strategic plan to improve special education, a special education support website and an overview of special education for parents.

Public testimony was provided by the following individuals:

NAME: J Alison Chapin  
AFFILIATION: Self

NAME: Ruth Kravetz  
AFFILIATION: S Community Voices for Public Education

NAME: Traci Latson  
AFFILIATION: Self

NAME: Lauren Simmons  
AFFILIATION: Self

NAME: Karina Quesada  
AFFILIATION: Self

NAME: Sarah Rivlin  
AFFILIATION: Community Voices for Public Education

NAME: Teresa Carr  
AFFILIATION: Houston Federation of Teachers and Houston Independent School District

NAME: Alpa Sridharan  
AFFILIATION: Self

NAME: Christie McDaniel  
AFFILIATION: Houston Federation of Teachers

NAME: Sarah Terrell  
AFFILIATION: Self

NAME: Jessi Heiner  
AFFILIATION: Self

NAME: Sister Mama Sonya  
AFFILIATION: Community Voices for Public Education

NAME: Carmen Nuncio  
AFFILIATION: Community Voices for Public Education

NAME: Jessica Campos  
AFFILIATION: Community Voices for Public Education

NAME: Maria Benzon  
AFFILIATION: Self

NAME: Jeremy Eugene  
AFFILIATION: Self

NAME: Tonya Sampson  
AFFILIATION: Self

NAME: Stacy Hunter  
AFFILIATION: Self

NAME: Savant Moore  
AFFILIATION: Self

**ACTION ITEM**

**2. Proposed New 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development and Career and Technical Education, Subchapter B, High School, and Subchapter F, Business, Marketing, and Finance (Second Reading and Final Adoption)**

(Board agenda page I-37)

[Official agenda item #4]

**MOTION:** *It was moved by Mr. Maynard and seconded by Mrs. Little 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 B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023; 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 B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register.*

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Young to recommend that the State Board of Education adopt staff recommendations for amendments to §§127.20, 127.21, and 127.22 to read as follows.*

“§127.20 Career Preparation General I (Two Credits), Adopted 2023.

§127.20(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a Level 2 or higher career and technical education course. Students shall be awarded two credits for successful completion of this course. ~~For this course to satisfy a Level IV requirement as part of a student's program of study, the employment experience must be related to the student's program of study.~~

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation Program of Study, and Extended Career Preparation.

§127.21 Career Preparation Program of Study H (Two Credits), Adopted 2023.

§127.21(b) General requirements. This course is recommended for students in Grade 12.

Prerequisite: at least one Level 2 or higher career and technical education course. ~~Prerequisite: Career Preparation I.~~ Students shall be awarded two credits for successful completion of this course.

(1) A student's employment experience connected with this course must be related to the student's program of study.

(2) A student may repeat this course one time for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(3) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation Program of Study, and Extended Career Preparation.

§127.21(c)(3) Career Preparation Program of Study H provides additional opportunities for students to develop business and industry employment experiences, which must be related to that ~~may be outside~~ the student's current program of study, alongside advanced classroom instruction.

§127.21(d)(3)(B) compare earning potential for careers within a selected program of study ~~an occupational area of interest~~ with personal financial goals;

§127.21(d)(4)(E) participate in leadership and career-development activities related to a selected program of study.

§127.21(d)(5)(C) research and describe laws governing different professions within a selected program of study ~~chosen career cluster~~;

§127.21(d)(6)(E) analyze how physical health and mental wellness practices influence career longevity and satisfaction in within a career within a selected program of study ~~chosen career cluster.~~

§127.21(d)(7)(A) create a personal growth plan that identifies relevant certifications, postsecondary opportunities, and technical skills required for various levels of employment based on a chosen career within a selected program of study and describe how to obtain them;

§127.21(d)(8) The student analyzes postsecondary career opportunities within a selected program of study. The student is expected to:

§127.21(d)(8)(B) identify and analyze future job growth within a selected program of study based on societal needs;

