

**Report of the State Board of Education
Committee on Instruction
June 14, 2018**

The State Board of Education Committee on Instruction met at 9:03 a.m. on Thursday, June 14, 2018, in Room #1-100 of the William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas. Attendance was noted as follows:

Present: Sue Melton-Malone, chair; Geraldine Miller, vice chair; Donna Bahorich; Erika Beltran; Georgina C. Pérez

Public Testimony

The Committee on Instruction heard public testimony on agenda items #1, #2, and #4. Information regarding the individuals who presented public testimony is included in the discussion of that item.

ACTION ITEMS

- 1. Proposed Amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination**
(Second Reading and Final Adoption)
(Board agenda page II-1)
[Official agenda item #7]

Public testimony was provided by the following individuals:

NAME: Casey McCreary
AFFILIATION: Texas Association of School Administrators and Texas Association of School Boards

NAME: Mary Jadloski
AFFILIATION: Cypress-Fairbanks Independent School District (ISD)

NAME: Lisa Leach
AFFILIATION: Texas Tech University

NAME: Beth Cooper
AFFILIATION: The University of Texas at Austin High School

NAME: Michelle Swain
AFFILIATION: Round Rock ISD and Texas Association for the Gifted and Talented

NAME: Dee Carney
AFFILIATION: Texas School Alliance

NAME: Barry Haenisch
AFFILIATION: Texas Association of Community Schools

Shelly Ramos, senior director, curriculum standards and student support, presented a substitute version of Attachment II and explained that additional proposed amendments were prepared in response to public comments that were received during the public comment period.

MOTION: *It was moved by Mrs. Miller and seconded by Mrs. Bahorich 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, §74.24, Credit by Examination; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination, is necessary and shall have an effective date of August 27, 2018.*

MOTION AND VOTE: *It was moved by Mrs. Bahorich, seconded by Ms. Beltran, and carried unanimously to approve substitute rule text presented by staff and amended by the Committee on Instruction (Attachment A).*

VOTE: *A vote was taken on the 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, §74.24, Credit by Examination as substituted; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.24, Credit by Examination, is necessary and shall have an effective date of August 27, 2018. The motion carried.*

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

(Second Reading and Final Adoption)

(Board agenda page II-11)

[Official agenda item #8]

Public testimony was provided by the following individuals:

NAME: Robbi Cooper
AFFILIATION: Decoding Dyslexia

NAME: Heather Sheffield
AFFILIATION: Self

Monica Martinez, associate commissioner for standards and support services, prepared a substitute version of Attachment II and explained that additional proposed amendments were made in response to public comment received during the public comment period. She also explained that the request by testifiers at previous board meetings to include the *Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders* as a figure in the rule would be most appropriately addressed after the revisions to the handbook are approved.

MOTION: *It was moved by Mrs. Miller, seconded by Ms. Beltran, and carried unanimously to recommend that the State Board of Education approve for second reading and final adoption the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of August 27, 2018.*

MOTION: *It was moved by Mrs. Miller, seconded by Ms. Beltran, and carried unanimously to approve substitute rule text presented by staff (Attachment B).*

VOTE: *A vote was taken on the 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, §74.28, Students with Dyslexia and Related Disorders as substituted; and make an affirmative finding that immediate adoption of the proposed amendment to 19 TAC Chapter 74, Curriculum Requirements, Subchapter C, Other Provisions, §74.28, Students with Dyslexia and Related Disorders, is necessary and shall have an effective date of August 27, 2018. The motion carried unanimously.*

(Mrs. Bahorich was absent for the vote.)

3. Proposed Repeal of 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.69, Other Courses for which Students May Receive Social Studies Credit, and §113.70, Concurrent Enrollment in College Courses

(First Reading and Filing Authorization)

(Board agenda page II-19)

[Official agenda item #9]

Ms. Ramos explained that this item would repeal rules that are outdated and no longer necessary.

MOTION AND VOTE: *It was moved by Mrs. Miller, seconded by Ms. Beltran, and carried unanimously to recommend that the State Board of Education suspend the board operating procedures in accordance with §5.2(a) to allow consideration at first reading and filing authorization; and approve for first reading and filing authorization the proposed repeal of 19 TAC Chapter 113, Texas Essential Knowledge and Skills for Social Studies, Subchapter D, Other Social Studies Courses, §113.69, Other Courses for which Students May Receive Social Studies Credit, and §113.70, Concurrent Enrollment in College Courses.*

(Mrs. Bahorich was absent for the vote.)

DISCUSSION ITEMS

4. Discussion of Proposed Updates to the *Dyslexia Handbook, Procedures Concerning Dyslexia and Related Disorders, Revised 2014*

(Board agenda page II-27)

Public testimony was provided by the following individuals:

NAME: Karen Coffey

AFFILIATION: Self

NAME: Regina Boulware-Gooden

AFFILIATION: Self

NAME: Courtney Hoffman

AFFILIATION: Texas ALTA

Ms. Martinez reviewed a *To the Administrator Addressed* letter the agency posted to provide guidance and clarification regarding the provision of services to students identified with dyslexia or related disorders. Ms. Martinez also provided an update on the ongoing committee work related to the *Dyslexia Handbook* including a timeline for work to be completed during the summer and plans to post recommendations on the TEA website for the public feedback prior to the SBOE meeting in September.

5. Discussion of Annual Audit Reports for Credit by Examination from Texas Tech University and the University of Texas at Austin
(Board agenda page II-33)

Ms. Ramos explained that this item provided an opportunity for the committee to review the annual audit reports required to be submitted by the two credit by examination providers, Texas Tech University and The University of Texas at Austin.

6. Discussion of Proposed Updates to the *Texas State Plan for Education of Gifted/Talented Students*
(Board agenda page II-75)

Caprice Day-Borgeson, twice exceptional and gifted/talented manager, provided an update on work related to the *Texas State Plan for Education of Gifted/Talented Students* (State Plan). She provided a summary of feedback received on the current State Plan and a proposed timeline for the update process for the State Plan.

The meeting of the Committee on Instruction adjourned at 1:25 p.m.

ATTACHMENT A
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.24. Credit by Examination.

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

- (A) the student scores 80% on a criterion-referenced test for the grade level he or she wants to skip in each of the following areas: language arts, mathematics, science, and social studies;
 - (B) a school district representative recommends that the student be accelerated; and
 - (C) the student's parent or guardian gives written approval for the acceleration.
- (c) Assessment for course credit in Grades 6-12.
- (1) A school district board of trustees shall approve for each high school course, to the extent available, at least four examinations. **The board of trustees shall approve an audit process to be completed for examinations under subparagraph (B)(iii) of this paragraph.**
 - (A) The examinations shall include the following, which are not subject to the requirements in paragraphs (2)- (7) [(5)] of this subsection :
 - (i) College Board advanced placement examinations; and
 - (ii) examinations administered through the College-Level Examination Program.
 - (B) The examinations may include examinations developed by:
 - (i) Texas Tech University;
 - (ii) The University of Texas at Austin;
 - (iii) the school district; and
 - (iv) another entity if the assessment meets all of the requirements in paragraph (2) of this subsection.
 - (2) In order for a school district to administer an [a district developed] examination [or an examination under paragraph (1)(B)(iv) of this subsection] for credit, prior to the first administration, the school district or the provider of the assessment must certify that the examination:
 - (A) is aligned to [covers] all assessable TEKS [Texas essential knowledge and skills (TEKS)] for the course;
 - (B) has not been published and is not publicly available;
 - (C) will only be administered in a secure environment under standardized conditions by a school district or institution of higher education; and
 - (D) has been [externally] evaluated to ensure [validity and reliability. For an examination that is evaluated for this purpose, a school district or the provider of the assessment must make public] :
 - (i) test scores can be interpreted as indicators of what the test is intended to measure; and
 - (ii) consistency of test results across testing conditions.
 - [(i) the test development process; and]
 - [(ii) a statement certifying that the examination meets the development and validation criteria in this paragraph.]
 - [(D) has been externally validated;]
 - [(E) is equivalent to state level end-of-course assessment instruments in terms of content coverage, item difficulty, and technical quality;]
 - [(F) yields comparable results for all subgroups; and]

~~[(G) — if for a course that has a state level end-of-course assessment instrument, is validated against the applicable end-of-course assessment. For an examination that is validated for this purpose, a school district must make public:]~~

~~[(i) — the test development process; and]~~

~~[(ii) — the results of the validation efforts:]~~

(3) A school district or the provider of the assessment must make public an annual report, including:

(A) the test development process;

(B) a statement certifying that the examination meets the criteria in paragraph (2)(D) of this subsection;

(C) the number of students who took each examination;

(D) the number of students who scored 70% or above on each examination;

(E) the number of students who scored 80% or above on each examination; and

(F) the average score for all students who took the examination for each examination.

(4) ~~(3)~~ In order for a school district to administer an examination for credit for a course that has a state end-of-course assessment instrument, the school district or the provider of the assessment must certify, prior to the first administration, that the examination:

(A) meets the requirements of paragraph (2) of this subsection;

(B) has been externally validated and determined to:

(i) align to and appropriately address all assessable TEKS for the course;

(ii) assess the appropriate level of rigor for each student expectation; and

(iii) ~~(ii)~~ yield comparable distribution of results across tested ~~[for all]~~ subgroups, ~~[; and]~~

~~(iii) — have comparable item difficulty to the relevant state end-of-course assessment instrument as defined by the Texas Education Agency-approved psychometric measurement characteristics.]~~

(5) If the number of students who take an examination in a given year is not sufficient to determine comparable results among subgroups, the provider may obtain approval from the State Board of Education to demonstrate comparable results over a specified number of years.