§127.21(d)(8)(D) identify continuing education opportunities to determine education and training requirements for future careers within a selected program of study;

§127.21(d)(8)(E) research and evaluate entrepreneurial opportunities related to a selected program of study ~~in an occupational area of interest~~; and

§127.22(b) General requirements. This course is recommended for students in Grades 11 and 12. Corequisite: Career Preparation General I or Career Preparation Program of Study H. This course must be taken concurrently with Career Preparation General I or Career Preparation Program of Study H 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 demonstrating proficiency in additional and more advanced knowledge and skills.~~

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation Program of Study, and Extended Career Preparation.”

*The committee requested that staff make conforming amendments anywhere the course titles appear in the proposed rules.*

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §127.20(b) to read:*

“(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student’s program of study.”

“(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an ~~the~~ industry and demonstrating proficiency in additional and more advanced knowledge and skills.”

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Mr. Hickman, and carried without objection to recommend that the State Board of Education amend §127.21 to read:*

“Career Preparation for Programs Program of Study II (Two Credits), Adopted 2023.”

*The committee requested that staff make conforming amendments anywhere the course titles appear in the proposed rules.*

**VOTE:** *A vote was taken on the original motion by Mr. Maynard to recommend that the State Board of Education accept the staff recommendations for amendments to §§127.20, 127.21, and 127.22, as amended. The motion carried without objection.*

**MOTION:** *It was moved by Mr. Francis and seconded by Mr. Maynard to recommend that the State Board of Education amend §§127.20(d), 127.21(d), and 127.22(d) to read as follows:*

“(1)(G) describe the benefits of having a job and being self sufficient.”

“(2)(B) “demonstrate professionalism by being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, listening actively, and resolving conflicts;”

“(3)(E) “interpret and calculate information included in an earnings statement, including wages, Federal Insurance Contributions Act (FICA) deductions, income taxes, and other benefits such as tips earned;”

“(3)(F) explain how credit card debt affects financial stability.”

“(1)(F) describe how having a job can lead to a career and self sufficiency;  
(G) identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions.”

“(2)(F) cultivate and improve professionalism by continuously being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, and listening actively.”

“(2)(A) demonstrate and apply professional standards and personal qualities needed to be employable such as punctuality, initiative, patience, kindness, deference to authority, and cooperation;”

**MOTION AND VOTE:** *It was moved by Ms. Childs, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.22(d)(2)(A) to replace “deference to” with “respect for.”*

**MOTION AND VOTE:** *It was moved by Dr. Young, seconded by Mr. Francis, and carried without objection to recommend that the State Board of Education amend §127.20(d)(3)(F) strike the words “credit card.”*

**VOTE:** *A vote was taken on the original motion by Mr. Francis to recommend that the State Board of Education amend §§127.20(d), 127.21(d), and 127.22(d), as amended. The motion carried.*

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Mr. Kinsey, and carried to recommend that the State Board of Education amend §§127.275(d), 127.276(d), 127.277(d), and 127.278(d) to read as follows:*

“§127.275(d)(1)(F) demonstrate a productive work ethic, including working hard, respecting authority, performing assigned tasks, following schedules, and meeting deadlines;”

“§127.275(d)(1)(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.”

“§127.276(d)(1)(G) demonstrate coachability skills by working hard, respecting authority, and using feedback to inform decision making;”

“§127.276(d)(1)(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.”

“§127.277(d)(1)(C) demonstrate collaboration skills through teamwork and constructive dialogue;”

“§127.278(d)(1)(C) demonstrate professional standards and personal qualities needed to succeed as an entrepreneur such as diligence, perseverance, self-discipline, integrity, customer service, work ethic, and adaptability with increased fluency;”

**VOTE:** *A vote was taken on the original motion by Mr. Francis to recommend that the State Board of Education amend §§127.275(d), 127.276(d), 127.277(d), and 127.278(d), as amended. The motion carried.*

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Young to recommend that the State Board of Education amend §127.275(d)(5)(A) and add new (5)(C) to read:*

“(A) identify and analyze problems in the marketplace through an ideation process or market research;

“(C) determine the feasibility of a solution by performing a features-benefits-value analysis.”

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.275(d)(5)(A) to replace “or” with “and.”*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education amend §127.275(d)(5)(A) and add new (5)(C), as amended. The motion carried without objection.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Mrs. Little, and carried without objection to recommend that the State Board of Education amend §127.275(d)(6)(B) to read:*

“explain how to generate various revenue streams for a business and identify possible diversified revenue streams for a business;”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.275(d)(6)(B) to read:*

“identify possible diversified revenue streams and explain how to generate various revenue streams for a business;”

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Dr. Young, and carried to recommend that the State Board of Education amend §127.275(d)(6)(L) to read:*

“identify and define key performance metrics and describe how they may vary by industry;”

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Young to recommend that the State Board of Education amend §127.276(d)(1)(B) to read:*

“demonstrate a productive work ethic by using a personal calendar and task list or digital project management tools;”



**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.276(d)(1)(B) to replace “or” with “and.”*

**MOTION AND VOTE:** *It was moved by Ms. Pickren, seconded by Mr. Kinsey, and carried without objection to recommend that the State Board of Education amend §127.276(d)(1)(B) to strike the word “digital.”*

**VOTE:** *A vote was taken on the original motion by Mr. Maynard to recommend that the State Board of Education amend §127.276(d)(1)(B), as amended. The motion carried without objection.*

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Young to recommend that the State Board of Education amend §127.276(d)(2)(E) and add new (2)(F) to read:*

“(E) self-reflect on and evaluate personal strengths for becoming a successful entrepreneur;

“(F) analyze opportunity costs for a given scenario.”

**MOTION AND VOTE:** *It was moved by Mr. Hickman, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend new §127.276(d)(2)(F) to replace the word “scenario” with “example.”*

**MOTION AND VOTE:** *It was moved by Mr. Kinsey, seconded by Mr. Maynard, and carried without objection to recommend that the State Board of Education amend §127.276(d)(2)(F) to add the word “business” before “example.”*

**VOTE:** *A vote was taken on the original motion by Mr. Maynard to recommend that the State Board of Education amend §127.276(d)(2)(E) and add new (2)(F), as amended. The motion carried without objection.*

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Little, and carried to recommend that the State Board of Education add new §127.276(d)(3)(D) to read:*

“research, develop, and implement focus group questions for a specific customer segment;”

**MOTION AND VOTE:** *It was moved by Mr. Maynard, seconded by Ms. Little, and carried to recommend that the State Board of Education amend §127.276(d)(8)(C) to read:*

“explain the importance of and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow;”

**MOTION:** *It was moved by Mr. Maynard and seconded by Mrs. Little to recommend that the State Board of Education add new §127.277(d)(2)(J) to read:*

“explain how psychology and sociology drive customer behavior and impact business success.”

**MOTION:** *It was moved by Ms. Pickren and seconded by Mr. Kinsey to recommend that the State Board of Education amend new §127.277(d)(2)(J) to strike the words “and sociology.” The motion failed.*

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Davis, and carried without objection to recommend that the State Board of Education amend new §127.277(d)(2)(J) to read:*

“analyze explain how psychology and sociology explain factors that drive customer behavior and impact business success.”