(6) ~~(4)~~ For an examination that is validated in accordance with paragraph (4) ~~(3)~~ of this subsection, a school district or the provider of the assessment must make public:

(A) the annual report required by paragraph (3) of this subsection;

~~**(A) the test development process;**~~

(B) all relevant test development specifications; and

~~**(C) a statistical analysis of the information required by paragraph (3)(B) of this subsection; and]**~~

(C) ~~(D)~~ a statement certifying that the examination meets the ~~[development and validation]~~ criteria in paragraph (4)(B) ~~(3)~~ of this subsection.

(D) results for all tested subgroups disaggregated by students who receive prior instruction and students with no prior instruction and including descriptive data for small subgroups.

- (7) ~~(5)~~ Examinations for courses that do not have a state end-of-course assessment shall meet all requirements in paragraph (2) of this subsection no later than the 2019-2020 school year.
- ~~(3)~~ Examinations developed by Texas Tech University and The University of Texas at Austin for courses that do not have a state end of course assessment shall meet all requirements of paragraph (2) of this subsection not later than the 2018-2019 school year for each of its examinations offered for credit.]
- ~~(4)~~ District developed examinations for courses that do not have a state end of course assessment shall meet all requirements of paragraph (2) of this subsection no later than the 2018-2019 school year for each of its examinations offering credit.]
- (8) ~~(6)~~ ~~(5)~~ A student in any of Grades 6-12 must be given credit for an academic subject in which he or she has had no prior instruction if the student scores:
- (A) a three or higher on a College Board advanced placement examination that has been approved by the school district board of trustees for the applicable course;
 - (B) a scaled score of 50 or higher on an examination administered through the College-Level Examination Program and approved by the school district board of trustees for the applicable course; or
 - (C) 80% on any other criterion-referenced test approved by the school district board of trustees for the applicable course.
- (9) ~~(7)~~ ~~(6)~~ A student may not attempt to earn credit by examination for a specific high school course more than two times.
- (10) ~~(8)~~ ~~(7)~~ If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the school district's prescribed course sequence, the student must satisfactorily complete the course to receive credit.
- (11) ~~(9)~~ ~~(8)~~ If a student is given credit in accordance with paragraph (8) ~~(6)~~ ~~(5)~~ of this subsection in a subject on the basis of an examination on which the student scored 80% or higher, the school district must enter the examination score on the student's transcript, and the student is not required to take an applicable end-of-course assessment instrument for the course.
- (12) ~~(10)~~ ~~(9)~~ In accordance with local school district policy, a student in any of Grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction if the student scores 70% on a criterion-referenced test approved by the school district board of trustees for the applicable course.

ATTACHMENT B
Text of Proposed Amendment to 19 TAC

Chapter 74. Curriculum Requirements

Subchapter C. Other Provisions

§74.28. Students with Dyslexia and Related Disorders.

- (a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.
- (b) ~~(a)~~ The board of trustees of a school district or the governing body of an open-enrollment charter school must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district. ~~[These procedures will be monitored by the Texas Education Agency with on-site visits conducted as appropriate.]~~
- (c) ~~(b)~~ A school district's or open-enrollment charter school's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," a set of ~~[flexible]~~ guidelines for school ~~[local]~~ districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. ~~[Screening should only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.]~~
- (d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.
- (e) ~~(c)~~ A school district or open-enrollment charter school shall purchase a reading program or develop its own **evidence-based** reading program for students with dyslexia and related disorders that is aligned with the descriptors found in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use ~~[which utilize]~~ 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) ~~(d)~~ At least five school days before any ~~[Before an]~~ **identification or** evaluation **or identification** ~~[assessment]~~ procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to ~~[notify]~~ 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) ~~(e)~~ Parents/guardians of a student with dyslexia or a related disorder ~~[students eligible under the Rehabilitation Act of 1973, §504,]~~ 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 ~~[that]~~ federal law, including IDEA and the Rehabilitation Act, §504 [statute] .

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

(k) ~~(h)~~ Each school district and open-enrollment charter school shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program must ~~[should]~~ include:

- (1) awareness and ~~[of]~~ characteristics of dyslexia and related disorders;
- (2) information on testing and diagnosis of dyslexia and related disorders ;
- (3) information on effective strategies for teaching ~~[dyslexic]~~ students with dyslexia and related disorders ; ~~[and]~~

(4) information on qualifications of those delivering services to students with dyslexia and related disorders;

~~(5)~~ ~~(4)~~ awareness of information on accommodations and modifications ~~[modification]~~ , especially those ~~[modifications]~~ allowed for ~~[on]~~ standardized testing ; ~~[]~~

~~(6)~~ ~~(5)~~ 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)~~ ~~(6)~~ contact information for the relevant regional and/or school district or open-enrollment charter school specialists.

(l) 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."

~~(m)~~ ~~(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.