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Mr. Kinsey, and carried without objection to recommend that the State Board of Education amend §127.275(d)(3) to read:*

“The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures. The student is expected to:

“(A) evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships, each business structure, including control, tax implications, risk, and liability;”

**VOTE:** *A vote was taken on the 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 B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023, 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 B, High School, §127.19, Career and Technical Education Project-Based Capstone (One Credit), Adopted 2023; §127.20, Career Preparation I (Two Credits), Adopted 2023; §127.21, Career Preparation II (Two Credits), Adopted 2023; and §127.22, Extended Career Preparation (One Credit), Adopted 2023; and Subchapter F, Business, Marketing, and Finance, §127.275, Entrepreneurship I (One Credit), Adopted 2023; §127.276, Entrepreneurship II (One Credit), Adopted 2023; §127.277, Practicum in Entrepreneurship (One Credit), Adopted 2023; and §127.278, Extended Practicum in Entrepreneurship (One Credit), Adopted 2023, is necessary and shall have an effective date of 20 days after filing with the Texas Register. The motion carried unanimously.*

## DISCUSSION ITEMS

### **3. Public Hearing on Proposed Revisions to Career and Technical Education Texas Essential Knowledge and Skills in Agriculture, Food, and Natural Resources; Transportation, Distribution, and Logistics; and Science, Technology, Engineering, and Mathematics** (Board agenda page I-64)

Invited testimony was provided by the following individuals:

NAME: Michelle Pieniazek  
AFFILIATION: Agribusiness Work Group

NAME: Jessica Gray  
AFFILIATION: Animal Science Work Group

NAME: Surendra Surujdeo-Maharaj  
AFFILIATION: Plant Science Work Group

NAME: Donny Pharr  
AFFILIATION: Aviation Maintenance Work Group

NAME: Pam Bednarz  
AFFILIATION: Principles of Technology and Scientific Research and Design Work Group

Public testimony was provided by the following individuals:

NAME: Paulette Tomlinson  
AFFILIATION: Texas Arts Education Campaign

NAME: Robert Floyd  
AFFILIATION: Texas Music Educators Association

NAME: James Drew  
AFFILIATION: Fort Bend ISD

NAME: Ray Pieniazek  
AFFILIATION: Agriculture Teachers Association of Texas

### **4. Discussion of Proposed Revisions to Career and Technical Education Texas Essential Knowledge and Skills in Agriculture, Food, and Natural Resources; Transportation, Distribution, and Logistics; and Science, Technology, Engineering, and Mathematics** (Board agenda page I-66)

Ms. Ramos explained that work groups were convened to draft recommendations for career and technical education courses in the agriculture, food, and natural resources; transportation, distribution, and logistics; and science, technology, engineering, and mathematics career clusters. She also stated that after the draft recommendations were posted on the TEA website, TEA staff gathered feedback from business and industry and the SBOE-appointed advisory group. Additionally, education service

centers convened focus groups to review and provide feedback on the draft recommendations. Ms. Ramos explained that all the feedback had been shared with the SBOE prior to the meeting. Lastly, Ms. Ramos stated that work groups will be convened in the last week of November to finalize the recommendations which are expected to be presented to the board for first reading and filing authorization at the January-February 2024 SBOE meeting.

5. **Discussion of Proposed New 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter C, High School, §113.52, Ethnic Studies: American Indian/Native Studies**  
(Board agenda page I-261)

Public testimony was provided by the following individuals:

NAME: Bob Whistler  
AFFILIATION: Citizen Potawatomi Nation

NAME: Lanette Aguero  
AFFILIATION: Grand Prairie Independent School District

NAME: Kenneth Roemer  
AFFILIATION: Self

NAME: Hawana Huwuni Townsley  
AFFILIATION: Self

NAME: María de los Ángeles Desantos Quezada  
AFFILIATION: Ethnic Studies Network of Texas

NAME: Lena Martinez-Wolfinger  
AFFILIATION: Ethnic Studies Network of Texas

NAME: Abigail Najera  
AFFILIATION: Self

NAME: Cassandra Lux  
AFFILIATION: Self

Ms. Ramos explained that this item provided an opportunity for the committee to discuss adding an ethnic studies American Indian/Native Studies innovative course as a TEKS-based course. She explained that the administrative rule for innovative courses includes a requirement that this approved ethnic studies innovative course be presented to the SBOE for consideration for inclusion in the TEKS, and that the current Mexican American Studies and African American Studies courses were approved under this provision. Dr. Ellis instructed TEA staff to prepare a proposal using the approved innovative course as a starting point for consideration by the board for first reading and filing authorization at the January-February 2024 SBOE meeting.

## **ACTION ITEM**

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

(Board agenda page I-263)

[Official agenda item #5]

Amie Phillips, director, instructional materials review and approval, district operations, technology, and sustainability supports division, provided an update on K–12 instructional materials for social studies and an overview of the history of the current social studies TEKS. Ms. Phillips noted that the alignment of the TEKS to requirements in Senate Bill 3, 87<sup>th</sup> Texas Legislature, Second Called Session, 2021, has resulted in TEKS coverage reports for social studies instructional materials that are no longer accurate. The SBOE instructed TEA to recalculate TEKS coverage of approved K–12 social studies instructional materials and follow the existing approved process to allow publishers to submit updated instructional materials for review. The committee also indicated the intent to follow the same procedure for the adopted prekindergarten materials.

Ms. Ramos provided an update on the English Language Proficiency Standards (ELPS) review and revision process. She reported that the work groups had convened in September and November and determined that the writers' draft required more substantive changes than originally anticipated. As a result, the process will take an additional three to four months to complete.

Alexis Bauserman, senior director, college, career, and military preparation division, provided an update on the career and technical education (CTE) programs of study refresh. She explained that after extensive feedback from stakeholders, adjustments to existing programs of study and the addition of new programs of study resulted in a need for the development of 33 new courses. Ms. Ramos outlined three course development options for the SBOE to consider. Under option one, all courses would be developed simultaneously for implementation in the 2026-27 school year. Under option two, courses would be developed in three staggered batches based on course level. The first batch would be implemented in 2025-26, the second batch in 2026-27, and the final batch of courses in 2027-28. Under option three, courses would be developed in at least smaller 3 batches to maximize work groups and would include partnership with education service center(s) and/or institutions of higher education for assistance with development of preliminary drafts for a subset of new courses. All courses could be implemented by the 2026-27 school year under option 3. The committee expressed a desire to pursue option three and retain option two as a backup.

## **DISCUSSION ITEM**

### **7. Discussion of the *Long-Range Plan for Public Education***

(Board agenda page I-266)

Dr. Ellis explained this item provides the opportunity for the committee to discuss options and timelines for updating the State Board of Education Long-Range Plan for Public Education (Long-Range Plan). Board members agreed to collect additional information regarding use of the Long-Range Plan prior to making decisions about possible updates.

## ACTION ITEM

**8. Proposed Amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021 (First Reading and Filing Authorization)**

(Board agenda page I-267)

[Official agenda item #6]

Public testimony was provided by the following individuals:

NAME: Tracy Mendez  
AFFILIATION: Greater Austin STEM Ecosystem

Dr. Ellis explained that this item proposes changes to correct punctuation errors in one student expectation in the Grade 6 science TEKS that were adopted in 2021.

**MOTION:** *It was moved by Mr. Maynard and seconded by Dr. Ortega to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

*Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021.*

**MOTION:** *It was moved by Ms. Pickren and seconded by Mr. Francis to strike, §112.26(b)(11)(A). Chair Ellis determined the motion was out of order.*

**MOTION AND VOTE:** *It was moved by Ms. Pickren and seconded by Maynard to suspend the board operating procedures in accordance with §5.2(c) to allow consideration of the proposed amendment by Ms. Pickren. The motion failed.*

**VOTE:** *A vote was taken on the original motion to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and*

*Approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 112, Texas Essential Knowledge and Skills for Science, Subchapter B, Middle School, §112.26(b)(11)(A), Science, Grade 6, Adopted 2021.*  
*The motion carried.*

*(Mrs. Little and Dr. Ortega were absent for the vote.)*

## DISCUSSION ITEM

**9. Discussion of Pending Litigation**

(Board agenda page I-272)

Matthew Tiffée, senior litigation attorney, provided the committee with an update on procedural matters related to the litigation of Book People, INC. VBK, INC d/b/a Blue Willow Bookshop,

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

**10. Consideration of Instructional Materials Review and Approval Process Components**  
(Board agenda page I-33)

A portion of this item was postponed from the November 14, 2023, meeting of the Committee of the Full Board.

Mr. Dempsey continued his overview of the process and procedures for the new IMRA process. He discussed the IMRA reviewer selection criteria, public review and comment procedure, and revisions and corrections review procedures. The committee expressed their desire for staff to provide members with a document outlining points where further discussion and decisions are still needed. The committee also requested that staff use the SBOE-approved TEKS work group build process when developing recommendations for IMRA reviewer recruiting and selection process and to propose an action plan if there are any challenges recruiting a sufficient number of IMRA reviewers.

**11. Discussion Suitability of Instructional Materials**  
(Board agenda page I-35)

This item was postponed from the November 14, 2023, meeting of the Committee of the Full Board.

Dr. Ellis explained that developing and approving the suitability rubric is the sole responsibility of the SBOE under the authority was granted by House Bill (HB) 1605, 88<sup>th</sup> Texas Legislature, Regular Session, 2023. Dr. Ellis also explained that the suitability rubric will be considered for first reading and filing authorization at the December 2023 meeting. He presented suitability criteria identified in current statute that he outlined at the September 2023 meeting as a starting point and asked members to consider criteria that they wish to add or remove. Mr. Kinsey expressed a desire to consider the addition of criteria that is currently included in the approved SBOE Operating Rules.

Dr. Ellis adjourned the meeting at 9:11 p.m.

**Report of the State Board of Education  
Committee on Instruction  
Thursday, November 16, 2023**

The State Board of Education Committee on Instruction met at 9:45 a.m. on Thursday, November 16, 2023, 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; Aicha Davis; Pam Little; Melissa Ortega (virtual)

Absent: Evelyn Brooks

**Public Testimony**

The Committee on Instruction received no presentations of public testimony.

**ACTION ITEM**

1. **Proposed Amendment to 19 TAC, Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs**  
**(Second Reading and Final Adoption)**  
(Board agenda page II-1)  
[Official agenda item #7]

Ms. Ramos explained that this item presents for second reading and final adoption a proposed amendment to the rule related to innovative courses and programs. She reviewed the public comments that were received during the public comment period.

**MOTION:** *It was moved by Ms. Davis and seconded by Mrs. Little 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, §74.27, Innovative Courses and Programs, and*

*Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, is necessary and shall have an effective date of 20 days after filing with the Texas Register.*

**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 amend §74.27(a)(3) and (4) to read as follows:*

- “(3) To request approval from the SBOE ~~or the commissioner~~, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:”



“(4) To request approval ~~from the commissioner~~ for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.”

**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 add new §74.27(a)(3)(I) to read as follows:*

“(I) a copy of or electronic access to any recommended instructional resources for the 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 amend §74.27(a)(9) to read as follows:*

“(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) ~~approved as an innovative course for at least three years and;~~
- (A) ~~(B) two consecutive years of 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.”

**MOTION AND VOTE:** *A vote was taken on the original motion 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, §74.27, Innovative Courses and Programs, and*

*Make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.27, Innovative Courses and Programs, is necessary and shall have an effective date of 20 days after filing with the Texas Register.*

*The motion carried unanimously.*

## **DISCUSSION ITEM**

### **2. Discussion of Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.38, Requirements for Instruction in Cardiopulmonary Resuscitation (CPR)**

(Board agenda page II-7)

Jessica Snyder, special projects director, curriculum standards and student support division, explained that the proposal would require instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for student in Grades 7-12 to align with the requirements of House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023. She indicated that if it is the will of the committee, staff will present proposed amendments for consideration for first reading and filing authorization at the January-February 2024 SBOE meeting.

### **ACTION ITEM**

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

(Board agenda page II-10)

[Consent agenda item #(1)]

Amie Phillips, director, instructional materials review and approval, district operations, technology, and sustainability supports division, presented requests from EDUSPARK and from Children's Learning Institute at The University of Texas Health Science Center at Houston to update content in their prekindergarten materials adopted under *Proclamation 2021*. She explained that these updates were requested to ensure alignment with the 2022 Texas Prekindergarten Guidelines, which were revised after the materials were adopted.

**MOTION AND VOTE:** *It was moved by Mrs. Little, seconded by Ms. Davis, and carried to recommend that the State Board of Education approve the 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.*

### **DISCUSSION ITEM**

#### **4. Discussion of Proposed Updates to the Texas State Plan for the Education of Gifted/Talented Students**

(Board agenda page II-12)

Monica Brewer, gifted/talented education statewide coordinator, special populations department, explained that the *Texas State Plan for the Education of Gifted/Talented Students* (State Plan) was last updated in 2019 and that TEA staff would like the board to consider establishing a process to update the State Plan every four years. She explained that there is currently a need to update guidance related to the use of gifted/talented funds and to clarify guidance regarding professional development for school counselors and administrators.

The meeting of the Committee on Instruction adjourned at 10:25 a.m.

**Report of the State Board of Education  
Committee on School Finance/Permanent School Fund  
Thursday, November 16, 2023**

The State Board of Education Committee on School Finance/Permanent School Fund met at 2:32 p.m. on Thursday, November 16, 2023, 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; Keven Ellis; Patricia Hardy; Aaron Kinsey; Marisa B. Perez-Diaz

**Public Testimony**

The Committee on School Finance/Permanent School Fund received no presentations of public testimony.

**ACTION ITEMS**

**1. Approval of Costs to Administer the 2023–2024 State-Developed Assessments to Private School Students**

(Board agenda page III-1)  
[Consent agenda item #(2)]

Gregory Reck, policy analyst, student assessment division, explained that Texas Education Code, §39.033 allows private schools to voluntarily use state-developed assessments to evaluate their students. He explained that the State Board of Education is required to approve the cost per assessment for private schools each year.

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve the recommended per-student costs for administering the state assessments to private school students in the 2023–2024 school year as listed in Attachment A.*

**2. Proposed Amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide**

**(First Reading and Filing Authorization)**  
(Board agenda page III-5)  
[Consent agenda item #(3)]

David Marx, senior director, financial compliance, explained that the proposed amendment would adopt by reference the updated *Financial Accountability System Resource Guide* (FASRG). He explained the purpose of the guide, what it includes, why it is being updated, and which portions are being updated.

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education approve for first reading and filing authorization the proposed amendment to 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter C, Adoptions By Reference, §109.41, Financial Accountability System Resource Guide.*

3. **Adoption of Rule Review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules**  
(Board agenda page III-11)  
[Consent agenda item #(4)]

Mr. Marx explained that this item presents the adoption of the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules. He stated that no public comments were received on this item.

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education adopt the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules.*

4. **Proposed Amendment to 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund (First Reading and Filing Authorization)**  
(Board agenda page III-41)  
[Consent agenda item #(5)]

Mr. Marx explained that the proposed amendment reinserts information related to the Permanent School Fund (PSF) distribution policy that was inadvertently repealed when 19 TAC Chapter 33 was revised to implement Senate Bill (SB) 1232, 87th Texas Legislature, Regular Session, 2021. Mark Shewmaker, senior investment officer and director of special projects, Permanent School Fund Corporation, stated that the policy had been used by the board for many years when setting the distribution rate and the adoption of the amendment would maintain current practice.

**MOTION AND VOTE:** *It was moved by Ms. Perez-Diaz, seconded by Ms. Hardy, and carried unanimously to recommend that the State Board of Education 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 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, §33.2, Distributions to the Available School Fund.*

The meeting of the Committee on School Finance/Permanent School Fund adjourned at 2:52 p.m.

## Recommended Private School Costs for the 2023–2024 School Year

### State of Texas Assessments of Academic Readiness (STAAR®) and Texas English Language Proficiency Assessment System (TELPAS)

<b>Program</b>	<b>Test</b>	<b>Number of Tests Based on Eligible Testers</b>	<b>Total Cost</b>	<b>Cost per Student per Test</b>	<b>Recommended Cost per Private School Student per Test</b>
STAAR	Grades RLA*	3,760,188	\$34,307,944.44	\$9.12	\$9.12
	Mathematics*	2,888,413	\$14,256,511.48	\$4.94	\$4.94
	Science*	1,369,292	\$9,028,416.55	\$6.59	\$6.59
	Social Studies	858,788	\$5,889,878.61	\$6.86	\$6.86
TELPAS	Kindergarten–Grade 12	1,175,023	\$16,508,105.96	\$14.05	\$14.05

\*Includes English and Spanish versions for grades 3–5.

**Report of the State Board of Education  
Committee on School Initiatives  
Thursday, November 16, 2023**

The State Board of Education Committee on School Initiatives met at 9:05 a.m. on Thursday, November 16, 2023, 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; Rebecca Bell-Metereau; Staci Childs; L.J. Francis; Julie Pickren

Non-committee members present: Audrey Young; Aicha Davis

**Public Testimony**

The Committee on School Initiatives heard public testimony on agenda item #4 and #6. Information regarding the individuals who presented public testimony is included in the discussion of that item.

**DISCUSSION ITEM**

**1. Open-Enrollment Charter School Generation 29 Application Updates**  
(Board agenda page IV-1)

Marian Schutte, executive director, authorizing division, presented information on the Generation 29 Open-Enrollment Charter Application process including goals, timeline, summary, and submission information.

**ACTION ITEM**

**2. Review of Proposed Amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs**  
(Board agenda page IV-2)  
[Official agenda item #8]

Mark Olofson, director of educator data, research, and strategy, explained that the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs, would provide for adjustments to the 2022–2023 *Accountability System for Educator Preparation (ASEP) Manual*, clarify the system for accreditation assignments, clarify provisions for continuing approval reviews, and make technical updates. Dr. Olofson added that this proposal was adopted unanimously by the State Board for Educator Certification (SBEC).

**MOTION AND VOTE:** *It was moved by Mr. Francis, seconded by Dr. Bell-Metereau, and carried unanimously to recommend that the State Board of Education take no action on the proposed amendments to 19 TAC Chapter 229, Accountability System for Educator Preparation Programs.*

**DISCUSSION ITEMS**

**3. Discussion of Ongoing State Board for Educator Certification Activities**  
(Board agenda page IV-58)

Emily Garcia, associate commissioner, educator preparation, certification, and enforcement, shared updates on current and upcoming SBEC activities and proposed SBEC rules and amendments.

**4. Discussion of Proposed Amendments 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**  
(Board agenda page IV-60)

Public testimony was provided by the following individuals:

NAME: Brian Holt  
AFFILIATION: Randolph Field Independent School District

NAME: Jimmy Cornelius  
AFFILIATION: Randolph Field Independent School District

Steve Lecholop, deputy commissioner, governance, explained that TEA staff will present proposed rules for the SBOE to consider for first reading and filing authorization at a future meeting.

**5. 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 IV-64)

Mr. Lecholop explained that TEA staff will present proposed rules for the SBOE to consider for first reading and filing authorization at a future meeting. Dr. Young presented information to the committee.

**6. Discussion of Revisions to Required School Safety Training for School District Trustees**  
(Board agenda page IV-71)

Invited testimony was provided by the following individual:

NAME: Celina Bley, Ph.D.  
AFFILIATION: Texas School Safety Center

John Scott, chief of school safety and security, explained that the Texas School Safety Center has suggested updates to the school safety training required for school district trustees. He added that the updates would be presented at a future SBOE meeting for consideration for approval.

The meeting of the Committee on School Initiatives adjourned at 11:35 a.m.

